

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of June 11, 2024

Call to Order and Roll Call

The June meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, June 11, 2024 at 1:00 p.m. in Room 149 of the Capitol Annex. Representative Derek Lewis, Co-Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams, Damon Thayer, and David Yates; and Representatives Randy Bridges and Deanna Frazier Gordon.

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

Guests: Cassie Trueblood, Education Professional Standards Board; Tamara Reid-McIntosh, Kelsey Sanders, Silas Session, Department of Veterans' Affairs; Jennifer Scutchfield, Michael Wilson, Secretary of State; Sana Abhari, Colt Sells, Commission on Human Rights; Kelly Jenkins, Jeff Prather, Board of Nursing; Dave Dreves, Steven Fields, Jenny Gilbert, Department of Fish and Wildlife Resources; Jon Johnson, Godwin Onodu, Transportation Cabinet; Bruce Roberts, John Wood, Commission on Fire Protection Personnel Standards and Education; John E.B. Pinney, Public Service Commission; Drew Conners, Jennifer Wolsing, Kentucky Horse Racing Commission; and Laura Begin, David Lovely, Valerie Moore, Cabinet for Health and Family Services.

The Administrative Regulation Review Subcommittee met on Tuesday, June 11, 2024, and submits this report:

EDUCATION AND LABOR CABINET: Education Professional Standards Board: Teaching Certificates

[016 KAR 002:120](#). Emergency certification and out-of-field teaching. Cassie Trueblood, counsel, represented the board.

In response to questions by Senator Thayer, Ms. Trueblood stated that GPA requirements were being lowered from 3.0 to 2.75 to align with GPA requirements for other certifications and to ease districts' ability to hire teachers when qualified candidates were not available. Emergency certification was necessary to fill certain, full-time teaching vacancies. Candidates were often in the process of working toward raising their GPAs to attain full teaching certification status.

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

OFFICE OF THE GOVERNOR: Department of Veterans' Affairs: Office of Kentucky Veterans Services

[017 KAR 006:020](#). Kentucky Women Veterans Program and coordinating committee, administrative procedures. Tamara Reid-McIntosh, counsel; Kelsey Sanders, legislative liaison; and Silas Session, executive director, represented the office.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend the STATUTORY AUTHORITY paragraph to add "KRS 45A.097"; (3) to amend Section 2(1) to: (a) require Women Veterans Program funds to be used solely for the purposes and functions described in KRS 40.600; and (b) delete existing language; (4) to add a new Section 2(3) to establish reporting requirements for the Women Veterans Coordinating Committee; and (5) to delete Sections 3 and 4. Without objection, and with agreement of the agency, the amendments were approved.

[017 KAR 006:030](#). Kentucky Wounded or Disabled Veterans Program, administrative procedures.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 2(2) to: (a) require Wounded or Disabled Veterans Program funds to be used for the purposes and functions described in KRS 40.350; and (b) delete existing language. Without objection, and with agreement of the agency, the amendments were approved.

SECRETARY OF STATE: Department of State: Occupational License Fees

[030 KAR 007:011](#). Standard form for occupational license fee return. Jennifer Scutchfield, assistant secretary of state, and Michael Wilson, director of business services, represented the department.

KENTUCKY COMMISSION ON HUMAN RIGHTS

[104 KAR 001:010](#). Posting, distribution and availability of notices and pamphlets. Sana Abhari, staff attorney, and Colt Sells, counsel, represented the commission.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND

CONFORMITY paragraphs and Sections 1, 2, 4, and 5 to comply with the drafting requirements of KRS Chapter 13A, including to update material incorporated by reference to meet accessibility standards. Without objection, and with agreement of the agency, the amendments were approved.

[104 KAR 001:040](#). Guidelines for advertising employment or licensing opportunities.

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, 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.

[104 KAR 001:050](#). Standards and procedures for providing equal employment opportunities.

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

[104 KAR 001:080](#). Guidelines on fair housing.

In response to questions by Co-Chair West, Mr. Sells stated that this administrative regulation established guidelines for compliance with state and federal fair housing practices, as required by the Kentucky Civil Rights Act.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 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.

[104 KAR 001:100](#). Nondiscrimination on the basis of disability by a place of public accommodations, licensing agencies and trade organizations.

BOARDS AND COMMISSIONS: Board of Nursing

[201 KAR 020:360](#). Continuing approval and periodic evaluation of prelicensure registered nursing and licensed practical nursing programs. Kelly Jenkins, executive director, and Jeffrey Prather, general counsel, represented the board.

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

[301 KAR 001:150](#). Waters open to commercial fishing. Dave Dreves, fisheries director; Steven Fields, staff attorney; and Jenny Gilbert, legislative liaison, represented the department.

In response to questions by Co-Chair West, Mr. Dreves stated that there had been no reports of invasive carp in Lake Cumberland. This administrative regulation was being amended to close off the upper branch of the lake to commercial fishing due to conflicts between recreational and commercial users. The area to be closed represented approximately 1,000 acres of the 52,000-acre area. Some recreational users had been tangled in trotlines left behind in the area. A decreased paddlefish population in the area was also a concern. Trotlines could be for commercial or recreational use; however, lines with fifty (50) or more hooks were considered to constitute commercial trotlines.

In response to a question by Senator Thayer, Mr. Dreves stated that recreational fishers that troll had gotten their lines tangled in the discarded commercial trotlines. Additionally, recreational boaters and other visitors to the lake could potentially become entangled too if water levels dropped and exposed the lines. A lake sturgeon stocking project had been implemented in the area. Lake sturgeon were particularly susceptible to becoming trapped in discarded trot lines, stalling repopulation efforts.

Game

[301 KAR 002:122](#). Seasons, methods, and limits for small game.

Licensing

[301 KAR 005:040](#). Migratory Bird Harvest Information Program.

A motion was made and seconded to approve the following amendment: to amend Section 3 to add a Web address link. Without objection, and with agreement of the agency, the amendment was approved.

[301 KAR 005:210](#). Special agency fundraising permits.

In response to questions by Co-Chair Lewis, Ms. Gilbert stated that this new permit program was created to provide an opportunity for the public to have another chance, if chosen in a special draw, to hunt big game. The program was also expected to provide the agency with a new social, recreational, and economic benefit. A recipient, if chosen, would have an opportunity to hunt elk, bear, deer, and turkey during assigned seasons and in compliance with zone requirements. A second permit would include bear, deer, and turkey. Mr. Fields stated that the new permit would allow the holder to hunt on any elk hunting unit if used on private property.

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

Sections 1 through 4 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.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Certification of Title

[601 KAR 023:040](#). Application form to become Kentucky Electronic License Title Entity; and application form for electronic motor vehicle title application submission. Jon Johnson, assistant general counsel, and Godwin Onodu, director, Division of Motor Vehicle Licensing, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph and Sections 1 through 4 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 3 to add language pertaining to document scanners. Without objection, and with agreement of the agency, the amendments were approved.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM: Kentucky Fire Commission: Commission on Fire Protection Personnel Standards and Education

[739 KAR 002:160](#). Reimbursement for line-of-duty stress injury treatment. Bruce Roberts, deputy director, and John Wood, counsel, represented the commission.

In response to a question by Co-Chair West, Mr. Roberts stated that the amendment would make claiming benefits easier because it more thoroughly clarified the differences between a career and volunteer firefighter and more clearly established the procedures to apply for benefits. Mr. Wood stated that this administrative regulation implemented recent legislation.

Senator Yates and Co-Chair Lewis thanked the commission for the important work they do for the citizens of Kentucky.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to clarify the definition for "volunteer firefighter"; and (2) to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

ENERGY AND ENVIRONMENT CABINET: Public Service Commission: Utilities

[807 KAR 005:078](#). Alternative rate adjustment for electric cooperatives. John E.B. Pinney, executive advisor, represented the commission.

In response to a question by Co-Chair West, Mr. Pinney stated that this administrative regulation only applied to electric cooperatives.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 through 9 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 10 to include the commission's criteria for exceptions. Without objection, and with agreement of the agency, the amendments were approved.

PUBLIC PROTECTION CABINET: Kentucky Horse Racing Commission: Incentive and Development Funds

[810 KAR 007:040](#). Kentucky Standardbred Development Fund and Kentucky Standardbred Breeders' Incentive Fund. Drew Conners, division director, Incentives and Development, and Jennifer Wolsing, general counsel, represented the commission.

In response to a question by Senator Thayer, Mr. Conners stated that this administrative regulation allowed for expanding breeding practices to other states and the Southern Hemisphere.

In response to a question by Senator Yates, Mr. Conners stated that the breeding practices addressed in the amendment had already been in use; this change codified those practices.

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.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Health Services and Facilities

[902 KAR 020:036](#). Operation and services; personal care homes. Laura Begin, regulation coordinator, Department for Community Based Services; David Lovely, interim inspector general; and Valerie Moore, policy specialist, Office of Inspector General, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph and Sections 1, 2, and 4 through 7 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Sections 5 and 6: (a) for compliance with House Bill 493 from the 2024 Regular Session of the General Assembly; and (b) to make technical conforming amendments. Without objection, and with agreement of the agency, the amendments were approved.

Department for Community Based Services: K-TAP, Kentucky Works, Welfare to Work, State Supplementation

[921 KAR 002:015](#). Supplemental programs for persons who are aged, blind, or have a disability.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 4, 7, 8, 10, and 13 through 15 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 13(1)(a), related to personal care homes that qualify for supplemental funds for participating in the Mental Illness or Intellectual Disability Supplement Program (limited by the availability of funds), to change the supplement payment from \$25,000 per quarter to \$1.00 per diem, per recipient, as of the first calendar day of the qualifying month. Without objection, and with agreement of the agency, the amendments were approved.

The following administrative regulations were deferred or removed from the June 11, 2024, subcommittee agenda:

EDUCATION AND LABOR CABINET: Education Professional Standards Board: Teaching Certificates

[016 KAR 002:160](#). Probationary certificate for teachers of exceptional children.

STATE BOARD OF ELECTIONS: Electronic Voting Systems

[031 KAR 002:010E](#). Preparation of ballots and voting systems prior to election day.

Statewide Voter Registration

[031 KAR 003:041E](#). Electronic Voter Registration System.

Forms and Procedures

[031 KAR 004:031E](#). Reporting.

[031 KAR 004:220E](#). Recount procedures.

Voting

[031 KAR 005:026E](#). Ballot standards and election security.

[031 KAR 005:040E](#). Questions regarding voter eligibility.

OFFICE OF THE ATTORNEY GENERAL: Department of Law: Criminal Investigations

[040 KAR 010:010](#). Uniform procedure and timeline for conducting independent election inquiries.

BOARDS AND COMMISSIONS: Board of Pharmacy

[201 KAR 002:220](#). Collaborative care agreements.

Board of Nursing

[201 KAR 020:320](#). Standards for curriculum of prelicensure registered nurse and practical nurse programs.

INDEPENDENT ADMINISTRATIVE BODIES: Office of Homeland Security: 911 Services Board

[202 KAR 006:090](#). Permitted uses by PSAPs for CMRS funds.

JUSTICE AND SAFETY CABINET: Department of Corrections: Jail Standards for Life Safety Facilities

[501 KAR 013:010](#). Life safety issues.

PUBLIC PROTECTION CABINET: Department of Housing, Buildings and Construction: Kentucky Building Code

[815 KAR 007:120](#). Kentucky Building Code.

[815 KAR 007:125](#). Kentucky Residential Code.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Medicaid Services

[907 KAR 001:044](#). Coverage provisions and requirements regarding community mental health center behavioral health services.

Behavioral Health

[907 KAR 015:005](#). Definitions for 907 KAR Chapter 015.

Department for Aging and Independent Living: Aging Services

[910 KAR 001:270](#). Hart-Supported Living grant program.

Office of the Secretary: General

[915 KAR 001:001](#). Definitions for 915 KAR Chapter 1.

[915 KAR 001:030](#). Cultivator.

[915 KAR 001:040](#). Processor.

[915 KAR 001:050](#). Producer.

[915 KAR 001:060](#). Safety compliance facility.

[915 KAR 001:070](#). Dispensary.

[915 KAR 001:080](#). Transportation and delivery of medicinal cannabis.

[915 KAR 001:090](#). Advertising.

[915 KAR 001:100](#). Packaging and labeling of medicinal cannabis.

[915 KAR 001:110](#). Medicinal cannabis testing.

Office of the Secretary: Patients, Caregivers, and Practitioners

[915 KAR 002:001](#). Definitions for 915 KAR Chapter 2.

[915 KAR 002:010](#). Procedures for registry identification cards.

[915 KAR 002:020](#). Supply limits and equivalency formula.

[915 KAR 002:030](#). Written certifications.

[915 KAR 002:040](#). Procedures to publish list of varieties of medicinal cannabis.

The subcommittee adjourned at 1:35 p.m. The next meeting of this subcommittee was tentatively scheduled for July 9, 2024, at 1 p.m. in Room 149 of the Annex.