

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the July Meeting

July 14, 2022

Call to Order and Roll Call

The July meeting of the Administrative Regulation Review Subcommittee was held on Thursday, July 14, 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; Senator David Yates; Representatives Randy Bridges, Deanna Frazier Gordon, and Mary Lou Marzian.

Guests: Becky Gilpatrick, Director of Student Aid, Miles Justice, Senior Associate Counsel, Kentucky Higher Education Assistance Authority (KHEAA); Rosemary Holbrook, Assistant General Counsel, Alan Hurst, Executive Director (Office of Employee Relations), Alaina Myers, Deputy Commissioner, Personnel Cabinet; Carrie Bass, Staff Attorney Supervisor, Jessica Beaubien, Policy Specialist, Kentucky Public Pensions Authority (KPPA); Christopher Harlow, Executive Director, Kentucky Board of Pharmacy; Kanetha Dorsey, Executive Director, Kentucky Board of Embalmers and Funeral Directors; Jeffrey Prather, General Counsel, Kentucky Board of Nursing; Eddie Slone, Interim Executive Director, John Wood, Attorney, Kentucky Board of Emergency Medical Services; Dave Dreves, Fisheries Director, Steven Fields, Attorney, Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources; Amber Arnett, Staff Attorney, Captain Marshall Johnson, Commander, Kentucky State Police; Anthony Hudgins, Deputy Executive Director, Office of Unemployment Insurance; Honor Barker, Deputy Commissioner, Oran McFarlan, Deputy General Counsel, Department of Workforce Investment; Joshua Newton, General Counsel, Department of Alcohol Beverage Control; Abigail Gall, Executive Advisor, Shaun Orme, Commissioner, Department of Insurance; Adam Mather, Inspector General, Kara Daniel, Deputy Inspector General, Office of Inspector General; Julie Brooks, Regulations Coordinator, Carrell Rush, Epidemiologist, Department for Public Health; Rachael Ratliff, Regulations Coordinator, Department for Behavioral Health, Developmental and Intellectual Disabilities; Donna Fiaschetti, Kentucky Association of Nurse Anesthetists; Delores Polito, Kentucky Affiliate of ACNM and Kentucky Association of NP and NM.

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 Thursday, July 14, 2022, and submits this report:

Administrative Regulations Reviewed by this Subcommittee:

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY: Student and Administrative Services

011 KAR 004:080. Student aid applications. Becky Gilpatrick, student aid director, and Miles Justice, senior associate counsel, represented the authority.

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.

KHEAA Grant Programs

011 KAR 005:145. CAP grant award determination 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.

Kentucky Educational Excellence Scholarship Program

011 KAR 015:090. Kentucky Educational Excellence Scholarship (KEES) Program.

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

Early Childhood Development Scholarship Program

011 KAR 016:020. Early Childhood Development Scholarship Program disbursement process.

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

Dual Credit Scholarship Program

011 KAR 022:010. Dual Credit Scholarship Program.

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

Optometry Scholarship Program

011 KAR 023:010. Optometry Scholarship Program.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3, 5, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

PERSONNEL CABINET: Classified

101 KAR 002:046. Applying for employment, qualifications and examinations. Rosemary Holbrook, assistant general counsel; Alan Hurst, director; and Alaina Myers, deputy commissioner, represented the cabinet.

101 KAR 002:095E. Classified service general requirements.

101 KAR 002:095. Classified service general requirements.

101 KAR 002:190. Employee performance management system.

General

101 KAR 006:020E. Kentucky Employees Charitable Campaign.

101 KAR 006:020. Kentucky Employees Charitable Campaign.

FINANCE AND ADMINISTRATION CABINET: Kentucky Retirement Systems

105 KAR 001:390. Employment after retirement. Carrie Bass, staff attorney supervisor, and Jessica Beaubien, policy specialist, represented the systems.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 4 and 8 to clarify the factors used to determine employment status; and (2)

to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs 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.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:020. Examination. Christopher Harlow, executive director, represented the board.

In response to a question by Senator Yates, Mr. Harlow stated that this administrative regulation would not result in a less rigorous licensure examination. The examination was developed by the national association.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 3, 4, 6, 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 002:050. Licenses and permits; fees.

201 KAR 002:225. Special limited pharmacy permit - medical gas.

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

Board of Embalmers and Funeral Directors

201 KAR 015:030E. Fees. Kanetha Dorsey, executive director, represented the board.

201 KAR 015:030. Fees.

201 KAR 015:040E. Examination.

201 KAR 015:040. Examination.

201 KAR 015:050E. Apprenticeship and supervision requirements.

201 KAR 015:050. Apprenticeship and supervision requirements.

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

201 KAR 015:110E. Funeral establishment criteria.

201 KAR 015:110. Funeral establishment criteria.

201 KAR 015:125E. Surface transportation permit.

201 KAR 015:125. Surface transportation permit.

Board of Nursing

201 KAR 020:070. Licensure by examination. Jeffrey Prather, general counsel, represented the board.

In response to a question by Co-Chair Hale, Mr. Prather stated that the board was opting to allow more than one (1) attempt to pass the NCLEX in response to Senate Bill 10 from the 2022 Regular Session of the General Assembly. Clinicals no longer applied during the coronavirus (COVID-19) pandemic, and it seemed prudent to offer a second opportunity to pass the examination. Provisional licenses expired after six (6) months.

A motion was made and seconded to approve the following amendment: to amend Section 6 to comply with SB 2 from the 2021 Regular Session to add a link to the material incorporated by reference. Without objection, and with agreement of the agency, the amendment was approved.

201 KAR 020:240. Fees for applications and for services.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs to comply with SB 10 from the 2022 Regular Session. Without objection, and with agreement of the agency, the amendments were approved.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM: Board of Emergency Medical Services

202 KAR 007:545. License classifications. Eddie Slone, interim executive director, and John Wood, counsel, represented the board.

202 KAR 007:560E. Ground vehicle staff.

In response to a question by Co-Chair Hale, Mr. Slone stated that this administrative regulation was filed on an emergency basis to allow CPR-certified drivers and bridge a gap in coverage of the program.

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

301 KAR 001:201. Taking of fish by traditional fishing methods. Dave Dreves, fisheries director; Steven Fields, staff attorney; and Jenny Gilbert, legislative liaison, represented the department.

In response to a question by Co-Chair Hale, Mr. Dreves stated that muskie were highly sought after. Surrounding states had a forty (40) inch size limit. Kentucky's limit had been thirty-six (36) inches without any noticeable detriment to the species; therefore, it seemed appropriate to increase the size limit to forty (40) inches.

Game

301 KAR 002:132. Elk hunting seasons, permits, zones, and requirements.

A motion was made and seconded to approve the following amendments: to amend Sections 3, 4, 8, and 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.

301 KAR 002:172. Deer hunting seasons, zones, and requirements.

A motion was made and seconded to approve the following amendments: to amend Section 14 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 002:221. Waterfowl seasons and limits.

A motion was made and seconded to approve the following amendments: to amend Sections 9 and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

502 KAR 010:010. Definitions. Amber Arnett, staff attorney, and Captain Marshall John-son, commander, Driver Testing Branch, 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 and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

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

502 KAR 010:030. Instructor's license.

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

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.

502 KAR 010:040. Training school facilities.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 4, 6, 7, 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.

502 KAR 010:050. Contracts and agreements.

A motion was made and seconded to approve the following amendment: to correct the agency name. Without objection, and with agreement of the agency, the amendment was approved.

502 KAR 010:060. School advertising.

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

502 KAR 010:070. Training vehicle, annual inspection.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2, 4, and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to substitute the term “motor vehicle” for “automobile”; and (2) to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

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

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

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

502 KAR 010:120. Hazardous materials endorsement requirements.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to: (a) add a definition for “CDL testing location”; and (b) delete the definition for “fingerprint centers”; (2) to amend Section 2 to reference the application requirements established by 49 C.F.R. 1572.9; (3) to amend Sections 2 and 3 to allow the fee for a fingerprint-based background check to be paid electronically; (4) to amend Section 3 to reference a “regional CDL testing location”; (5) to amend Sections 5 and 6 to delete the provisions in their entirety; and (6) to amend Sections 1 through 3 to comply with the formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

LABOR CABINET: Office of Unemployment Insurance

787 KAR 001:360E. Overpayment waivers. Anthony Hudgins, deputy executive director, and Oran McFarlan, deputy general counsel, represented the office.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Advertising Distilled Spirits and Wine

804 KAR 001:102. General advertising practices. Joshua Newton, general counsel, 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 Sections 8 and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Malt Beverage Equipment, Supplies and Service

804 KAR 011:041. Growlers.

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

Malt Beverages and Wine

804 KAR 014:011. Brewing and winemaking for personal use.

Department of Insurance: Agents, Consultants, Solicitors and Adjustors

806 KAR 009:380. Limited lines self-service storage space insurance requirements. Abigail Gall, executive advisor, and Shaun Orme, executive advisor, 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 Sections 2 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.

806 KAR 009:390. Portable electronics retailer license.

In response to a question by Co-Chair West, Ms. Gall stated that this administrative regulation governed insurance on electronic devices, such as cellular telephones. Because these were not traditional insurance policies, a license was not necessary.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE to make a technical correction; and (2) to amend Section 5 and the material incorporated by reference to make corrections to background information questions. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: State Health Plan

900 KAR 005:020E. State Health Plan for facilities and services. Kara Daniel, deputy inspector general, and Adam Mather, inspector general, represented the office. Ken Marshall, chief operating officer, University of Louisville Health, appeared in support of this administrative regulation.

In response to questions by Co-Chair West, Ms. Daniel stated that the State Health Plan was required to be amended annually. The coronavirus (COVID-19) pandemic strained the agency, and the State Health Plan veered off schedule. This filing was working toward getting back on schedule. This administrative regulation was filed on an emergency basis in order to meet the state deadline.

A motion was made and seconded to approve the following amendments: to amend the material incorporated by reference to: (1) make technical changes; and (2) allow licensure for applicants with prospective plans to provide fixed-site diagnostic cardiac catheterization. Without objection, and with agreement of the agency, the amendments were approved.

900 KAR 005:020. State Health Plan for facilities and services.

A motion was made and seconded to approve the following amendments: to amend the material incorporated by reference to: (1) make technical changes; and (2) allow licensure for applicants with prospective plans to provide fixed-site diagnostic cardiac catheterization. Without objection, and with agreement of the agency, the amendments were approved.

Certificate of Need

900 KAR 006:075E. Certificate of need nonsubstantive review.

In response to a question by Co-Chair West, Mr. Mather stated that this administrative regulation was intended to implement House Bill 777 from the 2022 Regular Session of the General Assembly.

A motion was made and seconded to approve the following amendments: to amend Section 2 to make technical changes. Without objection, and with agreement of the agency, the amendments were approved.

900 KAR 006:075. Certificate of Need nonsubstantive review.

A motion was made and seconded to approve the following amendments: to amend Section 2 to make technical changes. Without objection, and with agreement of the agency, the amendments were approved.

Essential Personal Care Visitor Program

900 KAR 014:010E. Essential personal care visitor programs; visitation guidelines.

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.

900 KAR 014:010. Essential personal care visitor programs; visitation guidelines.

Department for Public Health: Communicable Diseases

902 KAR 002:020E. Reportable disease surveillance. Julie Brooks, regulation coordinator, and Carrell Rush, epidemiologist, represented the department. Dr. Donna Fiaschetti, CRNA, Kentucky Association of Nurse Anesthetists, appeared in support of 902 KAR 20:106, and Dee Polito, CNM, vice president, Kentucky Affiliate of ACNM, appeared in support of 902 KAR 20:016.

Health Services and Facilities

902 KAR 020:016. Hospitals; operations and services.

In response to a question by Co-Chair Hale, Ms. Polito thanked the agency for providing admitting privileges to nurse midwives.

902 KAR 020:106. Operation and services; ambulatory surgical center.

In response to a question by Co-Chair Hale, Ms. Fiaschetti thanked the agency for establishing a surgical smoke evacuation system and for deleting the requirement that a certified nurse anesthetist practice under the supervision of a surgeon.

Representative Marzian clarified that this was Senator Raque Adams's bill.

Office of Inspector General

906 KAR 001:110. Critical access hospital services.

Department for Behavioral Health, Developmental and Intellectual Disabilities:
Institutional Care

908 KAR 003:010. Patient's rights. Racheal Ratliff, regulation coordinator, 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 Sections 1 through 5 and 7 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.

The following administrative regulations were deferred or removed from the July 14, 2022, subcommittee agenda:

STATE BOARD OF ELECTIONS: Statewide Voter Registration

031 KAR 003:031E. Voting precinct and address of overseas voter whose last place of residence is in the Commonwealth is no longer a recognized residential address.

Forms and Procedures

031 KAR 004:071E. Recanvas procedures.

031 KAR 004:131E. Delivery and return of absentee ballots transmitted to covered voters via facsimile or electronically.

031 KAR 004:141E. Submission of the federal postcard application via electronic mail.

031 KAR 004:196E. Consolidation of precincts and precinct election officers.

031 KAR 004:201E. Chain of custody for records during an election contest.

031 KAR 004:210E. Establishment of risk-limiting audit pilot program.

Voting

031 KAR 005:011E. Use of the federal write-in absentee ballot.

031 KAR 005:026E. Ballot standards and election security.

PERSONNEL CABINET: Personnel Cabinet, Classified

101 KAR 002:066. Certification and selection of eligible applicants for employment.

101 KAR 002:102. Classified leave general requirements.

Personnel Cabinet, Unclassified

101 KAR 003:015. Leave requirements for unclassified service.

FINANCE AND ADMINISTRATION CABINET: Kentucky Retirement Systems

105 KAR 001:450E. Quasi-governmental employer reports on independent contractors and leased employees.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:015. Continuing education.

Board of Dentistry

201 KAR 008:520. Fees and fines.

201 KAR 008:550. Anesthesia and sedation related to dentistry.

Real Estate Commission

201 KAR 011:121. Standards of professional conduct.

TOURISM, ARTS AND HERITAGE CABINET: Heritage Council

300 KAR 006:011E. Historic rehabilitation tax credit certifications.

JUSTICE AND PUBLIC SAFETY CABINET: Department of State Police:
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.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Department of
Workforce Investment: Employment Services

787 KAR 002:040. Local workforce development area governance. Honor Barker, deputy commissioner, and Oran McFarlan, deputy general counsel, represented the department. Senator Jimmy Higdon appeared in opposition to this administrative regulation.

In response to questions by Co-Chair West, Ms. Barker stated that there were ten (10) local area workforce boards that aligned and partnered with Area Development Districts. In conjunction with the department, the Kentucky Workforce Innovation Board (KWIB) provided oversight, guidance, and technical assistance to the local boards. It was unclear to the department the extent to which Senate Bill 207 from the 2022 Regular Session of the General Assembly (SB 207) impacted this administrative regulation. The intention of this amendment was to clarify the governance structure. Because KWIB was an advisory board to the Governor, KWIB ultimately answered to the Governor as well. Requirements were not more stringent than the provisions established in the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. 3101 et seq. Mr. McFarlan stated that WIOA was a collaborative act among federal, state, and local bodies. Federal requirements required KWIB to issue policies, and this administrative regulation aligned with that.

In response to questions by Co-Chair Hale, Senator Higdon stated that this administrative regulation appeared to contravene SB 207, which established responsibilities for this program primarily through the Kentucky Education and Workforce Collaborative and through reorganized board representation. Senator Jimmy Higdon and Representative Bobby McCool were both members of KWIB. Local boards were a subdivision of Area Development Districts.

In response to a question by Co-Chair West, Senator Higdon stated that this administrative regulation seemed to have failed to apply the new organization established by SB 207. This administrative regulation seemed to leave the current board as it was before the bill.

Senator Yates stated that, if challenged, enacted legislation would supersede an administrative regulation if there were to be a perceived conflict.

In response to a question by Co-Chair Hale, Ms. Barker stated that this administrative regulation did not impact the makeup of the board. This administrative regulation clarified that KWIB would issue policies and guidance to the local boards, all in accordance with WIOA. This clarification was recommended during the auditing process. Mr. McFarlan stated that he agreed that this administrative regulation did not affect the makeup of the board.

Co-Chair West stated that the main problem with this administrative regulation seemed to be the reference, “in coordination with the Governor.” SB 207 seemed to be advocating for more independence for the local boards. Giving the Governor what compares to “veto power” through this administrative regulation might mitigate some of the intended independence.

In response to a question by Co-Chair West, Ms. Barker stated that federal law required coordination with the Governor.

Senator Yates stated that, if this administrative regulation were deferred, a determination was advisable to examine how these requirements would interact and preempt if a conflict were to be recognized.

Co-Chair Hale stated that SB 207 was good legislation, and this administrative regulation seemed to conflict.

In response to a question by Co-Chair West, Ms. Barker stated that the agency would defer consideration of this administrative regulation to the August 2022 meeting of this subcommittee. Without objection, and with agreement of the agency, this administrative regulation was deferred.

A motion was made and seconded to approve the following amendments: (1) to add a definition section; and (2) to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 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.

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.

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.

Department of Workers' Claims

803 KAR 025:195E. Utilization review, appeal of utilization review decisions, and medical bill audit.

803 KAR 025:195. Utilization review, appeal of utilization review decisions and medical bill audit.

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: Early Intervention System

902 KAR 030:120. Evaluation and eligibility.

Department for Community Based Services: Child Welfare

922 KAR 001:310. Standards for child-placing agencies.

922 KAR 001:315. Standards for child-placing agencies placing children who are not in the custody of the cabinet.

922 KAR 001:340. Standards for independent living programs.

Other Business: Representative Bridges welcomed his grandson, Nicholas Saladino, who was attending this subcommittee meeting.

The subcommittee adjourned at 2:15 p.m. The next meeting of this subcommittee was tentatively scheduled for August 9, 2022, at 1 p.m.