

# ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

## Minutes of the March Meeting

March 7, 2022

### Call to Order and Roll Call

The March meeting of the Administrative Regulation Review Subcommittee was held on Monday, March 7, 2022, 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, and Deanna Frazier Gordon.

Guests: Michael Adams, Jenni Scutchfield, Department of State; Tamela Biggs, Teachers' Retirement System; Joe Donohue, Board of Accountancy; Christopher Harlow, Board of Pharmacy; Christopher Hunt, Mason McNulty, Board of Barbering; Brenda Futrell Nash, Kevin Winstead, Board of Examiners of Psychology; Denise Logsdon, Kevin Winstead, Board of Licensure of Massage Therapy; Elizabeth Morgan, Board of Medical Imaging and Radiation Therapy; Brian Clark, Steven Fields, Rich Storm, Department of Fish and Wildlife Resources; Clint Quarles, Department of Agriculture; Amy Barker, Brandon Lynch, Russell Williams, Department of Corrections; Bradley Arterburn, Amy Barker, Brandon Cobb, Kentucky State Police; David Frank, Kevin Sharkey, Kentucky Protection and Advocacy; Todd Allen, Veronica Sullivan, Department of Education; Sam Flynn, Robin Maples, Chuck Stribling, Labor Cabinet; Sarah Cooper, Kelli Rodman, Cabinet for Health and Family Services; Andrew Bledsoe, Kim Minter, Edith Slone, Kentucky Health Benefit Exchange; Jonathan Scott, Department for Medicaid Services; Marnie Mountjoy, Amanda Stoess, Department for Aging and Independent Living; Laura Begin, Department for Community Based Services; Kara Daniel, Adam Mather, Office of Inspector General.

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

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

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

702 KAR 001:192E. District employee quarantine leave. Todd Allen, general counsel; Matthew Courtney, division director; and Veronica Sullivan, policy advisor, represented the department.

In response to questions from Co-Chair West, Mr. Allen stated that this administrative regulation was currently in effect. It would be replaced in early May by a related ordinary regulation. The department would analyze the impact of Senate Bill 25 from the 2022 Regular Session of the General Assembly and report back to the subcommittee.

Co-Chair Hale stated that this administrative regulation appeared to be deficient.

In response to a question from Senator Yates, Co-Chair West stated that this administrative regulation was deficient because it was not included in Senate Bill 25, which rendered it null and void.

In response to a question from Senator Yates, Mr. Allen stated that paid quarantine leave would be eliminated if there was a gap between this administrative regulation and the ordinary version due to a deficiency finding.

Co-Chair Hale made a motion, seconded by Co-Chair West, to find this administrative regulation deficient. A roll call vote was conducted and, with five (5) votes to find this administrative regulation deficient and one (1) vote against deficiency, this administrative regulation was found deficient.

Senator Yates explained his no vote. He preferred deferring this administrative regulation so the General Assembly and the administration could have an opportunity to address the conflict with Senate Bill 25.

Representative Bridges explained his yes vote. Senate Bill 25 was law, and the subcommittee must comply. He regretted that the department had not raised this issue earlier to avoid the conflict.

Co-Chair West explained his yes vote. With the passage of Senate Bill 25, this administrative regulation was null and void as of January 15, 2022.

Co-Chair Hale explained his yes vote. This administrative regulation was deficient pursuant to the findings of Senate Bill 25.

The following emergency administrative regulation was reviewed pursuant to KRS 13A.190(3)(d):

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Essential Personal Care Visitor Program

900 KAR 014:010E. Essential personal care visitor programs; visitation guidelines. Kara Daniel, deputy executive director, and Adam Mather, inspector general, represented the office.

In response to a question from Co-Chair Hale, Mr. Mather stated that the office had developed the agency amendment after discussion with legislators for compliance with Senate Bill 100 from the 2022 Regular Session of the General Assembly.

In response to a question from Co-Chair West, Mr. Mather stated that the amendment deleted a facility's ability to prohibit essential caregivers and certain specific training requirements.

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to delete provisions relating to temporary suspension of essential personal care visitation; and (2) to amend Section 3 to: (a) state that facility training on infection prevention and control is only required if it is mandated by the facility's written policies and procedures; and (b) delete the requirement to include specific types of training. Without objection, and with agreement of the agency, the amendments were approved.

Administrative Regulations Reviewed by this Subcommittee:

SECRETARY OF STATE: Certifications

030 KAR 002:010. Certification of vacancy in nominations. Michael Adams, Secretary of State, and Jenni Scutchfield, assistant Secretary of State, represented the office.

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

FINANCE AND ADMINISTRATION CABINET: Teachers' Retirement System: General Rules

102 KAR 01:360E. Disability benefits for members who enter on, or after January 1, 2022. Tamela Biggs, staff attorney, represented the system.

In response to questions from Co-Chair West, Ms. Biggs stated that this emergency regulation was needed on a temporary basis to ensure regulatory coverage until the system could develop a more permanent process.

In response to a question from Co-Chair Hale, Ms. Biggs stated that there was not an ordinary version of this administrative regulation yet; it would be filed once the new process was fully developed.

#### BOARDS AND COMMISSIONS: State Board of Accountancy

201 KAR 001:190. Examination sections, applications, and procedures. Joe Donohue, executive director, represented the board.

A motion was made and seconded to approve the following amendments: (1) to delete Section 4, which related to the testing window that is no longer applicable; (2) to amend Section 1 to delete the term “testing window”; (3) to amend Section 2 to remove provisions related to the testing window that are no longer applicable; and (4) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 3 and 5 through 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.

#### Board of Pharmacy

201 KAR 002:106E. Licensed or permitted facility closures. Christopher Harlow, executive director, represented the board.

201 KAR 002:106. Licensed or permitted facility closures.

#### Board of Barbering

201 KAR 014:015. Retaking of examination. Christopher Hunt, board counsel, and Mason McNulty, administrator, represented the board.

201 KAR 014:030. Five (5) year expiration of license.

201 KAR 014:040. Inspection of shops and schools.

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

201 KAR 014:050. Apprentice license; qualifications.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 3, 5, and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 014:065. Place of business requirements.

201 KAR 014:085. Sanitation requirements.

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

201 KAR 014:105. Barbering school enrollment and postgraduate requirements.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 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 014:110. School equipment; plant layout.

A motion was made and seconded to approve the following amendments: to amend Sections 7, 10, 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.

201 KAR 014:115. Examinations; school and board.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to clarify the application deadline; (2) to amend Section 9 to update the "Instructor's Application for Examination" to change the examination fee from \$250 to \$300, (\$100 per examination section), for consistency with 201 KAR 14:180, and update all examination applications for consistency with the deadline date revisions; and (3) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 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.

201 KAR 014:125. Instructor requirements.

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

201 KAR 014:150. School records.

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

201 KAR 014:180. Fees.

A motion was made and seconded to approve the following amendments: to amend Sections 7 and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Examiners of Psychology.

201 KAR 026:115. Definition of psychological testing. Brenda Nash, chair, and Kevin Winstead, commissioner, represented the board.

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

201 KAR 026:125. Health service provider designation.

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.

201 KAR 026:130. Grievances and administrative complaints.

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

201 KAR 026:155. Licensed psychologist: application and temporary license.

In response to a question by Senator Yates, Mr. Winstead stated that this administrative regulation was being amended to update practicum reporting procedures on the application form.

In response to a question by Senator Yates, Ms. Nash stated that the changes were not intended to remove board oversight.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to make a technical correction. Without objection, and with agreement of the agency, the amendment was approved.

201 KAR 026:160. Fee schedule.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 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 026:175. Continuing education.

201 KAR 026:185. Requirements for granting licensure as a psychologist to an applicant licensed in another state.

201 KAR 026:190. Requirements for supervised professional experience.

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 026:215. Nonresident status.

201 KAR 026:225. Renewal and reinstatement.

201 KAR 026:230. Examinations and applications.

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

201 KAR 026:250. Employment of a psychological associate, a temporarily licensed psychological associate, or temporarily licensed psychologist.

201 KAR 026:270. Change of license status.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 4 to make technical corrections. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 026:310. Telehealth and telepsychology.

A motion was made and seconded to approve the following amendment: to amend Section 1 to make a technical correction. Without objection, and with agreement of the agency, the amendment was approved.

Board of Licensure for Massage Therapy

201 KAR 042:010. Goals for massage therapy sessions. Denise Logsdon, American Massage Therapy Association, Kentucky chapter, and Kevin Winstead, commissioner, represented the board.

201 KAR 042:020. Fees.

In response to questions by Representative Frazier Gordon, Ms. Logsdon stated that the fee for a certificate of good standing did not apply to licensees. The fee applied to instruction programs to cover the cost of overseeing those programs.

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

201 KAR 042:030. Licensee's change of name, home address, or place of business.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A, including to clarify what kinds of legal documents would authorize a name change. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 042:035. Application process, exam, and curriculum requirements.

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

201 KAR 042:040. Renewal and reinstatement.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 4, 5, 7, and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 042:050. Complaint procedure and disciplinary action.

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.

201 KAR 042:061. Code of ethics and standards of practice for massage therapists.

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.

201 KAR 042:070. Endorsement.

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to delete references to “active duty”; and (2) to amend the RELATES TO paragraph and Sections 1 through 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 042:080. Programs of massage therapy instruction.

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 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.

201 KAR 042:110. Continuing education requirements.

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

Board for Medical Imaging and Radiation Therapy

201 KAR 046:020E. Fees. Elizabeth Morgan, executive director, represented the board.

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

301 KAR 005:001. Definitions for 301 KAR Chapter 5. Brian Clark, commissioner, and Rich Storm, commissioner, represented the department.

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 005:030. Purchasing licenses and permits.

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

301 KAR 005:100. Interstate Wildlife Violators Compact.

In response to a question by Co-Chair Hale, Mr. Storm stated that this administrative regulation had been amended in response to sunset provisions. The changes updated the agency's contact information.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Sections 1 through 4 and 6 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.

DEPARTMENT OF AGRICULTURE: Industrial Hemp

302 KAR 050:021. Procedures and policies for hemp growers. Clint Quarles, attorney, represented the department.

In response to a question from Co-Chair West, Mr. Quarles stated that the amendments to this administrative regulation did not change the concentration level for THC. The changes were needed for federal regulatory approval.

302 KAR 050:031. Procedures and policies for hemp processors and handlers.

302 KAR 050:046. Department's reports to the USDA; records retention for three years.

302 KAR 050:056. Sampling and THC testing; disposal of non-compliant harvests; post-testing actions.

302 KAR 050:080. Materials incorporated by reference.

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

501 KAR 006:030. Kentucky State Reformatory. Amy Barker, assistant general counsel, and Brandon Lynch, program administrator, represented the department.

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

501 KAR 006:290. Southeast State Correctional Complex. David Frank, senior attorney, Protection and Advocacy, and Kevin Sharkey, staff attorney, Protection and Advocacy, appeared in opposition to this administrative regulation.

In response to a question from Co-Chair Hale, Mr. Sharkey stated that ending solitary confinement for mentally ill inmates was a priority for Protection and Advocacy. It caused mental illness to worsen and violated the constitutional prohibition of cruel and unusual punishment. Protection and Advocacy was requesting changes to two of the prison's policies regarding mentally ill inmates to make them less restrictive. Suicidal inmates needed more out-of-cell time or quicker transport to a more suitable facility to avoid protracted periods of solitary confinement.

Senator Yates stated that Louisville had experienced significant issues with these situations. They needed to be addressed quickly.

In response to a question from Senator Yates, Mr. Sharkey stated that severe mental illness was defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) and included disorders such as bipolar and schizophrenia.

In response to a question from Co-Chair Hale, Ms. Barker stated that the department had made changes in response to Protection and Advocacy's concerns. Additionally, the

department had a step-down procedure for suicide watch, including regular mental health visits and a goal of transitioning the inmate back to regular status. The two policies in question addressed short-term issues. The inmate was usually transferred to another facility if the issues continued.

In response to a question from Senator Yates, Ms. Barker stated that the time period before transfer depended on the individual inmate and the mental health professional's determination. The department would provide more specific information after investigation.

In response to questions from Co-Chair West, Ms. Barker stated that the department had amended the administrative regulation after comments to replace the restrictive housing unit with the special management unit. It provided a less restrictive environment for mentally ill inmates such as less time in the cell.

In response to a question from Co-Chair Hale, Mr. Lynch stated that this institution was located in Wheelwright, Kentucky.

In response to a question from Co-Chair Hale, Mr. Sharkey stated that he was not aware of specific cases of concern in this facility because it was new but knew of outside cases with bad outcomes.

Co-Chair Hale encouraged the department and Protection and Advocacy to continue to work together to address these issues.

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

#### Department of State Police: General Traffic

502 KAR 015:010. Traffic collision. Bradley Arterburn, commander; Amy Barker, assistant general counsel; and Brandon Cobb, program administrator, represented the department.

In response to a question from Senator Yates, Ms. Barker stated that filling out the traffic collision report was a statutory requirement.

In response to a question from Co-Chair West, Mr. Arterburn stated that the E-CRASH system was used if a report was made.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to add a definition for “Traffic Collision Report”; (2) to amend Section 2 to: (a) require law enforcement officers to use the E-CRASH collision reporting system to make traffic collision reports; and (b) allow a party involved in a collision that is not investigated by a law enforcement officer to submit a report using the online civilian collision reporting tool on the department website; (3) to amend Section 8 to update a form; and (4) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 3 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.

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

702 KAR 001:116. Annual in-service training of district board members. Todd Allen, general counsel; Matthew Courtney, division director; and Veronica Sullivan, policy advisor, represented the department.

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

Office of Instruction

704 KAR 003:395. Extended school services. Todd Allen, general counsel, represented the office.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Sections 1, 2, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

LABOR CABINET: Department of Workplace Standards: Occupational Safety and Health

803 KAR 002:321. Occupational health and environmental control. Sam Flynn, general counsel and chief of staff; Robin Maples, occupational safety and health standards specialist; and Chuck Stribling, occupational safety and health standards federal - state coordinator, represented the department.

In response to a question from Co-Chair West, Mr. Stribling stated that this administrative regulation incorporated federal standards verbatim. It replaced a previous version that had expired under the sunset provisions.

In response to a question from Co-Chair West, Ms. Maples stated that the standards related to noise exposure, ventilation, and nonionizing radiation.

803 KAR 002:426. Stairways and ladders.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Office of Health Data and Analytics: Kentucky Health Benefit Exchange

900 KAR 010:201. Repeal of 900 KAR 010:200. Kelly Rodman, director, and Edith Slone, division director, represented the office.

In response to a question from Co-Chair West, Ms. Slone stated that implementing the Kentucky exchange was less expensive than remaining on the federal exchange. The Kentucky exchange cost \$5 million initially and then \$2 million per year. The most recent cost for the federal exchange was \$15 million per year.

Department for Medicaid Services: Payments and Services

907 KAR 003:170. Telehealth service coverage and reimbursement. Jonathan Scott, regulation coordinator, represented the department.

A motion was made and seconded to approve the following amendments: (1) to delete Section 5(3) regarding out-of-state providers; and (2) to amend Sections 3 and 7 through 9 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Aging and Independent Living: Aging Services

910 KAR 001:190. Nutrition program for older persons. Victoria Elridge, commissioner, and Amanda Stoess, dietetic consultant, represented the department.

Department for Community Based Services: Energy Assistance Program/Weatherization

921 KAR 004:122. Assistance for low-income households with water or wastewater utility arrears. Laura Begin, regulation coordinator, represented the department.

Child Welfare

922 KAR 001:360E. Private child care placement, levels of care, and payment. Laura Begin, regulation coordinator, represented the department.

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

DEPARTMENT OF LAW: Medical Examination of Sexual Abuse Victims

040 KAR 003:020. Protocol for operation of local multidisciplinary teams on child sexual abuse.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:430. Emergency orders and hearings.

201 KAR 002:440. Legend drug repository.

Board of Licensure for Long-Term Care Administrators

201 KAR 006:040. Renewal, reinstatement, and reactivation of license.

Board of Embalmers and Funeral Directors

201 KAR 015:030E. Fees.

201 KAR 015:030. Fees.

201 KAR 015:040. Examination.

201 KAR 015:050. Apprenticeship and supervision requirements.

201 KAR 015:110. Funeral establishment criteria.

201 KAR 015:125. Surface transportation permit.

Board of Nursing

201 KAR 020:220. Nursing continuing education provider approval.

201 KAR 020:260E. Organization and administration standards for prelicensure registered nurse or practical nurse programs of nursing.

201 KAR 020:280. Standards for developmental status, initial status, and approval of prelicensure registered nurse and practical nurse programs.

201 KAR 020:360. Continuing approval and periodic evaluation of prelicensure registered nursing and licensed practical nursing programs.

#### Applied Behavior Analysis Licensing Board

201 KAR 043:010. Application procedures for licensure.

201 KAR 043:020. Application procedures for temporary licensure.

201 KAR 043:030. Fees.

201 KAR 043:040. Code of ethical standards and standards of practice.

201 KAR 043:050. Requirement for supervision.

201 KAR 043:060. Complaint and disciplinary process.

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

201 KAR 043:080. Renewals.

201 KAR 043:090. Voluntary inactive and retired status.

201 KAR 043:100. Telehealth and telepractice.

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

301 KAR 004:001. Selection of Fish and Wildlife Resources Commission nominees.

301 KAR 004:010. Districts.

301 KAR 004:020. Ballard Wildlife Management Area restrictions.

301 KAR 004:100. Peabody Wildlife Management Area use requirements and restrictions.

301 KAR 004:110. Administration of drugs to wildlife.

JUSTICE AND PUBLIC SAFETY CABINET: Department of State Police: Driver Training

502 KAR 010:010. Definitions.

502 KAR 010:020. Department facilities; facility inspection; conflict of interest.

502 KAR 010:030. Instructor's license.

502 KAR 010:035. Commercial driver's license skill testing.

502 KAR 010:040. Training school facilities.

502 KAR 010:050. Contracts and agreements.

502 KAR 010:060. School advertising.

502 KAR 010:070. Training vehicle, annual inspection. (Amended After Comments)

502 KAR 010:080. License suspension, revocation, denial.

502 KAR 010:090. Procedure for denial, suspension, nonrenewal or revocation hearings.

502 KAR 010:110. Third-party CDL skills test examiner standards.

502 KAR 010:120. Hazardous materials endorsement requirements.

Concealed Deadly Weapons

502 KAR 011:010. Application for license to carry concealed deadly weapon.

502 KAR 011:060. License denial and reconsideration process.

502 KAR 011:070. License revocation and suspension notice and reinstatement process.

Law Enforcement Officers Safety Act of 2004

502 KAR 013:010. 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 013:030. 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 013:040. 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 013:050. 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 013:060. 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 013:080. 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.

#### Criminal History Record Information System

502 KAR 030:010. Criminal History Record Information System.

502 KAR 030:020. Arrest and disposition reporting procedure.

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

502 KAR 030:050. Security of centralized criminal history record information.

502 KAR 030:060. Dissemination of criminal history record information.

502 KAR 030:070. Inspection of criminal history record information by record subject.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Department of Education:

Office of Learning Support Services

704 KAR 007:170. Corporal punishment.

Alternative Education Programs

704 KAR 019:002. Alternative education programs.

Department of Workforce Investment: Office of Vocational Rehabilitation

781 KAR 001:010. Office of Vocational Rehabilitation appeal procedures.

781 KAR 001:020. General provisions for operation of the Office of Vocational Rehabilitation.

781 KAR 001:030. Order of selection and economic need test for vocational rehabilitation services.

781 KAR 001:040. Rehabilitation technology services.

781 KAR 001:050. Carl D. Perkins Vocational Training Center.

Office for the Blind

782 KAR 001:010. Kentucky Business Enterprises.

782 KAR 001:070. Certified driver training program.

Apprenticeship Standards

787 KAR 003:020. Confidentiality of records of the Office of Employer and Apprenticeship Services.

Kentucky Commission on Proprietary Education

791 KAR 001:010. Applications, permits, and renewals.

791 KAR 001:020. Standards for licensure.

791 KAR 001:025. Fees.

791 KAR 001:027. School record keeping requirements.

791 KAR 001:030. Procedures for hearings.

791 KAR 001:035. Student protection fund.

791 KAR 001:040. Commercial driver license training school curriculum and refresher course.

791 KAR 001:050. Application for license for commercial driver license training school.

791 KAR 001:060. Application for renewal of license for commercial driver license training school.

791 KAR 001:070. Commercial driver license training school instructor and agency application and renewal procedures.

791 KAR 001:080. Maintenance of student records, schedule of fees charged to students, contracts and agreements involving licensed commercial driver license training schools.

791 KAR 001:100. Standards for Kentucky resident commercial driver training school facilities.

791 KAR 001:150. Bond requirements for agents and schools.

791 KAR 001:155. School closing process.

791 KAR 001:160. Transfer of ownership, change of location, change of name, revision of existing programs.

PUBLIC PROTECTION CABINET: General

800 KAR 001:020E. Team Western Kentucky Tornado Relief Fund.

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

803 KAR 001:005. Employer-employee relationship.

803 KAR 001:025. Equal pay provisions, meaning and application.

803 KAR 001:060. Overtime pay requirements.

803 KAR 001:063. Trading time.

803 KAR 001:065. Hours worked.

803 KAR 001:066. Recordkeeping requirements.

803 KAR 001:070. Executive, administrative, supervisory or professional employees; salesmen.

803 KAR 001:075. Exclusions from minimum wage and overtime.

803 KAR 001:080. Board, lodging, gratuities and other allowances.

803 KAR 001:090. Workers with disabilities and work activity centers' employee's wages.

PUBLIC PROTECTION CABINET: Department of Insurance: Health Insurance Contracts

806 KAR 017:350. Life insurance and managed care.

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

902 KAR 010:120. Kentucky public swimming and bathing facilities.

902 KAR 010:121. Plan review, annual permitting, and inspection fees for public swimming and bathing facilities, including splash pads operated by local governments.

902 KAR 010:190. Splash pads operated by local governments.

Office of Inspector General: Health Services and Facilities

902 KAR 020:018. Operation and services; end-stage renal disease facilities.

Department for Medicaid Services: Outpatient Pharmacy Program

907 KAR 023:020. Reimbursement for outpatient drugs.

Department for Community Based Services: Child Welfare

922 KAR 001:470. Central registry.

The subcommittee adjourned at 2:37 p.m. The next meeting of this subcommittee was tentatively scheduled for April 11, 2022, at 1 p.m.