

# **ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE**

## **Minutes of the November Meeting**

**November 9, 2021**

### **Call to Order and Roll Call**

The November meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, November 9, 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 Julie Raque Adams, Ralph Alvarado, and David Yates; Representatives Randy Bridges, Deanna Frazier, and Mary Lou Marzian.

Guests: Cassie Trueblood, Education Professional Standards Board; Michael Adams and Jenni Scutchfield, Secretary of State; Denise Durbin, Bobby Stokes, Heather Wagers, and Catherine York, Office of the Attorney General; Bethany Adkins Rice, Richard Bertelson, Jessica Johnston, and Jennifer Stosberg, Department of Revenue; Eden Davis, Board of Pharmacy; Dr. Keith Knapp, Kenneth Urlage, and Kevin Winstead, Board of Licensure for Long-Term Care Administrators; Jeffrey Allen, Board of Dentistry; Brian Clark, Steve Fields, and Rich Storm; Department of Fish and Wildlife Resources; Amy Barker, Jennifer Bogard, and Kirstie Willard, Department of Corrections; Todd Allen and Matt Ross, Board of Education; Jeremy Rodgers and John K. Wood, Kentucky Fire Commission; Honor Barker and Scotty McFarlan, Education and Workforce Development Cabinet; Sam Flynn, Dale Hamblin, and Robert Walker, Department of Workers' Claims; Ed O'Daniel, Self; Sharon Clark, Abigail Gall, Shaun Orme, and Chad Thompson, Department of Insurance; Max Fuller, Mike Haney, David Moore, Rick Rand, and Benjamin Siegel, Department of Housing, Buildings and Construction; Kim Minter and Donna Veno, Office of Health Data and Analytics; Laura Begin and Dr. Sarah Vanover, Department for Community Based Services; and John Page and Wesley Phelps, Department for Income Support/Disability Determination.

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, November 9, 2021, and submits this report:

The subcommittee determined that the following administrative regulation was deficient pursuant to KRS 13A.030(2)(a):

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; Dale Hamblin, assistant general counsel; and Robert Walker, 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 this administrative regulation substituted a medical director for the former utilization review reconsideration process, which would streamline and expedite getting medical treatment to injured workers.

In response to a question by Co-Chair West, Mr. O'Daniel stated that this administrative regulation should be found deficient by this subcommittee because it conflicted with the authorizing statute. This administrative regulation required a \$200 fee to appeal, while KRS 342.035(5) required payments to come from a special fund. KRS 342.035(8) directed a pharmaceutical formulary and medical necessity guidelines; however, this administrative regulation might violate medical necessity guidelines. KRS 342.035(5)(c) did not authorize a medical director and authorized a different process. This administrative regulation authorized fines, including payment of costs and attorney's fees, for which there was no statutory authority. The existing utilization review process had worked well, while this process would add costs.

In response to a question by Co-Chair Hale, Mr. Walker stated that the fund established by KRS 342.023(5) was for the utilization process itself, not for appeal. Mr. Flynn stated that KRS 342.260 authorized speedy delivery of treatment for injured workers, and KRS 342.035 did not prohibit a medical director.

In response to a question by Co-Chair West, Mr. Walker stated that this administrative regulation had not been further amended after discussions with leadership.

Senator Alvarado stated that the medical director represented a medical panel of one (1) person. Past arguments for medical panels resulted in constitutional concerns. There did not seem to be statutory authority for a medical director, and establishing statutory authority would require a constitutional referendum.

Senator Yates stated that previous constitutional concerns did not seem to apply to this situation because complainants had access to the court systems. This administrative regulation seemed to propose a system that would benefit employers and injured workers.

In response to questions by Co-Chair West, Mr. Walker stated that this was not a major change to this administrative regulation's framework. This change would substitute a medical director for the existing reconsideration process and would represent a financial benefit for employers and employees. The fee for an appeal was \$200, which was a savings of approximately \$800 to \$1,300. This was not adding layers of bureaucracy. The fiscal impact of this administrative regulation was estimated to be \$400,000. Co-Chair West stated that some had estimated the fiscal impact to be \$1,000,000, and this seemed like a major change. This administrative regulation seemed to be an attempt to change a statutorily established process. Legislators expected more changes to this administrative regulation and expected the department to wait until session before consideration by this subcommittee. There seemed to be statutory conflicts.

In response to a question by Co-Chair Hale, Mr. Hamblin stated that the proposed agency amendment added specificity to medical director qualifications, along with other changes after meeting with stakeholders.

In response to a question by Co-Chair West, Mr. Flynn stated that the department believed this was a good administrative regulation, which would expedite treatment for injured workers. This would reduce costs and did not create more bureaucracy. The department preferred not to further defer this administrative regulation.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1, 3, 5 through 7, 10 through 14, and 16 through 17 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Section 13 to change the following criteria that would subject related medical services to a utilization review: (a) total cumulative medical costs are increased from costs that exceed \$1,000 to costs that exceed \$3,000; and (b) total cumulative lost work days are increased from 15 days to 30 days; (3) to amend Section 16 to: (a) establish a four (4) year term for the medical director and authorize the medical director to serve more than one (1) term; (b) establish requirements for filling a vacant medical director position; (c) establish provisions for removal of the medical director; and (d) authorize the medical director to seek assistance from physicians with appropriate certification or specialty, if the treatment is outside of the medical director's certification or specialty; (4) to amend Section 17 to: (a) return the appeal period for utilization review decisions to 30 days, instead of 45 days; (b) reduce the appeal fee from \$400 to \$200; (c) increase the amount of time to pay the appeal fee from 15 to 21 calendar days; (d) require the medical director to conduct the appeal in keeping with the treatment guidelines and pharmaceutical formulary created or adopted by the commissioner; (e) require the medical director to consider the opinion of the medical provider whose treatment, recommended treatment, or prescribed medication is being denied; and (f) increase the amount of time to file the "Medical Dispute" form from 14 to 30 calendar days; and (5) to amend Sections 16 and 17 to make clarifications and comply with the format-ting requirements of KRS Chapter

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

Co-Chair West made a motion, seconded by Senator Alvarado, to find this administrative regulation deficient. A roll call vote was conducted and, with six (6) votes to find this administrative regulation deficient and two (2) votes against deficiency, this administrative regulation was found deficient.

Senator Alvarado explained his yes vote. While he didn't necessarily disagree with the policy, he stated that these were the same arguments that had been found unconstitutional by the Kentucky Supreme Court.

Representative Marzian explained her no vote. This was an administrative regulation that would provide faster access to care for injured workers.

Compiler's Note: Pursuant to KRS 13A.335(3)(a), a new Section 19 was added to this administrative regulation to reflect the finding of deficiency.

#### Administrative Regulations Reviewed by this Subcommittee:

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

16 KAR 6:010. Assessment prerequisites for teacher certification. Cassie Trueblood, counsel, represented the board.

#### **SECRETARY OF STATE: Address Confidentiality Program**

30 KAR 6:011E. Kentucky address confidentiality program. Michael Adams, Secretary of State, and Jennifer Scutchfield, assistant Secretary of State, represented the office.

In response to a question by Co-Chair Hale, Secretary Adams stated that the Address Confidentiality Program protected victims of specific crimes, such as domestic violence, or as granted by court order. This administrative regulation was being amended to revise appeal procedures for consistency with the authorizing statute.

#### **DEPARTMENT OF LAW: Medical Examination of Sexual Abuse Victims**

40 KAR 3:020. Protocol for operation of local multidisciplinary teams on child sexual abuse. This administrative regulation was deferred from the November 9 subcommittee meeting. Please see the "deferred or removed" portion of this report near the end of these minutes.

## Kentucky Victim and Witness Protection Program

40 KAR 6:010. Kentucky Victim and Witness Protection Program. Denise Durbin, executive director; Bobby Stokes, executive director; Heather Wagers, executive director; and Catherine York, deputy executive director, represented the department.

In response to a question by Co-Chair Hale, Ms. Durbin stated that these administrative regulations were assigned to the department for administrative purposes.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, 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.

## 40 KAR 6:020. Funding assistance from the child victims' trust fund.

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

## 40 KAR 6:030. Human Trafficking Victims Fund.

In response to questions by Co-Chair West, Ms. Durbin stated that this was a new fund that established the application process. The authorizing statute established how the funds were to be used.

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.

FINANCE AND ADMINISTRATION CABINET: Department of Revenue: Ad Valorem Tax; State Assessment

103 KAR 8:090. Classification of property; public service corporations. Richard Bertelson, staff attorney manager; Jessica Johnston, executive director; Bethany Rice, executive director; and Jennifer Stosberg, staff attorney manager, represented the department.

## Income Tax; Corporations

103 KAR 16:270. Apportionment; receipts factor.

#### BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 2:050. Licenses and permits; fees. Eden David, general counsel, represented the board.

201 KAR 2:076. Compounding.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2, 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.

#### Board of Licensure for Long-Term Care Administrators

201 KAR 6:020. Other requirements for licensure. Dr. Keith Knapp, member; Kenneth Urlage, chair; and Kevin Winstead, commissioner, represented the board.

In response to a question by Senator Alvarado, Mr. Winstead stated that this administrative regulation was being amended to revise the edition date of material incorporated by reference.

A motion was made and seconded to approve the following amendments: to amend Section 2 and 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.

#### Board of Dentistry

201 KAR 8:520. Fees and fines. Jeffrey Allen, executive director, represented the board.

In response to questions by Co-Chair Hale, Mr. Allen stated that this administrative regulation was being amended to make technical corrections. Fees were not being increased; however one new fee was established and one was also being removed.

In response to a question by Senator Alvarado, Mr. Allen stated that there was a typographical error regarding a fee amount. The Regulation Compiler was authorized to correct typographical errors and would make the change.

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

301 KAR 2:015. Feeding of wildlife. Steve Fields, staff attorney, and Rich Storm, commissioner, represented the department.

A motion was made and seconded to approve the following amendment: to add a new Section 3 to establish baiting and feeding requirements for Chronic Wasting Disease Surveillance or Management Zones. Without objection, and with agreement of the agency, the amendment was approved.

301 KAR 2:142. Spring wild turkey hunting.

301 KAR 2:224. Waterfowl hunting zones.

Hunting and Fishing

301 KAR 3:012. Public use of Otter Creek Outdoor Recreation Area.

301 KAR 3:027. Hunting and fishing method exemptions for disabled persons.

301 KAR 3:030. Year-round season for wildlife.

301 KAR 3:110. Mobility-impaired hunts for deer, turkey and waterfowl.

Wildlife

301 KAR 4:050. Swan Lake Unit of Boatwright Wildlife Management Area.

301 KAR 4:070. Scientific and educational collecting permits.

Licensing

301 KAR 6:070. Boat dealers.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections: Kentucky Parole Board

501 KAR 1:050. Granting final discharge from parole. Amy Barker, assistant general counsel; Jennifer Bogard, program administrator; and Kirstie Willard, director, Local Facilities, represented the department.

In response to questions by Co-Chair West, Ms. Barker stated that the authorizing statute prohibited final discharge without the parolee having made full ordered restitution. Restitution status did not affect parole eligibility, only final discharge.

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.

#### Class D and Class C Felons

501 KAR 2:020. Definitions for 501 KAR Chapter 2.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, and CONFORMITY paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 1(6) to define “deaf or hard of hearing inmate” as an inmate who has a hearing loss that qualifies the inmate as an individual with a disability under the Americans with Disabilities Act. Without objection, and with agreement of the agency, the amendments were approved.

501 KAR 2:060. Procedures for housing of Class C and D felons.

In response to a question by Co-Chair Hale, Ms. Willard stated that this administrative regulation allowed offenders who had 90 days or less remaining of their sentences to, if they so choose, serve the remainders of the sentences rather than being considered for parole.

A motion was made and seconded to approve the following amendments: (1) to amend Section 8 to clarify that furlough requests shall be: (a) submitted to the classification branch manager; and (b) governed by CPP 25.4, which was incorporated by reference in 501 KAR 6:020; (2) to amend Section 9 to clarify that the jail pays for routine medical care but may charge a copay in accordance with KRS 441.045(13); and (3) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 through 5 and 7 through 13 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

#### Jail Standards for Full-service Facilities

501 KAR 3:110. Classification.

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 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

501 KAR 3:120. Admission; searches and release.

501 KAR 3:130. Prison programs; services.

A motion was made and seconded to approve the following amendments: to amend the 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.

501 KAR 3:150. Hearings, procedures, disposition.

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.

501 KAR 3:170. Classifications.

Office of the Secretary

501 KAR 6:190. Approval process for mental health professionals performing comprehensive sex offender presentence evaluations and treatment of sex offenders.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2, 3, and 5 through 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

501 KAR 6:200. Comprehensive sex offender presentence evaluation procedure.

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.

501 KAR 6:250. Graduated sanctions for technical violations of probation and compliance incentives system.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 4 to include interpersonal protective orders in addition to emergency protective orders and domestic violence orders; (2) to amend Section 3(5) to clarify when discussion with a supervisor is required; and (3) to amend 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.

#### Jail Standards for Restricted Custody Center Facilities

501 KAR 7:040. Personnel.

501 KAR 7:060. Security; control.

501 KAR 7:090. Medical services.

501 KAR 7:100. Food services.

501 KAR 7:110. Classification.

501 KAR 7:120. Admission; searches and release.

501 KAR 7:130. Prisoner programs; services.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

501 KAR 7:140. Prisoner rights.

A motion was made and seconded to approve the following amendment: to amend Section 1(2) to specify that the statement of prisoner rights may also be provided in an electronic format, as required by KRS 441.055(1)(a)2.a. Without objection, and with agreement of the agency, the amendment was approved.

501 KAR 7:150. Training.

A motion was made and seconded to approve the following amendments: to amend Section 2(2)(b) to require training on communicable diseases, in accordance with KRS 441.115(1). Without objection, and with agreement of the agency, the amendments were approved.

#### Psychiatric or Forensic Psychiatric Facility Victim Notification System

501 KAR 14:010. Psychiatric or Forensic Psychiatric Facility Victim Notification System.

A motion was made and seconded to approve the following amendment: to amend the RELATES TO paragraph to comply with the drafting requirements of KRS Chapter 13A. With-out objection, and with agreement of the agency, the amendment was approved.

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

701 KAR 5:160. Selection and Appointment of Non-Voting Kentucky Board of Education Members. Todd Allen, general counsel, and Matt Ross, policy advisor, represented the office.

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

#### 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. (Deferred from September)

#### KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEMS: Commission on Fire Protection Personnel Standards and Education

739 KAR 2:060. Certification and qualifications of fire and emergency services instructors. Jeremy Rodgers, director of operations, and John Wood, attorney, represented the commission.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO; 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; (2) to amend Sections 2 and 5 to resolve inconsistencies and clarify the grandfathering of existing Level III instructors certified on or before January 1, 2022; and (3) to amend Section 3 to reorganize the qualifications for a Level I instructor. Without objection, and with agreement of the agency, the amendments were approved.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Department of Workforce Investment: Office of Employment and Training

787 KAR 2:040. Local workforce development area governance. Honor Barker, deputy commissioner, and Scotty McFarlan, staff attorney, represented the department.

LABOR CABINET: Department of Workers' Claims

803 KAR 25:190. Utilization review – Medical Bill Audit – Medical Director – Appeal of Utilization Review Decisions.

This subcommittee found this administrative regulation deficient. Please see the “deficient” portion of this report near the beginning of these minutes.

PUBLIC PROTECTION CABINET: Department of Insurance: Unauthorized Insurers' Prohibitions, Process and Advertising

806 KAR 11:020. Multiple employer welfare arrangements. Sharon Clark, commissioner; Abigail Gall, regulation coordinator; Shaun Orme, executive advisor; and Chad Thompson, general counsel, represented the department.

In response to a question by Co-Chair West, Ms. Clark stated that the \$500 filing fee was not new.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1 through 4 and 6 through 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.

Motor Vehicle Reparations (No-fault)

806 KAR 39:070. Proof of motor vehicle insurance.

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

#### Department of Housing, Buildings and Construction: Elevator Safety

815 KAR 4:010. Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts. Max Fuller, deputy commissioner; Mike Haney, State Fire Marshal; David Moore, plumbing director; Rick Rand, commissioner; and Benjamin Siegel, general counsel, represented the department.

Co-Chair Hale stated that the commissioner had previously discussed the need for these fee increases.

815 KAR 4:025. Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts.

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

815 KAR 4:027. Reporting incidents involving personal injury or death.

#### Kentucky Building Code

815 KAR 7:080. Licensing of fire protection sprinkler contractors.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 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.

815 KAR 7:110. Criteria for expanded local jurisdiction.

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

#### Standards of Safety

815 KAR 10:060. Kentucky standards of safety.

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

815 KAR 10:070. Consumer fireworks retailer registration and fees.

Plumbing

815 KAR 20:050. Installation permits.

815 KAR 20:195. Medical gas piping installations.

Hazardous Materials

815 KAR 30:010. LP gas license; financial responsibility required.

815 KAR 30:060. Certification of underground petroleum storage tank 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 10 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: Office of Telehealth Services: Telehealth

900 KAR 12:005E. Telehealth terminology and requirements. Kim Minter, staff assistant, and Donna Veno, division director, represented the office.

In response to questions by Senator Alvarado, Ms. Veno stated that this administrative regulation was filed as an emergency because the glossary of telehealth terminology was required to be used in the fall health plans. The office agreed to submit more information regarding the nature of the emergency.

In response to questions by Co-Chair West, Ms. Veno stated that confidentiality requirements also applied in telehealth situations, including to the Department for Public Health.

Department for Community Based Services: Division of Child Care: Day Care

922 KAR 2:160. Child Care Assistance Program. Laura Begin, staff assistant, represented the division.

Department of Disability Determination Services: Disability Determination

923 KAR 2:470. Disability Determinations Program. John Paige, assistant director, and Wesley Phelps, branch manager, represented the department.

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

The following administrative regulations were deferred or removed from the November 9, 2021, subcommittee agenda:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Council on Postsecondary Education: Adult Education and Literacy

13 KAR 3:010. GED Testing Program.

13 KAR 3:020. Provision of instruction for individuals sentenced by a court to participate in educational programs.

13 KAR 3:030. Qualifications for progressing satisfactorily through a GED preparation program.

13 KAR 3:040. GED Incentives Program.

13 KAR 3:050. GED eligibility requirements.

13 KAR 3:060. High school equivalency diploma awarded for credit hour completion at Kentucky Community and Technical College Systems institutions.

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 4:195. Consolidation of precincts and precinct election officers.

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

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

## Voting

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

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

## DEPARTMENT OF LAW: Medical Examination of Sexual Abuse Victims

40 KAR 3:020. Protocol for operation of local multidisciplinary teams on child sexual abuse.

## PERSONNEL CABINET: Personnel Board, Classified

101 KAR 2:210E. 2022 Plan Year Handbook for the Public Employee Health Insurance Program.

## Kentucky Retirement Systems: General Rules

105 KAR 1:210. Disability procedures.

105 KAR 1:310. Fred Capps Memorial Act.

## General Rules

105 KAR 1:330. Purchase of service credit.

## BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 2:430. Emergency orders and hearings.

## Board of Embalmers and Funeral Directors

201 KAR 15:030E. Fees.

201 KAR 15:030. Fees.

201 KAR 15:040. Examination.

201 KAR 15:050. Apprenticeship and supervision requirements.

201 KAR 15:110. Funeral establishment criteria.

201 KAR 15:125. Surface transportation permit.

Board of Nursing

201 KAR 20:215. Continuing competency requirements.

201 KAR 20:320. Standards for curriculum of prelicensure registered nurse and practical nurse programs.

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.

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

301 KAR 2:082. Transportation and holding of live exotic wildlife.

Hunting and Fishing

301 KAR 3:010. Public use of Wildlife Management Areas.

301 KAR 3:026. Access to Wildlife Management Areas for mobility-impaired individuals.

## Wildlife

301 KAR 4:001. Selection of Fish and Wildlife Resources Commission nominees.

301 KAR 4:010. Districts.

301 KAR 4:020. Ballard Wildlife Management Area restrictions.

301 KAR 4:100. Peabody Wildlife Management Area use requirements and restrictions.

301 KAR 4:110. Administration of drugs to wildlife.

## Licensing

301 KAR 5:001. Definitions for 301 KAR Chapter 5.

301 KAR 5:030. Purchasing licenses and permits.

301 KAR 5:100. Interstate Wildlife Violators Compact.

## Water Patrol

301 KAR 6:001. Definitions for 301 KAR Chapter 6.

## Kentucky State Fair Board: Fairgrounds and Exhibition Center

303 KAR 1:005. Vehicle speed.

303 KAR 1:010. Vehicle parking.

303 KAR 1:015. Traffic flow.

303 KAR 1:075. Conduct and operation of concessions and exhibits.

303 KAR 1:080. Exposition Center, grounds; dissemination of material; demonstrations.

303 KAR 1:090. Exhibition Center, dissemination of material; demonstrations.

303 KAR 1:100. Exposition Center, grounds; sales and dissemination of real property, fixtures and goods, solicitation of contribution or sales during annual State Fair; rental of space; use of sound amplification equipment.

303 KAR 1:110. Procurement procedures.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Criminal Justice  
Training: Kentucky Law Enforcement Council

503 KAR 1:060. Definitions for 503 KAR Chapter 1.

503 KAR 1:080. Certification of schools.

503 KAR 1:090. Approval of course curriculums.

503 KAR 1:100. Certification of instructors.

503 KAR 1:110. Department of Criminal Justice Training Basic training:  
graduation requirements; records.

503 KAR 1:120. Professional development in-service training: training  
requirements; recognized courses; records.

503 KAR 1:140. Peace officer, telecommunicator, and court security officer  
professional standards.

503 KAR 1:170. Career Development Program.

TRANSPORTATION CABINET: Department of Highways: Traffic

603 KAR 5:360. Transportation Cabinet use of interstate and parkway signs to  
locate missing persons.

TRANSPORTATION CABINET: Department of Highways: Billboards

603 KAR 10:011E. Repeal of 603 KAR 010:002, 010:010, and 010:021.

603 KAR 10:040E. Advertising devices.

603 KAR 10:040. Advertising devices.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Kentucky  
Board of Education: General Administration

702 KAR 1:191E. District employee quarantine leave.

702 KAR 1:191. District employee quarantine leave.

#### School Terms, Attendance, and Operation

702 KAR 7:125. Pupil attendance.

702 KAR 7:125E. Pupil attendance.

#### Department for Libraries and Archives: Archives

725 KAR 1:010. Records officers; duties.

725 KAR 1:020. Recording and reproducing public records.

725 KAR 1:025. Transfer of public records.

725 KAR 1:030. Scheduling public records for retention and disposal; procedures.

725 KAR 1:040. Collection and distribution of reports and publications.

725 KAR 1:050. Records management program.

725 KAR 1:061. Records retention schedules; authorized schedules.

#### Libraries

725 KAR 2:015. Public library facilities construction.

725 KAR 2:080. Interstate Library Compact.

#### Department of Workforce Investment: Office of Vocational Rehabilitation

781 KAR 1:010. Office of Vocational Rehabilitation appeal procedures.

781 KAR 1:020. General provisions for operation of the Office of Vocational Rehabilitation.

781 KAR 1:030. Order of selection and economic need test for vocational rehabilitation services.

781 KAR 1:040. Rehabilitation technology services.

781 KAR 1:050. Carl D. Perkins Vocational Training Center.

Office for the Blind

782 KAR 1:010. Kentucky Business Enterprises.

782 KAR 1:070. Certified driver training program.

Kentucky Commission on Proprietary Education

791 KAR 1:010. Applications, permits, and renewals.

791 KAR 1:020. Standards for licensure.

791 KAR 1:025. Fees.

791 KAR 1:027. School record keeping requirements.

791 KAR 1:030. Procedures for hearings.

791 KAR 1:035. Student protection fund.

791 KAR 1:040. Commercial driver license training school curriculum and refresher course.

791 KAR 1:050. Application for license for commercial driver license training school.

791 KAR 1:060. Application for renewal of license for commercial driver license training school.

791 KAR 1:070. Commercial driver license training school instructor and agency application and renewal procedures.

791 KAR 1:080. Maintenance of student records, schedule of fees charged to students, contracts and agreements involving licensed commercial driver license training schools.

791 KAR 1:100. Standards for Kentucky resident commercial driver training school facilities.

791 KAR 1:150. Bond requirements for agents and schools.

791 KAR 1:155. School closing process.

791 KAR 1:160. Transfer of ownership, change of location, change of name, revision of existing programs.

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 2:330E. Occupational exposure to COVID-19.

PUBLIC PROTECTION CABINET: Department of Insurance: Health Insurance Contracts

806 KAR 17:350. Life insurance and managed care.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Telehealth Services: Telehealth

900 KAR 12:005. Telehealth terminology and requirements.

Department for Public Health: Sanitation

902 KAR 10:120. Kentucky public swimming and bathing facilities.

902 KAR 10:190. Splash pads operated by local governments.

Department for Medicaid Services: Hospital Services Coverage and Reimbursement

907 KAR 10:815. Per Diem inpatient hospital reimbursement.

Outpatient Pharmacy Program

907 KAR 23:020. Reimbursement for outpatient drugs.

The subcommittee adjourned at 2:35 p.m. The next meeting of this subcommittee was tentatively scheduled for December 9, 2021, at 1 p.m.