

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the September Meeting

September 14, 2021

Call to Order and Roll Call

The September meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, September 14, 2021, at 1:00 PM, in Room 149 of the Capitol Annex. Representative David Hale, 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 Ralph Alvarado and David Yates; Representatives Randy Bridges, Deanna Frazier, and Mary Lou Marzian.

Guests: Cassie Trueblood, Education Professional Standards Board; Bill Pauley and Sandy Williams, Kentucky Infrastructure Authority; Eden Davis and Larry Hadley, Board of Pharmacy; LeeAnn Diakov and Michael Rodman, Board of Medical Licensure; Christi Moffett, Board of Embalmers and Funeral Directors; Dave Dreves, Steven Fields, Chris Garland, and Rich Storm, Department of Fish and Wildlife Resources; Carlos Cassady and Trevor Earl, Motor Vehicle Commission; Todd Allen, Tracy Goff-Herman, Greta Hylton, Robin Kinney, Matt Ross, and David Wickersham, Department of Education; Morgan Eaves, Sam Flynn, John Ghaelian, Douglas Gott, Dale Hamblin, and Robert Walker, Department of Workers' Claims; Ed O'Daniel, APCIA; Sharon Clark, Abigail Gall, and Chad Thompson, Department of Insurance; Lee Guice, Veronica Judy-Cecil, Lisa Lee, Amy Richardson, and Johnathan Scott, Department for Medicaid Services; Nancy Hagerman and Melissa Saladonis, Cincinnati Children's Hospital; Dr. John Blackburn, Kentucky Society of Anesthesiologists; Brian Rothman, VUMC; Donald Combs III and Dr. Curtis Koons, Pikeville Medical Center; Donna Little, Kentucky Hospital Association; and Laura Begin, Lily Patteson, Misty Sammons, and Steven Veno, Department for Community Based Services.

LRC Staff: Sarah Amburgey, Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Carrie Nichols, and Christy Young.

The Administrative Regulation Review Subcommittee met on Tuesday, September 14, 2021, and submits this report:

The following administrative regulation was considered for discussion only:

LABOR CABINET: Department of Workers' Claims

803 KAR 25:190. Utilization review – Medical Bill Audit – Medical Director – Appeal of Utilization Review Decisions. Sam Flynn, general counsel; John Ghaelian, general counsel; Dale Hamblin, assistant general counsel; and Robert Walker, interim commissioner, represented the department. Ed O'Daniel, American Property Casualty Insurance Association, appeared in opposition to this administrative regulation.

In response to a question by Co-Chair Hale, Mr. Walker stated that the most important change proposed in this administrative regulation, was establishing a medical director position. The medical director would be a substitute for the appeals and reconsideration processes, which was intended to streamline and expedite treatment for injured workers.

In response to questions by Co-Chair West, Mr. Walker stated that the current process for appeals and reconsideration often delayed treatment by three to six months. A medical director should be able to address the issues so that an injured worker could get treatment within weeks, rather than months. A medical director could proactively contact injured workers who did not have representation to assist these workers with further petition of cases. Mr. Flynn stated that the medical director would not add a layer of bureaucracy and would remove and streamline a complex process.

In response to questions by Senator Alvarado, Mr. Walker stated that injured workers could continue to appeal decisions after the medical director through the Workers' Compensation Board and, afterward, through the court of appeals. This was different from a medical review board with one decision maker, which had been deemed unconstitutional by the Kentucky Supreme Court, because injured workers would have access to the court system much more quickly. Mr. Hamblin stated that this situation might also be different because injured workers were automatically entitled to treatment. The question before the medical director was limited to the appropriateness of the proposed treatment. Mr. Flynn stated that workers' compensation provisions were established statutorily, not by the Kentucky Constitution directly. Senator Yates stated that workers' compensation treatment for injuries was different from medical malpractice cases related to direct compensation.

In response to a question by Co-Chair Hale, Mr. O'Daniel stated that he was concerned that this administrative regulation might conflict with statutory guidelines for treatment. The threshold for a requirement for utilization review has been \$3,000. This administrative regulation proposed to change that threshold to \$1,000, which could result in a dramatic increase in cases for review. Medical directors in other states did not have to address each case directly. This requirement could create a backlog of cases and increase employer costs. Mr. O'Daniel requested that this administrative regulation be paused.

In response to a question by Co-Chair West, Mr. Flynn and Mr. Walker stated that this administrative regulation had not been discussed in any other legislative committee.

Co-Chair West stated concerns regarding this administrative regulation. A medical director actively seeking appeals would result in more claim cases. Decision making seemed consolidated into one person, which could cause swings in decisions. The medical director might be swayed by political matters. This administrative regulation represented a major programmatic change and had not been reviewed or approved by the General Assembly.

Administrative Regulations Reviewed by this Subcommittee:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Education Professional Standards Board: Administrative Certificates

16 KAR 2:220E. Emeritus Certificate. Cassie Trueblood, counsel and policy advisor, represented the board.

16 KAR 2:230E. Exception Certificate.

FINANCE AND ADMINISTRATION CABINET: Kentucky Infrastructure Authority

200 KAR 17:110E. Guidelines for Kentucky Infrastructure Authority Drinking Water and Wastewater Grant Program. Bill Pauley, staff attorney, and Sandy Williams, deputy executive director, represented the authority.

In response to questions by Representative Bridges, Ms. Williams stated that the administrative fee established in this emergency administrative regulation was intended to finance administration of the program for six years as federally authorized. The administrative regulation pertaining to broadband had not been filed or presented to the Kentucky Infrastructure Authority board. Representative Bridges stated that the board should, in order to maximize funds, consider using a single computer and accounting system for both the Drinking Water and Wastewater Grant Program and the program related to the new broadband fund. Ms. Williams stated that the recommendation would be taken into consideration by the board. Mr. Pauley stated that the concerns about redundancy and streamlining were good ideas and it was important to note that the American Rescue Plan Act authorized the administrative fee established in this emergency administrative regulation. Representative Bridges stated that Senate Bill 36, from the 2021 Regular Session of the General Assembly, limited administrative funding to the allocated \$75,000.

In response to questions by Co-Chair West, Ms. Williams stated that Senate Bill 36, from the 2021 Regular Session of the General Assembly, authorized \$25 million from the

American Rescue Plan Act for broadband development. Those funds were separate from the funds for the Drinking Water and Wastewater Grant Program, although both were authorized through the American Rescue Plan Act. The authority had already received over 400 applications for over \$7 million in funds for this program. This emergency administrative regulation did not directly cite the American Rescue Plan Act. Regarding the administrative fee, Mr. Pauley stated that this emergency administrative regulation referenced “as allowed by law.” Co-Chair West stated that a direct citation would be best in this circumstance because it was possible that the statute was limiting what was authorized, but not mandated, by the act.

In response to a question by Co-Chair Hale, Ms. Williams stated that the authority would defer if necessary but would prefer to allow this emergency administrative regulation to move forward and to add the necessary citation to the ordinary administrative regulation. Representative Marzian stated that this emergency administrative regulation would also be reviewed by the subject matter committee of appropriate jurisdiction.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 4 to align eligibility criteria with Senate Bill 36, from the 2021 Regular Session of the General Assembly. Without objection, and with agreement of the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 2:270. Expungement. Eden Davis, general counsel, and Larry Hadley, executive director, represented the board.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 2 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 2:360. Naloxone dispensing.

In response to questions by Senator Alvarado, Ms. Davis stated that because pharmacies always gave patients the option for more information at dispensing, the board was proposing to delete safety information requirements. Senator Alvarado stated that, because naloxone could cause pulmonary edema and because the person acquiring the naloxone was not the same person to whom it would be administered, the safety information requirements should be retained. Mr. Hadley stated that the board would consider revising these provisions.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, and 4 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 2:420. Administration of vaccines.

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.

Board of Medical Licensure

201 KAR 9:270. Professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone. LeeAnn Diakov, general counsel, and Michael Rodman, executive director, represented the board.

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 4 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Embalmers and Funeral Directors

201 KAR 15:040E. Examination. Christi Moffett, executive director, represented the board.

201 KAR 15:050E. Apprenticeship and supervision requirements.

201 KAR 15:110E. Funeral establishment criteria.

201 KAR 15:125E. Surface transportation permit.

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

301 KAR 1:012. Boating, swimming and water skiing and other activities on department-owned or controlled lakes. Dave Dreves, fisheries director; Steven Fields, staff attorney; Chris Garland, division director; and Rich Storm, commissioner, represented the department.

A motion was made and seconded to approve the following amendments: to amend Sections 2 through 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 1:016. Use of lands and waters on lakes owned or controlled by the department.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, and 5 through 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 1:018. Use of boating access areas.

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

301 KAR 1:019. Cedar Creek Lake.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Sections 2 through 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 1:031. Land between the Lakes provisions.

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.

301 KAR 1:050. Small state-owned lakes, special administrative requirements of.

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 of the agency, the amendments were approved.

301 KAR 1:082. Frog season; limits.

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 of the agency, the amendments were approved.

301 KAR 1:120. Live fish scales and handling; licensure.

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 of the agency, the amendments were approved.

301 KAR 1:125. Transportation of fish.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 through 4 and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 1:140. Special commercial fishing permit for Kentucky and Barkley lakes.

In response to questions by Co-Chair Hale, Mr. Dreves stated that special fish permits for Kentucky and Barkley lakes included, for example, permits for roe-bearing species such as paddlefish. He did not believe that the department received the maximum number of special permit applications for these lakes, which was 25.

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.

301 KAR 1:152. Harvest and sale of Asian carp.

In response to questions by Co-Chair Hale, Mr. Dreves stated that Kentucky had a large contingent of commercial fishing of Asian carp. Approximately 9 million pounds had been harvested this year. Most of the harvested Asian carp was used to make fish meal; therefore, little storage was necessary. There were processors available to store fish harvested for human consumption or bait.

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

301 KAR 1:210. Free fishing days.

Game

301 KAR 2:015. Feeding of wildlife.

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

301 KAR 2:041. Shooting areas, dog training areas, commercial foxhound training enclosures, and bobwhite shoot-to-train season.

301 KAR 2:050. Land between the Lakes hunting requirements.

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

301 KAR 2:084. Importation of game birds.

301 KAR 2:111. Deer and turkey hunting on special areas.

301 KAR 2:230. Shoot-to-retrieve field permits and procedures.

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, 3, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 2:260. Crow hunting season.

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 3 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 Regulation: Motor Vehicle Commission

605 KAR 1:030. Applications. Carlos Cassady, executive director, and Trevor Earl, counsel, represented the commission.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to add Section 7 to incorporate by reference the Application for Motor Vehicle Dealer License. Without objection, and with agreement of the agency, the amendments were approved.

605 KAR 1:035. Facilities requirements.

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 of the agency, the amendments were approved.

605 KAR 1:215. Licensing fees.

In response to a question by Co-Chair West, Mr. Earl stated that the fees established in this administrative regulation had been previously established by KRS 190.030. These fees were the same amount as those previously established by statute; therefore, this was not a fee increase.

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

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Board of Education: Exceptional and Handicapped Programs

707 KAR 1:340. Procedural safeguards and state complaint procedures. Todd Allen, general counsel, and Greta Hylton, associate commissioner, represented the board.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; NECESSITY, FUNCTION, AND CONFORMITY; and STATUTORY AUTHORITY paragraphs; and Sections 2, 3, 5, 6, 8, and 14 through 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.

LABOR CABINET: Department of Workers' Claims

803 KAR 25:165. Electronic data interchange vendor approval. Sam Flynn, general counsel; John Ghaelian, general counsel; Dale Hamblin, assistant general counsel; and Robert Walker, interim commissioner, represented the department.

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

803 KAR 25:170. Filing of claims information with the Office of Workers' Claims.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 3 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

803 KAR 25:175. Filing of insurance coverage and notice of policy change or termination.

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

803 KAR 25:185. Procedure for E-mail notification of cancellation or removal of location of specific workers' compensation coverage.

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

PUBLIC PROTECTION CABINET: Department of Insurance: Fees and taxes

806 KAR 4:010. Fees of the Department of Insurance. Shannon Clark, commissioner; Abigail Gall, regulation coordinator; and Chad Thompson, general counsel, represented the department.

In response to a question by Co-Chair West, Commissioner Clark stated that the department would provide follow-up information to this subcommittee regarding how many pharmacy benefit managers were active in Kentucky.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 1 to comply with KRS 304.4-010. Without objection, and with agreement of the agency, the amendments were approved.

Agents, Consultants, Solicitors, and Adjustors

806 KAR 9:025. Licensing 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 through 6 and 9 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Trade Practices and Frauds

806 KAR 12:120. Suitability in annuity transactions.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 3 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.

Rates and Rating Organizations

806 KAR 13:150. Property and casualty rate and rule filings.

A motion was made and seconded to approve the following amendments: (1) to amend Section 9 to comply with KRS 304.4-010; and (2) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1, 2, and 4 through 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Health Insurance Contracts

806 KAR 17:070. Filing procedures for health insurance rates.

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

806 KAR 17:085. Minimum standards for short-term nursing home insurance policies.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 5, 8, 9, and 11 through 15 to comply with the drafting and formatting

requirements of KRS Chapter 13A; and (2) to amend Section 3 to comply with KRS 304.14-660. Without objection, and with agreement of the agency, the amendments were approved.

806 KAR 17:100. Certificate of filing for provider-sponsored networks.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 and 3 through 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

806 KAR 17:150. Health benefit plan rate filing 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 1 through 7 and 9 through 11 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

806 KAR 17:230. Requirements regarding medical director's signature on health care benefit denials.

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

806 KAR 17:260. Conversion policy minimum benefits.

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

806 KAR 17:290. Independent External Review Program.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 5 and 12 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

806 KAR 17:370. Standardized health claim attachments.

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

806 KAR 17:450. Insurance purchasing outlet 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 1 through 4, 7, 8, and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

806 KAR 17:511. Repeal of 806 KAR 017:095, 806 KAR 017:170, and 806 KAR 017:510.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Section 1 to delete 806 KAR 17:005 and 806 KAR 17:180 from repeal; and (2) to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Liability Self-insurance Groups

806 KAR 46:050. Liability self-insurance group rate, underwriting and evidence of coverage filings.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 2 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.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Medicaid Services: Payment and Services

907 KAR 3:005. Coverage of physicians' services. Jonathan Scott, regulatory and legislative advisor, represented the department.

907 KAR 3:010. Reimbursement for physicians' services.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Section 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.

907 KAR 3:060. Ambulance provider assessment program.

Department for Community Based Services: Family Support

921 KAR 1:020. Child Support Enforcement Program; confidentiality, program administration contracts, and agreements. Laura Begin, regulation coordinator; Lily Patteson, division director; and Steve Veno, commissioner, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 2 through 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

921 KAR 1:390. Child Support Enforcement Program paternity establishment.

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

921 KAR 1:400E. Establishment, review, and modification of child support and medical support orders.

K-TAP, Kentucky Works, Welfare to Work, State Supplementation

921 KAR 2:015E. Supplemental programs for persons who are aged, blind, or have a disability.

Supplemental Nutrition Assistance Program

921 KAR 3:027. Technical requirements.

Energy Assistance Program/Weatherization

921 KAR 4:116E. Low Income Home Energy Assistance Program or “LIHEAP”.

The following administrative regulations were deferred or removed from the September 14, 2021, subcommittee agenda:

STATE BOARD OF ELECTIONS: Statewide Voter Registration

31 KAR 3:010. Current address of Kentucky registered voters and distribution of voter registration lists.

Forms and Procedures

31 KAR 4:195E. Consolidation of precincts and precinct election officers.

31 KAR 4:200E. Chain of custody for records during an election contest.

Voting

31 KAR 5:025E. Ballot standards and election security.

DEPARTMENT OF LAW: Attorney General

40 KAR 1:040E. Standardized Open Records Request Form.

FINANCE AND ADMINISTRATION CABINET: State-owned Buildings and Grounds

* 200 KAR 3:020E. Use of state-owned facilities and grounds. (**Impacted by 2021 Legislation*)

Kentucky Infrastructure Authority

200 KAR 17:110. Guidelines for Kentucky Infrastructure Authority Drinking Water and Wastewater Grant Program.

BOARDS AND COMMISSIONS: Board of Dentistry

201 KAR 8:520. Fees and fines.

Board of Embalmers and Funeral Directors

201 KAR 15:030E. Fees.

Board of Nursing

201 KAR 20:471. Repeal of 201 KAR 020:470.

201 KAR 20:472. Initial approval for dialysis technician training programs.

201 KAR 20:474. Continuing approval and periodic evaluation of dialysis technician training programs.

201 KAR 20:476. Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement.

201 KAR 20:478. Dialysis technician scope of practice, discipline, and miscellaneous requirements.

Board of Chiropractic Examiners

201 KAR 21:035. Seal.

201 KAR 21:054. Emergency orders.

201 KAR 21:070. Licensing examination requirements.

201 KAR 21:090. Pre-chiropractic education requirements.

201 KAR 21:100. Minimum standards for recordkeeping or itemized statements.

Board of Licensure for Professional Art Therapists

201 KAR 34:070. Inactive status.

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

702 KAR 7:150. Home or hospital instruction.

Office of Learning Support Services

704 KAR 7:121. Repeal of 704 KAR 007:120. Todd Allen, general counsel, and Greta Hylton, associate commissioner, represented the board.

In response to a question by Co-Chair Hale, Mr. Allen requested that this emergency administrative regulation be deferred to the October meeting of this subcommittee. A motion was made and seconded for deferral. Without objection, and with agreement of this subcommittee, the emergency administrative regulation was deferred.

LABOR CABINET: Department of Workplace Standards: Labor Standards; Wages and Hours

803 KAR 1:005. Employer-employee relationship.

803 KAR 1:025. Equal pay provisions, meaning and application.

803 KAR 1:060. Overtime pay requirements.

803 KAR 1:063. Trading time.

803 KAR 1:065. Hours worked.

803 KAR 1:066. Recordkeeping requirements.

803 KAR 1:070. Executive, administrative, supervisory or professional employees; salesmen.

803 KAR 1:075. Exclusions from minimum wage and overtime.

803 KAR 1:080. Board, lodging, gratuities and other allowances.

803 KAR 1:090. Workers with disabilities and work activity centers' employee's wages.

Occupational Safety and Health

803 KAR 2:325. General industry standards.

PUBLIC PROTECTION CABINET: Department of Insurance: Health Insurance Contracts

806 KAR 17:240. Data reporting requirements.

806 KAR 17:270. Telehealth claim forms and records.

806 KAR 17:280. Registration, utilization review, and internal appeal.

806 KAR 17:470. Data reporting to an employer-organized association health benefit plan.

ENERGY AND ENVIRONMENT CABINET: Public Service Commission: Utilities

807 KAR 5:015. Access and attachments to utility poles and facilities.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Communicable Diseases

* 902 KAR 2:212E. Covering the face in response to declared national or state public health emergency. (**Impacted by 2021 Legislation*)

Department of Medicaid Services: Division of Policy and Operations

907 KAR 23:020E. Reimbursement for outpatient drugs.

Department for Community Based Services: Supplemental Nutrition Assistance Program

921 KAR 3:060. Administrative disqualification hearings and penalties.

Child Welfare

922 KAR 1:300. Standards for child-caring facilities.

922 KAR 1:380. Standards for emergency shelter child-caring facilities.

922 KAR 1:390. Standards for residential child-caring facilities.

Child Care

922 KAR 2:160E. Child Care Assistance Program.

The subcommittee adjourned at 2:55 p.m. The next meeting of this subcommittee is tentatively scheduled for October 12, 2021, at 1 p.m.