

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the August Meeting

August 9, 2019

Call to Order and Roll Call

The August meeting of the Administrative Regulation Review Subcommittee was held on Friday, August 9, 2019, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen West, Co-Chair; Representative David Hale, Co-Chair; Senators Julie Raque Adams, Perry B. Clark, and Alice Forgy Kerr; Representatives Deanna Frazier, Mary Lou Marzian, and Tommy Turner.

Guests: Emily Dennis, Registry of Elections; Rosemary Holbrook, Personnel Cabinet; Todd Renner, Department of Revenue; Victoria Hale, Alan Hurst, Kentucky Retirement Systems; Jeff Allen, Board of Dentistry; Heather Becker, H.E. Corder II, Jack Kenkel, Tom Veit, Real Estate Authority; Mike Sunseri, Office of Homeland Security; Karen Waldrop, Department of Fish and Wildlife Resources; Melissa Duff, Anthony Hatton, Department for Environmental Protection; Jeff Baird, Michael Mullins, Charles Snavely, Department for Natural Resources; Amy Barker, Brandon Lynch, Joseph Woods, Department of Corrections; Jon Johnson, Godwin Onodu, Kyle Willard; Department of Transportation; Todd Allen, Chad Collins, Julian Tackett, Department of Education; Steve Humphress, Marc Manley, Alcoholic Beverage Control; Tony Cotto, Department of Insurance; Erica Brakefield, Julie Brooks, Jessica Davenport, Kelly Giesbrecht, Virginia Hamilton, Pamela Hendren, Jim Musser, Department for Public Health; Lee Guice, Jonathan Scott; Department for Medicaid Services; Shannon Gadd, Jessica Wayne, Tonia Wells, Department for Aging and Independent Living; Laura Begin, Laura Carpenter, Kelli Root, Department for Community Based Services; Charles Wheeler, Tattoo Charlies of Kentucky.

LRC Staff: Sarah Amburgey, Stacy Auterson, Emily Caudill, Betsy Cupp, Ange Darnell, Emily Harkenrider, Karen Howard, and Carrie Klaber.

The Administrative Regulation Review Subcommittee met on Friday, August 9, 2019, and submits this report:

Administrative Regulations Reviewed by the Subcommittee:

DEPARTMENT OF STATE: Registry of Election Finance: Reports and Forms

32 KAR 1:061. Repeal of 032 KAR 001:060. Emily Dennis, general counsel, represented the registry.

PERSONNEL CABINET: Classified

101 KAR 2:230. Kentucky Employee Mediation and Workplace Resolution Programs. Rosemary Holbrook, general counsel, and Larry Gillis, Ombudsman, represented the cabinet.

FINANCE AND ADMINISTRATION CABINET: Department of Revenue: General Administration

103 KAR 1:010. Protests. Todd Renner, executive director, Office of Tax Policy and Regulation, represented the department.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

103 KAR 1:060. Electronic fund transfer.

A motion was made and seconded to approve the following amendments: (1) to delete Section 7, which was no longer applicable; and (2) to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

103 KAR 2:030. Policies and circulars relating to inheritance tax.

Ad Valorem Tax, Administration

103 KAR 5:151. Repeal of 103 KAR 005:150.

103 KAR 5:160. Property valuation administrator office employees: payment of leave upon separation.

Ad Valorem Tax; Local Assessment

103 KAR 7:031. Repeal of 103 KAR 007:030.

Ad Valorem Tax; State Assessment

103 KAR 8:011. Repeal of 103 KAR 008:010.

103 KAR 8:110. Apportioned vehicles.

103 KAR 8:130. Ad valorem taxation of machinery actually engaged in the manufacturing of coal, crushed stone, sand, gravel and hot asphalt.

A motion was made and seconded to approve the following amendments: to amend the TITLE and Section 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

103 KAR 8:141. Repeal of 103 KAR 008:140 and 103 KAR 008:150.

Income Tax; General Administration

103 KAR 15:050. Filing dates and extensions.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Sections 1 through 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Income Tax; Corporations

103 KAR 16:200. Consolidated Kentucky corporation income tax return.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

103 KAR 16:250. Net operating loss computation and deduction for corporations.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 3 and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

103 KAR 16:400. Combined Unitary Kentucky corporation income tax return.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 8 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 7 to establish how a designated filer may request a change in election. Without objection, and with agreement of the agency, the amendments were approved.

Sales and Use Tax; Service and Professional Occupations

103 KAR 26:010. Nontaxable service enterprises.

Sales and Use Tax; Miscellaneous Retailer Occupations

103 KAR 27:140. Publishers of newspapers, magazines and periodicals.

Sales and Use Tax; General Exemptions

103 KAR 30:261. Repeal of 103 KAR 030:260.

Sales and Use Tax; Administration and Accounting

103 KAR 31:030. Direct pay authorization.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

103 KAR 31:111. Sales and purchases for resale.

A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

KENTUCKY RETIREMENT SYSTEMS: General Rules

105 KAR 1:200. Retirement procedures and forms. Victoria Hale, staff attorney, and Alan Hurst, staff attorney, represented the systems.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and

Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

105 KAR 1:390 & E. Employment after retirement.

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 4 and Section 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Dentistry

201 KAR 8:581. Charity dental practices. Jeff Allen, executive director, represented the board.

Real Estate Appraisers Board

201 KAR 30:010. Definitions for 201 KAR Chapter 030. Heather Becker, general counsel; H.E. Corder II, executive director, Kentucky Real Estate Authority; and Tom Veit, executive assistant, represented the board.

In response to questions by Co-Chair West, Ms. Becker stated that this package of administrative regulations was precipitated by federal revisions. These revisions were unrelated to the process of combining licensure boards.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 30:021. Repeal of 201 KAR 030:020, 201 KAR 030:030, 201 KAR 030:050, 201 KAR 030:060, 201 KAR 030:120, 201 KAR 030:125, 201 KAR 030:150, 201 KAR 030:160, 201 KAR 030:170, 201 KAR 030:180, 201 KAR 030:200, 201 KAR 030:310, 201 KAR 030:315, 201 KAR 030:360, 201 KAR 030:375, and 201 KAR 030:380.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to: (a) clarify that the content of repealed administrative regulations was established in other administrative regulations; and (b) remove the repeal of 201 KAR 30:125, 30:150, 30:160, 30:170, and 30:180; and (2) to amend Section 1 to comply with the formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 30:040. Professional standards of practice and conduct.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 30:070. Grievances.

201 KAR 30:110. Appraiser roster and fees.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 3 to add the Roster fee of one (1) dollar required for nonfederally-related transactions pursuant to KRS 324A.065(1)(b)4. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 30:190. Certification and licensing requirements.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 3, 4, 8 through 18, 20, and 21 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 30:330. Registration and supervision of appraisal management companies.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2, 3, 6, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

OFFICE OF HOMELAND SECURITY: 911 Services Board

202 KAR 6:010. Definitions for 202 KAR Chapter 006. Christie Ross, chief operations officer, and Mike Sunseri, office deputy executive director and board administrator, represented the board.

In response to a question by Senator Clark, Mr. Sunseri stated that there had been significant advances in the past fourteen (14) months regarding advanced location services

related to cellular calls for emergency response. The next hurdle was distinguishing, for example, from which floor a call originated in the case of large, multi-level urban buildings.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

202 KAR 6:020. CMRS provider cost recovery.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 3, 4, 9, 10, and 15 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

202 KAR 6:030. Confidential and proprietary information.

202 KAR 6:050. PSAP certification.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

202 KAR 6:060. PSAP pro data fund disbursement.

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 of the agency, the amendments were approved.

202 KAR 6:070. PSAP workload fund disbursement.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

202 KAR 6:080. CMRS surcharge remittance and reporting.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND

CONFORMITY paragraphs and Sections 1 through 3, and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

202 KAR 6:090. Permitted uses by PSAPs for CMRS funds.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

202 KAR 6:100. PSAP Phase II certification.

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 4, 7, and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Services: Fish

301 KAR 1:152 & E. Harvest and sale of Asian carp. Daniel Schulman, staff attorney, and Karen Waldrop deputy commissioner, represented the department.

Wildlife

301 KAR 4:090. Taxidermy and the buying and selling of inedible wildlife parts.

ENERGY AND ENVIRONMENT CABINET: Department for Natural Resources: Division for Air Quality: Asbestos

401 KAR 58:005. Accreditation of asbestos professionals. Melissa Duff, division director, and Tony Hatton, commissioner, represented the division.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 4, 5, and 8 through 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Division of Mine Permits: Bond and Insurance Requirements

405 KAR 10:001. Definitions for 405 KAR Chapter 010. Jeff Baird, division director, and Michael Mullins, regulation coordinator, represented the division.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

405 KAR 10:015. General bonding provisions.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 2 through 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections: Office of the Secretary

501 KAR 6:160. Correctional Industries. Amy Barker, assistant general counsel, and Joseph Woods, branch manager, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs, Section 1, and the material incorporated by reference to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

TRANSPORTATION CABINET: Department of Vehicle Licensing: Division of Motor Licensing: Motor Vehicle Tax

601 KAR 9:130. Motor vehicle registration. Jon Johnson, assistant general counsel; Godwin Onodu, assistant director; and Kyle Willard, transportation engineer, represented the cabinet.

A motion was made and seconded to approve the following amendments: to amend Sections 17 and 21 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department of Highways: Division of Maintenance: Traffic

603 KAR 5:150. Encroachment permits.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to comply with the

drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Board of Education: Department of Education: School Terms, Attendance, and Operation

702 KAR 7:065. Designation of agent to manage middle and high school interscholastic athletics. Todd Allen, deputy general counsel; Chad Collins, general counsel; and Julian Tackett, commissioner, represented the Kentucky High School Athletic Association.

In response to questions by Co-Chair Hale, Mr. Tackett stated that, over the last couple of years, the Kentucky High School Athletic Association (KHSAA) made changes to reduce unintended problems pertaining to student athletes who transferred schools and were prohibited from participation in certain sports as a result of the transfer. KHSAA was continuing to address the issue of exceptions based on a guardian who works at a school, including implementing an appeal process. Only a small percentage (approximately 100) of the thousand student transfers per year resulted in an appeal. The transfer rule did not apply until a student had already played a specific sport at the high school level. Due to liability, transportation, and insurance concerns, principals and superintendents were disinclined to allow a student enrolled in a school to participate in sports events for another school. Mr. Collins stated that a student may enroll in a school and play a sport if the student did not have previous varsity experience at another school in that sport. Member schools were trying to narrow the scope of the transfer requirements in order to apply the requirements to the situations intended to be regulated. Mr. Tackett stated that there were families who would move residences in order to ensure that their child played a certain sport at a specific school. Free agency was inappropriate in true interscholastic environments; however, there were always those who would find a way to circumvent the rules. While imperfect, this administrative regulation made Kentucky interscholastic sports programs more equitable. The girls' state basketball tournament would continue to be held at Rupp Arena. While expensive, the benefits were significant. Parts of the arena were curtained off in order to prevent a feeling of cavernousness.

In response to a question by Representative Frazier, Mr. Tackett stated that there were some coaches who would allow a player to play in order to prevent that student from transferring. It was a discouraged practice.

In response to questions by Co-Chair West, Mr. Tackett stated that Kentucky was a member of the National Federation of High Schools, which was developing e-sport gaming programs between schools. Due to concerns for school safety, the e-sport games were carefully vetted, and principals and participants' guardians were required to review the gaming content and establish permission. Students were required to play as a team, rather

than as individuals. E-sport gaming was engaging students who had previously been isolated. Those students were now representing their schools.

A motion was made and seconded to approve the following amendments: to amend Sections 3, 4, and the material incorporated by reference to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control:
Local Administrators**

804 KAR 10:040. Cities with quotas for quota retail package licenses in excess of statutory default quotas. Steve Humphress, general counsel, and Marc Manley, attorney, represented the department.

In response to a question by Co-Chair West, Mr. Humphress stated that, for a city within a dry county that had voted to go wet and subsequently requested a quota increase, the default quota was one (1) retail package license for every 2,300 city residents; however, a city could request additional licenses up to one (1) per 1,500 city residents. The increase request process required public notification via newspaper, a city council resolution, and a request to the agency board. The authorizing statute established criteria for use by the agency board making the determination. There were also various due-process procedures. Changes to this administrative regulation were precipitated by statutory revisions.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department of Insurance: Authorization of Insurers and General Requirements

806 KAR 3:240. Corporate Governance Annual Disclosure. Tony Cotto, executive advisor, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs, Sections 1 through 4, and the material incorporated by reference to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Life Insurance and Annuity Contracts

806 KAR 15:081. Repeal of 806 KAR 015:080.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Division of Epidemiology and Health Planning: Communicable Diseases

902 KAR 2:070. Rabies control. Erica Brakefield, section supervisor; Julie Brooks, regulation coordinator; and Kelly Giesbrecht, Kentucky State Public Health Veterinarian, represented the division.

Department for Public Health: Division of Public Health Protection and Safety: Mobile Homes and Recreational Vehicles Parks; Facilities Standards

902 KAR 15:010. Manufactured and mobile homes. Jessica Davenport, program evaluator; Erica Brakefield, section supervisor; and Julie Brooks, regulation coordinator, represented the division.

In response to a question by Co-Chair West, Ms. Brakefield stated that the requirements established in this administrative regulation were not much more stringent than the previous provisions. These changes were primarily a consolidation of other requirements into one (1) administrative regulation for ease of use by stakeholders.

Food and Cosmetics

902 KAR 45:065. Tattooing. Julie Brooks, regulation coordinator; Virginia Hamilton, program coordinator; Pamela Hendren, branch manager; and Jim Musser, executive director, represented the division. Charles Wheeler, owner, Tattoo Charlie's of Kentucky, appeared in support of but requesting changes to this administrative regulation.

In response to a question by Co-Chair West, Mr. Musser stated that the division acknowledged the complexity of the administrative regulation process pertaining to this administrative regulation. The process was a testament to Kentucky's administrative regulation system. Mr. Musser thanked Senator Raque Adams, Representative Marzian, and their constituents for input during the development of these administrative regulations. The division received over 500 comments during the public comment period, and department staff did an excellent job of responding to the public comments. The primary concern was always the health, safety, and welfare of constituents.

In response to a question by Co-Chair West, Mr. Wheeler stated that he supported the updates to this administrative regulation, but requested amendments to this administrative regulation and 902 KAR 45:070. The requirement for a nonporous ceiling was impractical and unnecessary. Most studio ceilings were drop-down ceilings, which were porous; however, it was unlikely that bodily fluids could contaminate the ceiling. While the administrative regulation effectively addressed definitions pertaining to

sterilization, tattoo studios and piercers that used metal or receiving tubes (lumens) should not sterilize with a gravity-based sterilizer only, which did not adequately sterilize the interior of the tubes, but should instead use a pulsed-vacuum sterilizer. Consent for minors should include both notarized consent and parental presence, rather than one (1) or the other. Practitioners should wear appropriate clothing and closed-toed shoes because sharp instruments could be dropped and cause injury to exposed skin.

Representative Marzian stated that prohibiting open-toed shoes and requiring appropriate attire was a good idea. In response to a question by Representative Marzian, Ms. Brooks stated that a health inspector would not cite a facility for inappropriate attire; therefore, the division believed that attire should be a policy decision for the facility. The division agreed that appropriate attire was an important safety component.

In response to questions by Representative Frazier, Mr. Wheeler stated that many clients took anti-coagulant medications. Practitioners always recommended that a client check with his or her physician about safety concerns. This was a more appropriate procedure than an explicit regulatory directive. Practitioners were prohibited due to privacy requirements from asking extensive questions of clients regarding medical conditions; however, if a client volunteered information, such as a diagnosis of diabetes, standard procedure was to recommend that a client check with his or her physician. Additionally, it was recommended that diabetics tattoo or pierce only above the waist because wounds above the waist healed better than wounds below the waist. Ms. Hamilton stated that a nonporous ceiling was something for which a studio may receive a violation. It would not necessarily be a critical violation; however, a studio may receive a lower inspection score as a result. Mr. Wheeler stated that health inspection violations should be standard.

In response to a question by Co-Chair West, Ms. Hamilton stated that there was an Association of Professional Tattooers. Mr. Wheeler stated that the Association of Professional Tattooers was not as comprehensive as the Association of Professional Piercers.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 2 and 3 to remove the phrase, “or postmarked by” from the deadline requirement for a renewal application; (2) to amend Section 7 to revise provisions for parental or legal guardian consent to remove language that would conflict with KRS 211.760(3)(d); (3) to amend Section 12 to change the application requirements for a mobile studio to establish that an owner shall submit the application to the local health department where the owner resides, instead of to the health department where the studio is located; (4) to amend Section 12 to require mobile studio certification to: (a) be valid statewide; (b) be publicly displayed in the mobile studio; (c) be nontransferable from one person to another; (d) expire on December 31 each year; and (e) be assessed a \$100 late renewal fee if the renewal application is not received by January 31 each year; and (5) to amend Sections 2, 3, 5, 7, 8, 12 through 15, and 17 to comply with the drafting and formatting

requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

902 KAR 45:070. Body piercing and ear piercing.

A motion was made and seconded to approve the following amendments: (1) to remove the phrase, “or postmarked by” from the deadline requirement for a renewal application; (2) to revise provisions for parental or legal guardian consent to remove language that would conflict with KRS 211.760(3)(d); (3) to revise application requirements for a mobile studio to establish that an owner shall submit the application to the local health department where the owner resides, rather than the health department where the studio is located; (4) to add mobile studio requirements, including that certification shall: (a) be valid statewide; (b) be publicly displayed in the mobile studio; (c) be nontransferable from one person to another; (d) expire on December 31 each year; and (e) be assessed a \$100 late renewal fee if the renewal application is not received by January 31 each year; and (5) to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

902 KAR 45:075. Tanning facilities.

902 KAR 45:090 & E. Home-based processors and farmers market home-based microprocessors.

Department for Medicaid Services: Division of Policy and Operations

907 KAR 1:604 & E. Recipient cost-sharing. Lee Guice, director, and Jonathan Scott, regulatory and legislative advisor, represented the division.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 4, and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Aging and Independent Living: Division of Guardianship

910 KAR 2:020. Referral process for adult guardianship. Shannon Gadd, commissioner; Jessica Wayne, assistant director; and Tonia Wells, director, represented the division.

Department for Community Based Services: Division of Protection and Permanency: Child Welfare

922 KAR 1:310 & E. Standards for child-placing agencies. Laura Begin, staff assistant; Mary Carpenter, assistant director; and Kelli Root, branch manager, represented the division.

In response to a question by Co-Chair West, Ms. Begin stated that changes to these administrative regulations were precipitated by House Bills 1 and 446 from the 2019 Regular Session of the General Assembly. These administrative regulations established a new type of foster home, the child-specific foster home, which was specific to relative or fictive kin caregivers.

922 KAR 1:350 & E. Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers.

922 KAR 1:495 & E. Training requirements for foster parents, adoptive parents, and respite care providers for children in the custody of the cabinet.

A motion was made and seconded to approve the following amendments: to amend Section 2 to clarify that the cabinet shall waive up to twelve (12) hours of preservice training curricula for an applicant seeking approval as a child specific foster home unless the cabinet identifies an unmet need that necessitates training. Without objection, and with agreement of the agency, the amendments were approved.

The following administrative regulations were deferred or removed from the August 9, 2019, subcommittee agenda:

STATE BOARD OF ELECTIONS: Forms and Procedures

31 KAR 4:120. Additional and emergency precinct officers.

FINANCE AND ADMINISTRATION CABINET: Office of Financial Management: State Investment Commission

200 KAR 14:201. Repeal of 200 KAR 014:200.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 2:095. Pharmacist interns.

201 KAR 2:165. Transfer of prescription information.

Board of Dentistry

201 KAR 8:540. Dental practices and prescription writing.

Real Estate Commission

201 KAR 11:011. Definitions for 201 KAR Chapter 011.

201 KAR 11:105. Advertising.

201 KAR 11:461. Repeal of 201 KAR 011:420.

Board of Embalmers and Funeral Directors

201 KAR 15:010. Definitions.

201 KAR 15:015. Per Diem compensation of board members.

201 KAR 15:030. Fees.

201 KAR 15:040. Examination.

201 KAR 15:050. Apprenticeship and supervision requirements.

201 KAR 15:080. Complaints.

201 KAR 15:110. Funeral establishment criteria.

201 KAR 15:120. Requirements for applicants holding a license in another state.

201 KAR 15:125. Surface Transportation Permit.

Real Estate Appraisers

201 KAR 30:130. Education provider, instructor, and course.

ENERGY AND ENVIRONMENT CABINET: Department for Environmental Protection: Division of Water: Water Quality

401 KAR 5:010. Operation of wastewater systems by certified operators.

Water Quality Certification

401 KAR 8:030. Water treatment plant and water distribution system classification and staffing.

401 KAR 8:050. Drinking water program fees.

Water Quality Standards

401 KAR 10:001. Definitions for 401 KAR Chapter 010.

401 KAR 10:026. Designation of uses of surface waters.

401 KAR 10:029. General provisions.

401 KAR 10:030. Antidegradation policy implementation methodology.

401 KAR 10:031. Surface water standards.

Certified Operators

401 KAR 11:001. Definitions for 401 KAR Chapter 011.

401 KAR 11:030. Wastewater treatment and collection system operators; classification and qualifications.

401 KAR 11:040. Water treatment and distribution system operators; classification and qualifications.

401 KAR 011:050. Operator and training provider certification.

401 KAR 011:060. Operator and training provider certification fees.

JUSTICE AND PUBLIC SAFETY CABINET: Asset Forfeiture

500 KAR 9:011. Repeal of 500 KAR 009:010, 500 KAR 009:020, 500 KAR 009:030, and 500 KAR 009:040.

Motorcycle Safety Education Commission

500 KAR 15:010 & E. Motorcycle safety education program.

Department of Corrections: Office of the Secretary

501 KAR 6:110. Roederer Correctional Complex.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Driver Improvement

601 KAR 13:090. Medical Review Board; basis for examination, evaluation, tests.

601 KAR 13:100. Medical standards for operators of motor vehicles.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Board of Education: Department of Education: Office of Chief State School Officer

701 KAR 5:090. Teacher disciplinary hearings.

Office of District Support Services: School Administration and Finance

702 KAR 3:130. Internal accounting.

Office of Employment and Training: Apprenticeship Standards

787 KAR 3:010. Registration of apprenticeship programs.

PUBLIC PROTECTION CABINET: Department of Insurance: Agents, Consultants, Solicitors, and Adjustors

806 KAR 9:001. Prelicensing courses of study.

806 KAR 9:020. False or deceptive names, titles, prohibited.

806 KAR 9:030. Adjuster licensing restrictions.

806 KAR 9:061. Repeal of 806 KAR 009:060.

806 KAR 9:070. Examinations.

806 KAR 9:110. Agent's rights after contract termination.

806 KAR 9:190. Disclosure requirements for financial institutions authorized to engage in insurance agency activities.

806 KAR 9:200. Volume of insurance agent exchange of business.

806 KAR 9:310. Life settlement licenses.

806 KAR 9:321. Repeal of 806 KAR 009:320.

806 KAR 9:341. Repeal of 806 KAR 009:340.

806 KAR 9:350. Recognition of financial planning certification and designation for receipt of fees and commissions.

Rates and Rating Organizations

806 KAR 013:120. Workers' compensation deductible policies.

LABOR CABINET: Department of Financial Institutions: Administration

808 KAR 1:180. Use of special restricted funds.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Division of Public Health Protection and Safety: Public Accommodations

902 KAR 7:010. Hotel and motel code.

Office of Inspector General: Division of Healthcare: Health Services and Facilities

902 KAR 20:036. Operation and services; personal care homes.

Department for Public Health: Division of Audits and Investigations: Controlled Substances

902 KAR 55:070. Emergency medication kits in long-term care facilities.

Department for Medicaid Services: Payments and Services

907 KAR 3:170 & E. Telehealth service coverage and reimbursements.

Department for Aging and Independent Living: Division of Guardianship

910 KAR 2:040. Service provisions for adult guardianship.

Department for Community Based Services: Division of Protection and Permanency: Child Welfare

922 KAR 1:470. Central registry.

The subcommittee adjourned at 2:15 p.m. The next meeting of the subcommittee is tentatively scheduled for September 16, 2019, at 10 a.m.