

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the February Meeting

February 7, 2022

Call to Order and Roll Call

The February meeting of the Administrative Regulation Review Subcommittee was held on Monday, February 7, 2022, 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, Ralph Alvarado, and David Yates; Representatives Randy Bridges, Deanna Frazier Gordon, and Mary Lou Marzian.

Guests: Johnna Ballinger, Michael Wilson, Department of State; Stafford Easterling, Personnel Board; Carrie Bass, Wendi Pierce, Jeff Pritchett, Liza Welch, Public Pensions Authority; Kelly Jenkins, Jeffrey Prather, Board of Nursing; Brian Clark, Steven Fields, Department of Fish and Wildlife Resources; Amy Barker, Michael Murriell, Kenneth Sandusky, Matthew Johnson, Kentucky State Police; Jon Johnson, Kyle Ray, Niki Sizemore, Ricky Sizemore, Amy Utterback, Department of Highways; Sam Flynn, Robin Maples, Chuck Stribling, Labor Cabinet; Joshua Newton, Department of Alcoholic Beverage Control; Abigail Gall, Shaun Orme, Chad Thompson, Department of Insurance; Waqas Ahmed, Shan Dutta, Marc Guilfoil, Bruce Howard, Jennifer Wolsing, Kentucky Horse Racing Commission; Kelli Rodman, Cabinet for Health and Family Services; Julie Brooks, Jennifer Burt, Erica Brakefield, Jessica Davenport, Department for Public Health; Lee Guice, Veronica Judy-Cecil, Lisa Lee, Angie Parker, Jonathan Scott, Department for Medicaid Services; Laura Begin, Leigh Dixon, 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 Monday, February 7, 2022, and submits this report:

Administrative Regulations Reviewed by this Subcommittee:

SECRETARY OF STATE: Office of Business Services: Implementation of Revised Article 9

30 KAR 5:011. Definitions for 030 KAR Chapter 005. Michael Wilson, director, represented the office.

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.

30 KAR 5:021. Filing methods and forms.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 2, 3, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

30 KAR 5:031. Acceptance and refusal of records.

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

30 KAR 5:041. UCC information management system.

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

30 KAR 5:051. Filing, indexing, and data entry procedures.

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.

30 KAR 5:060. Search requests, reports, and copies.

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.

GENERAL GOVERNMENT CABINET: Personnel Board

101 KAR 1:325. Probationary periods. Stafford Easterling, general counsel, represented the board.

FINANCE AND ADMINISTRATION CABINET: Kentucky Retirement Systems:
General Rules

105 KAR 1:210. Disability procedures. Carrie Bass, staff attorney supervisor; Wendi Pierce, assistant director, Disability and Survivor Benefits; Jeff Pritchett, assistant director of member services; and Liza Welch, director, Disability and Survivor Benefits, represented the systems.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 10 and 13 through 15 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

105 KAR 1:310. Fred Capps Memorial Act.

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 5, 7 through 10, and 12 through 16 to comply with the drafting and for-matting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

105 KAR 1:330. Purchase of service credit.

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

BOARDS AND COMMISSIONS: Board of Nursing

201 KAR 20:471. Repeal of 201 KAR 020:470. Kelly Jenkins, executive director, and Jeffrey Prather, general counsel, represented the board.

In response to questions by Senator Alvarado, Mr. Prather stated that fee increases were necessary because of increased costs to the board. Time and resources were needed for the effective monitoring of licensees. The board would follow up with detailed budgetary information regarding how much funding the fees were forecast to generate. Board staff established the specific fee amount needed. Co-Chair West stated that data indicated that in April 2021, there were 712 active dialysis technicians.

Co-Chair Hale stated that this seemed like a significant fee increase.

In response to questions by Co-Chair West, Mr. Prather stated that he would follow up with the subcommittee regarding the number of licensees. Licensee monitoring consisted of site visits and training. The \$2,000 was an initial, one (1) time, application fee.

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

A motion was made and seconded to approve the following amendments: (1) to amend Section 4: (a) for clarity; and (b) to establish that the board may waive the master's degree requirements for a program administrator upon a showing that the administrator is otherwise qualified; (2) to amend Section 5 to clarify requirements for didactic faculty, including to allow an associate degree from an accredited school of nursing; and (3) 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.

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

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

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

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

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

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

301 KAR 1:410. Taking of fish by nontraditional fishing methods. Brian Clark, deputy commissioner, and Steven Fields, staff attorney, represented the department.

In response to a question by Representative Bridges, Mr. Clark stated that bow fishing usually took place at night. The department had received complaints regarding noise and lights from bow fishing on small lakes with residents located near the fishing areas. Bow hunters some-times took grass carp, which were necessary to restore vegetation for optimal fishing.

Wildlife

301 KAR 4:091. Buying and selling mounted wildlife specimens.

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.

JUSTICE AND PUBLIC SAFETY CABINET: General Traffic

502 KAR 15:020. Abandoned vehicles. Amy Barker, assistant general counsel; Matthew Johnson, major; Michael Murriell, sergeant; and Kenneth Sandusky, lieutenant, represented the cabinet.

In response to questions by Co-Chair Hale, Ms. Barker stated that these administrative regulations were being updated in relation to sunset provisions. Stickers were used in the process of identifying and removing abandoned vehicles that impeded the flow of traffic. Major Johnson stated that vehicles were removed after three (3) days, unless sooner removal was necessary to avoid hazardous traffic situations. The program used a rotating list of towing services that had agreed to cabinet requirements. Towing services were provided with the names and in-formation of the vehicles' registrants. After sixty (60) days and two (2) notices, an abandoned vehicle could be sold by a towing service to off-set towing and storage costs.

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 to comply with the drafting and formatting requirements of KRS Chapter 13A. With-out objection, and with agreement of the agency, the amendments were approved.

Kentucky Missing Child Information Center

502 KAR 35:010. Definitions.

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.

502 KAR 35:020. Capabilities of the Missing Child Information Center computer system.

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.

502 KAR 35:030. Quality of information reported to the Kentucky Missing Child Information Center.

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.

502 KAR 35:040. Reporting of missing children by law enforcement agencies.

502 KAR 35:050. Statistical analysis of information related to missing children.

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.

Candidate Selection

502 KAR 45:005. Definitions.

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.

502 KAR 45:015. Qualifications.

502 KAR 45:035. Application and selection process.

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

502 KAR 45:045. Aptitude examination.

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

502 KAR 45:075. Register.

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

502 KAR 45:085. Medical examination.

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

502 KAR 45:105. Appointment.

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.

502 KAR 45:115. Appeals.

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

502 KAR 45:150. Physical Fitness Test (PFT).

TRANSPORTATION CABINET: Department of Highways: Traffic

603 KAR 5:150. Encroachment permits. Jon Johnson, assistant general counsel, and Ricky Sizemore, branch manager, represented the department.

In response to questions by Co-Chair West, Mr. Johnson stated that this administrative regulation updated the permitting manual. Mr. Sizemore stated that the changes were minor and clarified encroachment procedures. New restrictions were not being established.

LABOR CABINET: Occupational Safety and Health

803 KAR 2:321E. Occupational health and environmental control. Sam Flynn, general counsel; Robin Maples, occupational safety and health standards specialist; and Chuck Stribling, occupational safety and health standards federal – state coordinator, represented the cabinet.

In response to a question by Co-Chair West, Mr. Stribling stated that these administrative regulations were filed on an emergency basis because the cabinet inadvertently failed to provide certification for related administrative regulations governing similar subject matter.

803 KAR 2:426E. Stairways and ladders.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control:
Licensing

804 KAR 4:415. Direct shipper license. Joshua Newton, general counsel, represented the department.

Department of Insurance: Health Insurance Contracts

806 KAR 17:300. Provider agreement and risk-sharing agreement filing requirements. Abigail Gall, regulation coordinator; Shaun Orme, executive advisor; and Chad Thompson, general counsel, represented the department.

In response to questions by Co-Chair West, Ms. Gall stated that this administrative regulation was being amended to address provider agreements unrelated to pharmacy benefit managers. Technical changes were necessary related to this and another administrative regulation.

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 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.

806 KAR 17:575. Pharmacy benefit managers.

In response to a question by Senator Alvarado, Ms. Gall stated that the sixty (60) day window was previously a requirement of this administrative regulation and was being moved within the text for better organization of the provisions.

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 through 5 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.

806 KAR 17:590. Annual report on providers prescribing medication for addiction treatment.

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

Group and Blanket Health Insurance

806 KAR 18:030. Group health insurance coordination of benefits.

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

Horse Racing Commission: Pari-Mutuel Wagering

810 KAR 6:001. Definitions for 810 KAR Chapter 006. Marc Guilfoil, executive director; Dr. Bruce Howard, equine medical director; and Jennifer Wolsing, general counsel, represented the commission.

In response to a question by Senator Yates, Ms. Wolsing stated that these administrative regulations were not being amended in response to litigation.

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.

Medication Guidelines

810 KAR 8:025E. Drug, medication, and substance withdrawal guidelines.

810 KAR 8:025. Drug, medication, and substance withdrawal guidelines.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Medicaid Services

907 KAR 1:005. Nonduplication of payments. Jonathan Scott, regulatory and legislative advisor, represented the department.

Managed Care

907 KAR 17:005. Definitions for 907 KAR Chapter 017.

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.

907 KAR 17:010. Managed care organization requirements and policies relating to enrollees.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 4, 6, 8, 9, 11, and 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Medicaid Eligibility

907 KAR 20:001. Definitions for 907 KAR Chapter 020.

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

907 KAR 20:020. Income standards for Medicaid other than Modified Adjusted Gross Income (MAGI) standards or for former foster care individuals.

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

Department for Community Based Services: Energy Assistance Program/Weatherization

921 KAR 4:122E. Assistance for low-income households with water or wastewater utility arrears. Leigh Dixon, human resources supervisor, and Laura Begin, regulation coordinator, represented the department.

In response to questions by Senator Yates, Laura Begin stated that this program was available statewide.

The following administrative regulations were deferred or removed from the February 7, 2022, subcommittee agenda:

DEPARTMENT OF LAW: Medical Examination of Sexual Abuse Victims

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

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 2:106E. Licensed or permitted facility closures.

201 KAR 2:430. Emergency orders and hearings.

Board of Licensure for Long-Term Care Administrators

201 KAR 6:040. Renewal, reinstatement, and reactivation of license.

Board of Barbering

201 KAR 14:015. Retaking of examination.

201 KAR 14:030. Five (5) year expiration of license.

201 KAR 14:040. Inspection of shops and schools.

201 KAR 14:050. Apprentice license; qualifications.

201 KAR 14:065. Place of business requirements.

201 KAR 14:085. Sanitation requirements.

201 KAR 14:105. Barbering school enrollment and postgraduate requirements.

201 KAR 14:110. School equipment; plant layout.

201 KAR 14:115. Examinations; school and board.

201 KAR 14:125. Instructor requirements.

201 KAR 14:150. School records.

201 KAR 14:180. Fees.

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 20:220. Nursing continuing education provider approval.

201 KAR 20:280. Standards for developmental status, initial status, and approval of prelicensure registered nurse and practical nurse programs.

201 KAR 20:360. Continuing approval and periodic evaluation of prelicensure registered nursing and licensed practical nursing programs.

Board of Examiners of Psychology

201 KAR 26:115. Definition of psychological testing.

201 KAR 26:125. Health service provider designation.

201 KAR 26:130. Grievances and administrative complaints.

201 KAR 26:155. Licensed psychologist: application and temporary license.

201 KAR 26:160. Fee schedule.

201 KAR 26:175. Continuing education.

201 KAR 26:185. Requirements for granting licensure as a psychologist to an applicant licensed in another state.

201 KAR 26:190. Requirements for supervised professional experience.

201 KAR 26:215. Nonresident status.

201 KAR 26:225. Renewal and reinstatement.

201 KAR 26:230. Examinations and applications.

201 KAR 26:250. Employment of a psychological associate, a temporarily licensed psychological associate, or temporarily licensed psychologist.

201 KAR 26:270. Change of license status.

201 KAR 26:310. Telehealth and telepsychology.

Board of Licensure for Massage Therapy

201 KAR 42:010. Goals for massage therapy sessions.

201 KAR 42:020. Fees.

201 KAR 42:030. Licensee's change of name, home address, or place of business.

201 KAR 42:035. Application process, exam, and curriculum requirements.

201 KAR 42:040. Renewal and reinstatement.

201 KAR 42:050. Complaint procedure and disciplinary action.

201 KAR 42:061. Code of ethics and standards of practice for massage therapists.

201 KAR 42:070. Endorsement.

201 KAR 42:080. Programs of massage therapy instruction.

201 KAR 42:110. Continuing education requirements.

Applied Behavior Analysis Licensing Board

201 KAR 43:010. Application procedures for licensure.

201 KAR 43:020. Application procedures for temporary licensure.

201 KAR 43:030. Fees.

201 KAR 43:040. Code of ethical standards and standards of practice.

201 KAR 43:050. Requirement for supervision.

201 KAR 43:060. Complaint and disciplinary process.

201 KAR 43:071. Repeal of 201 KAR 043:070.

201 KAR 43:080. Renewals.

201 KAR 43:090. Voluntary inactive and retired status.

201 KAR 43:100. Telehealth and telepractice.

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

DEPARTMENT OF AGRICULTURE: Industrial Hemp

302 KAR 50:021. Procedures and policies for hemp growers.

302 KAR 50:031. Procedures and policies for hemp processors and handlers.

302 KAR 50:046. Department's reports to the USDA; records retention for three years.

302 KAR 50:056. Sampling and THC testing; disposal of non-compliant harvests; post-testing actions.

302 KAR 50:080. Materials incorporated by reference.

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

501 KAR 6:290. Southeast State Correctional Complex.

Department of State Police: Driver Training

502 KAR 10:010. Definitions.

502 KAR 10:020. Department facilities; facility inspection; conflict of interest.

502 KAR 10:030. Instructor's license.

502 KAR 10:035. Commercial driver's license skill testing.

502 KAR 10:040. Training school facilities.

502 KAR 10:050. Contracts and agreements.

502 KAR 10:060. School advertising.

502 KAR 10:070. Training vehicle, annual inspection.

502 KAR 10:080. License suspension, revocation, denial.

502 KAR 10:090. Procedure for denial, suspension, nonrenewal or revocation hearings.

502 KAR 10:110. Third-party CDL skills test examiner standards.

502 KAR 10:120. Hazardous materials endorsement requirements.

JUSTICE AND PUBLIC SAFETY: Department of State Police: Concealed Deadly Weapons

502 KAR 11:010. Application for license to carry concealed deadly weapon.

502 KAR 11:060. License denial and reconsideration process.

502 KAR 11:070. License revocation and suspension notice and reinstatement process.

Law Enforcement Officers Safety Act of 2004

502 KAR 13:010. Application for certification under the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

502 KAR 13:030. Range qualification for certification under the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

502 KAR 13:040. Issuance, expiration, and renewal of certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

502 KAR 13:050. Replacement of licenses to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

502 KAR 13:060. Change of personal information regarding certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

502 KAR 13:080. Incomplete application for certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 (“LEOSA”), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

General Traffic

502 KAR 15:010. Traffic collision.

Criminal History Record Information System

502 KAR 30:010. Criminal History Record Information System.

502 KAR 30:020. Arrest and disposition reporting procedure.

502 KAR 30:030. Audit of Criminal History Record Information System.

502 KAR 30:050. Security of centralized criminal history record information.

502 KAR 30:060. Dissemination of criminal history record information.

502 KAR 30:070. Inspection of criminal history record information by record subject.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Department of Education: General Administration

702 KAR 1:192E. District employee quarantine leave.

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.

Apprenticeship Standards

787 KAR 3:020. Confidentiality of records of the Office of Employer and Apprenticeship Services.

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.

PUBLIC PROTECTION CABINET: Department of Insurance: Health Insurance Contracts

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

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Sanitation

902 KAR 10:120. Kentucky public swimming and bathing facilities. Erica Brakefield, section supervisor; Julie Brooks, regulation coordinator; Jennifer Burt, branch manager; and Jessica Davenport, inspection program evaluator, represented the department.

In response to questions by Senator Yates, Ms. Brooks stated that there were lifeguard requirements for standard, rectangular pools larger than 2,000 square feet. Waterparks with irregular shapes or nontraditional uses had different lifeguard needs based on number of bathers, type of water feature, and size and configuration (such as shallow or deep water). The minimum lifeguard requirements were established in this administrative regulation, and additional factors were established as part of the permitting process.

In response to questions by Senator Raque Adams, Ms. Brooks stated that the cabinet did receive public comments and had amended provisions in response to stakeholder concerns. Senator Raque Adams stated that pools in Louisville, including Kentucky Kingdom, and state parks had continuing concerns regarding these requirements.

Senator Alvarado stated that he was concerned about the impact lifeguard requirements could have on Kentucky state parks. For example, Lake Barkley would be required to have seven (7) lifeguards. Closing bathing areas could actually result in more drownings, and closing these areas could impact tourism.

In response to a question by Co-Chair West, Julie Brooks agreed to defer consideration of these administrative regulations to the March meeting of this subcommittee. A motion was made and seconded to defer consideration of these administrative regulations to the March meeting of this subcommittee. Without objection, and with agreement of the agency, these administrative regulations were deferred.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to define terms; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 14 and 16 through 22 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 10:121. Plan review, annual permitting, and inspection fees for public swimming and bathing facilities, including splash pads operated by local governments.

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

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to define terms; and (2) to amend the RELATES TO paragraph and Sections 1, 2, 4, 7 through 12, 15, and 16 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 Medicaid Services: Payments and Services

907 KAR 3:170. Telehealth service coverage and reimbursement.

Outpatient Pharmacy Program

907 KAR 23:020. Reimbursement for outpatient drugs.

Department for Aging and Independent Living: Aging Services

910 KAR 1:190. Nutrition program for older persons.

The subcommittee adjourned at 2 p.m. The next meeting of this subcommittee was tentatively scheduled for March 7, 2022, at 1 p.m.