

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of January 13, 2025

Call to Order and Roll Call

The January meeting of the Administrative Regulation Review Subcommittee was held on Monday, January 13, 2025, at 1:00 p.m. in Room 149 of the Capitol Annex. Senator Stephen West, 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 Mike Wilson and David Yates; and Representatives Randy Bridges, Deanna Frazier Gordon, and Mary Lou Marzian.

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

Guests: Travis Powell, Council on Postsecondary Education; Beau Barnes, Teachers' Retirement System; Jessica Beaubien, Nathan Goodrich, Victoria Hale, Kentucky Public Pension Authority; Dr. John Park, DVM, Michelle Shane, Board of Veterinary Examiners; Kelly Jenkins, Jeff Prather, Board of Nursing; Eddie Slone, John Wood, Board of Emergency Medical Services; Steven Fields, Jenny Gilbert, Department of Fish and Wildlife Resources; Leah Boggs, Nathan Goens, Department of Corrections; Nathan Day, Nathan Goens, Angela Parker, Department of State Police; Mike Bosse, Nathan Goens, Department of Criminal Justice Training; Jon Johnson, Godwin Onodu, Department of Vehicle Registration; Todd Allen, Robbie Fletcher, Department of Education; Greg Higgins, Anthony Hudgins, Charles Wheatley, Department for Employment Services; Jason Hernandez, Robin Maples, Chuck Stribling, Department of Workplace Standards; Jonathan Fuller, David Moore, Darryl Morgan, Department of Housing, Buildings and Construction; Richard Bartlett, Erica Brakefield, Julie Brooks, Jennifer Burt, Jessica Davenport, Jonathan Scott, Phyllis Sosa, Cabinet for Health and Family Services; and Michael Frazier, Kentucky Student Rights Association and Eastern Kentucky University: Student Government Association.

Administrative Regulations Reviewed by this Subcommittee:

COUNCIL ON POSTSECONDARY EDUCATION: Public Educational Institutions

[013 KAR 002:120](#). Comprehensive funding model for the allocation of state general fund appropriations to public universities. Travis Powell, vice president and general counsel, represented the council. Michael Frazier, Kentucky Student Rights Coalition and Eastern Kentucky University Student Government Association, appeared in opposition to this administrative regulation.

In response to Co-Chair West, Mr. Powell stated Senate Bill 191 from the 2024 Regular Session changed the postsecondary performance funding model and required review by the Postsecondary Education Working Group, which was tasked with defining “underrepresented students.” The university model increased the low-income degree premium from three percent to eight percent; added an adult learner metric, which increased the weight per credit hour for students aged 25 or older; increased the small school adjustment for both Kentucky State University and Morehead State University; and adjusted the out-of-state credit weighting from half to three-quarters of total credit hour rating versus in-state credit. There was a five percent reduction of the credit hour production pool from 35 to 30 percent to account for the five percent increase in the low-income degree premium. For academic year 2024 – 2025, the three percent of additional funding for underrepresented students would be allocated at one and five-tenths percent going to low-income students, while the remaining one and five-tenths percent would go to first-generation college students. The Postsecondary Education Working Group recommended defining “underrepresented students” as first-generation college students. That definition recommendation further prompted the need to adjust weightings. The additional three percent funding after academic year 2024 – 2025 would go entirely to first-generation college students.

In response to Co-Chair West, Mr. Frazier stated 013 KAR 002:120 was deficient because it misapplied weighting. While weighting was explicitly required by statute for the KCTCS model, Senate Bill 191 was silent as to weighting regarding the university model. The General Assembly should introduce legislation this session to clarify the application of weighting provisions, and the council should provide updated fiscal information pertaining to the effects of the agency amendment. Mr. Powell stated weighting had been used for the university model since the inception of this funding model in 2017. The council and working group had been transparent in the development of this administrative regulation, and the public did not submit comments during the public comment period for either administrative regulation. The council needed to move forward with these administrative regulations in order to meet the next academic year’s deadline, and waiting for new legislation to become effective would not be sufficient to meet that timeline.

Representative Frazier Gordon stated the difference in funding between comprehensive and research universities and the structure of current funding models could lead to a substantial loss in funding for comprehensive universities.

In response to Senator Yates, Mr. Powell stated the next three-year cycle for revisions to funding models would begin in January of 2026 to provide updated metrics and revisions to the funding model by the end of that year.

Co-Chair West stated this administrative regulation would proceed to the committee of jurisdiction for further consideration.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1, 5, 6, and 9 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Section 1(17) to include the council’s criteria to determine fields of study for a STEM+H bachelor’s degree; and (3) to amend Sections 5 and 9 and incorporated material to

revise funding model metrics in accordance with the Performance Funding Working Group recommendations. Without objection, and with agreement of the agency, these amendments were approved.

[013 KAR 002:130](#). Comprehensive funding model for the allocation of state general fund appropriations to the Kentucky Community and Technical College System institutions.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1, 4, and 7 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 4 to revise funding model metrics in accordance with the Performance Funding Working Group recommendations. Without objection, and with agreement of the agency, these amendments were approved.

TEACHERS' RETIREMENT SYSTEM

[102 KAR 001:195](#). Employer reports. Beau Barnes, deputy executive secretary and general counsel, represented the system.

[102 KAR 001:340](#). Calculation of final average salary.

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

PUBLIC PENSIONS AUTHORITY

[105 KAR 001:130](#). Hazardous position coverage. Jessica Beaubien, policy specialist; Nathan Goodrich, staff attorney supervisor; and Victoria Hale, general counsel, represented the authority.

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

[105 KAR 001:445](#). Trustee elections.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 5, 8, and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, these amendments were approved.

BOARDS AND COMMISSIONS: Board of Veterinary Examiners

[201 KAR 016:520](#). Approved veterinary medical programs for veterinarians; approved veterinary technology programs for veterinary technicians. Dr. John Park, DVM, chair, and Michelle Shane, executive director, represented the board.

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, these amendments were approved.

[201 KAR 016:530](#). Examination requirements for veterinarians and veterinary technicians.

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, 3, and 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, these amendments were approved.

[201 KAR 016:590](#). Continuing education requirements, veterinarians and veterinary technicians.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 through 4 and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, these amendments were approved.

Board of Nursing

[201 KAR 020:057](#). Scope and standards of practice of advanced practice registered nurses. Kelly Jenkins, executive director, and Jeff Prather, general counsel, represented the board.

In response to Co-Chair West, Mr. Prather stated the reference to an "online monitoring system" was to comply with current and potential future monitoring systems for prescription information.

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 through 3 and 10 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, these amendments were approved.

INDEPENDENT ADMINISTRATIVE BODIES: Board of Emergency Medical Services

[202 KAR 007:401](#). Paramedics. Eddie Slone, executive director, and John Wood, counsel, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to comply with the drafting requirements of KRS Chapter 13A; (2) to postpone the

sunset date for critical care endorsements from January 1, 2026, to January 1, 2027; and (3) to establish the date the board shall stop accepting endorsement applications as June 30, 2025. Without objection, and with agreement of the agency, these amendments were approved.

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

[301 KAR 002:081](#). Transportation and holding of live native wildlife. Steven Fields, staff attorney, and Jenny Gilbert, legislative liaison, represented the department.

In response to Co-Chair Lewis, Ms. Gilbert stated hares and rabbits are anatomically distinct. It is difficult to distinguish domesticated European rabbits from wild European rabbits, which tend to carry numerous diseases. The department's veterinarian is tracking trends regarding the highly pathogenic avian influenza (HPAI) and would provide this information to the subcommittee.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 2, 4, 5, 7, 9, and 13 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, these amendments were approved.

[301 KAR 002:082](#). Transportation and holding of live exotic wildlife.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2, 3, 6, 10, and 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, these amendments were approved.

[301 KAR 002:225](#). Dove, wood duck, teal, and other migratory game bird hunting.

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

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

[501 KAR 006:410](#). Corrections policies and procedures: inmate life and issues. Leah Boggs, general counsel, and Nathan Goens, assistant general counsel, represented the office.

In response to Co-Chair West, Ms. Boggs stated the agency amendment withdrew previously proposed policy changes and reverted the policy to 2018 standards. The department was continuing to review the Attorney General's opinion and would develop new policies to comply with the opinion and the federal Prison Rape Elimination Act (PREA), recognizing that, in accordance with the Attorney General's opinion, certain medical care, other than gender-affirming surgery, might be legally required if a health care provider determined the care to be necessary for a serious medical need.

In response to Senator Yates, Ms. Boggs stated the policy prior to 2018 did not include gender reassignment surgery.

In response to Co-Chair West, Ms. Boggs stated gender reassignment surgery had not happened, did not happen, and would not happen. The department had never approved or provided gender reassignment surgery. Inmates who received prescriptions for hormone therapies from physicians receive those medications. The costs for hormone therapy medications for inmates are covered under the department's contract with Diamond Pharmacy Services. This policy would continue as the contract covered all medications prescribed by licensed physicians to inmates within the Department of Corrections.

In response to Co-Chair Lewis, Ms. Boggs stated, as of January 8, 2025, out of 12,842 inmates in department custody, 467 receive some form of hormone therapy, including treatment for post-partum depression, menopausal symptoms, and gender dysphoria. Sixty-seven of those 467 inmates receive physician-directed treatment for gender dysphoria. Because Diamond Pharmacy Services are paid via contract, the department does not have an itemized list of the cost of individual medications. Ms. Boggs said she is not aware of any departmental policy that prohibits employees from speaking directly with legislators, but there is a policy if a legislator requests information, the enquiry is directed to the agency's legislative liaison.

In response to Senator Yates, Ms. Boggs stated the department will not overrule a physician's recommendation for reasonable and medically necessary treatment.

Co-Chair West stated this administrative regulation would proceed to the committee of jurisdiction for further consideration.

A motion was made and seconded to approve the following amendments: to amend Section 1 and the material incorporated by reference to: (1) comply with the drafting requirements of KRS Chapter 13A; (2) add a field for the previous effective date; (3) remove procedures for hormone affirming treatment and transgender-specific surgery; and (4) update policy edition dates. Without objection, and with agreement of the agency, these amendments were approved.

Department of Kentucky State Police: Driver Training

[502 KAR 010:120E](#). Hazardous materials endorsement requirements. Nathan Day, CVE Captain; Nathan Goens, assistant general counsel; and Angela Parker, staff assistant, represented the department.

In response to Co-Chair West, Ms. Parker stated the fee would be increasing from \$34 to \$57.25, due to an increase implemented by the Transportation Security Administration.

Department of Criminal Justice Training: General Training Provision

[503 KAR 003:140](#). Telecommunications (Public Safety Dispatch) Academy trainee requirements; misconduct; penalties; discipline procedures. Mike Bosse, commissioner; Nathan Goens, assistant general counsel; and Leah Boggs, general counsel, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1 through 3, 5, 6, 8, 13, 17, 18, 22, 23, and 28 to comply with the drafting 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 023:050](#). Examination of Certificate of Title Applications by the Department of Vehicle Regulation utilizing available technologies or human persons to implement the directives set forth in KRS 186A.060 and KRS 186A.170(4). Jon Johnson, assistant general counsel, and Godwin Onodu, division director, represented the department.

EDUCATION AND LABOR CABINET: Kentucky Board of Education: Kentucky Department of Education: Office of Instruction

[704 KAR 003:365](#). Complaint procedures for programs under the Elementary and Secondary Education Act of 1965. Todd Allen, deputy commissioner, and Robbie Fletcher, commissioner, represented the department.

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

Office of Unemployment Insurance: Unemployment Insurance

[787 KAR 001:010](#). Application for employer account; reports. Greg Higgins, executive director; Anthony Hudgins, deputy executive director; and Charles Wheatley, deputy general counsel, represented the office.

In response to Co-Chair West, Mr. Hudgins stated employer accounts are an entity that maintains a group of employers, allowing covered organizations to have a consolidated party responsible for acting as an employer of record and granting those organizations access to common unemployment insurance rates.

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

[787 KAR 001:370](#). Professional employer organizations.

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 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.

Department of Workplace Standards: Occupational Safety and Health

[803 KAR 002:110](#). Employer and employee representatives. Jason Hernandez, general counsel; Robin Maples, occupational safety and health standards specialist; and Chuck Stribling, deputy commissioner, represented the department.

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

PUBLIC PROTECTION CABINET: Department of Housing, Buildings and Construction: Electrical

[815 KAR 035:060](#). Licensing of electrical contractors, master electricians, and electricians. Jonathan Fuller, commissioner, and Darryl Morgan, division director, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1 through 3, 8, 11, 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.

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

[902 KAR 010:120](#). Kentucky public swimming and bathing facility operations. Erica Brakefield, branch manager; Julie Brooks, regulation coordinator; and Jennifer Burt, branch manager, represented the department.

In response to Co-Chair West, Ms. Brooks stated the fee increase will only apply to public facilities, and the fees will be assessed per type of operation instead of a single per-facility fee. These new administrative regulations will allow the agency to delineate each type of facility in lieu of the general administrative regulation, which was repealed in 902 KAR 010:122.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph; Sections 1, 2, 4, 8, 9, 11, 12, 14, 16, 17, and 20; and incorporated material 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 010:122](#). Repeal of 902 KAR 010:121 and 902 KAR 010:190.

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.

[902 KAR 010:123](#). Kentucky public swimming and bathing facilities construction requirements.

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, 5 through 7, 9, and 13 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[902 KAR 010:125](#). Kentucky public swimming and bathing facility safety requirements.

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 3, 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.

[902 KAR 010:127](#). Kentucky public beach 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, 7, 10, 11, 13, 14, 16, 19, and 20 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Trauma System

[902 KAR 028:010](#). Definitions for 902 KAR Chapter 26. Richard Bartlett, Kentucky Hospital Association and Director of Kentucky Trauma Program, and Julie Brooks, regulation coordinator, represented the system.

In response to Representative Frazier Gordon, Mr. Bartlett stated an extension was necessary because of the low availability of certain certification courses, which impedes the ability to complete necessary training in time. Those found deficient could be granted a specific designation status and assessment from an outside agent to complete the training process.

[902 KAR 028:020](#). Kentucky trauma system designation process.

[902 KAR 028:030](#). Kentucky's trauma system level IV criteria.

A motion was made and seconded to approve the following amendment: to amend Section 1(1)(b)4. to reestablish that the medical director's participation in a Rural Trauma Team Development Course (RTTDC) is mandatory rather than permissive. Without objection, and with agreement of the agency, the amendment was approved.

[902 KAR 028:040](#). Kentucky's Trauma Registry and Data Bank System.

Radon

[902 KAR 095:041](#). Repeal of 902 KAR 095:040. Erica Brakefield, branch manager, and Julie Brooks, regulation coordinator, represented the department.

Department for Medicaid Services

[907 KAR 001:028](#). Independent laboratory and radiological service coverage and reimbursement. Jonathan Scott, regulation coordinator, represented the department.

Department for Aging and Independent Living: Aging Services

[910 KAR 001:210](#). Kentucky Long-term Care Ombudsman Program. Phyllis Sosa, assistant director, represented the department.

[910 KAR 001:241](#). Repeal of 910 KAR 001:240.

Other Business: Co-Chair West welcomed Representative Mary Lou Marzian and Senator Mike Wilson as members of this subcommittee.

The following administrative regulations were deferred or removed from the January 13, 2025, subcommittee agenda:

BOARDS AND COMMISSIONS: Board of Optometric Examiners

[201 KAR 005:010](#). Application for licensure; endorsement.

Board of Veterinary Examiners

[201 KAR 016:510](#). Fees for veterinarians.

[201 KAR 016:513](#). Fees for Allied Animal Health Professional (AAHP) permits.

[201 KAR 016:515](#). Fees for veterinary facility registrations.

[201 KAR 016:517](#). Fees for AAHP facility registrations.

[201 KAR 016:730](#). Approved Allied Animal Health Professional (AAHP) programs; education requirements.

[201 KAR 016:731](#). Examination requirements for AAHP providers.

[201 KAR 016:732](#). Application requirements for AAHP permits - reinstatement.

[201 KAR 016:735](#). Renewal requirements for AAHP permits – renewal notice – expiration.

[201 KAR 016:737](#). Responsibilities for AAHP providers; limitations on practice.

[201 KAR 016:762](#). Application requirements for veterinary facility registration; veterinarian managers; registered responsible parties.

[201 KAR 016:765](#). Veterinary facilities – renewal notice – requirements for renewal and reinstatement.

[201 KAR 016:767](#). Registered veterinary facilities – duties of registered responsible parties and veterinarian managers.

[201 KAR 016:772](#). Application requirements for AAHP facility registration; AAHP managers; registered responsible parties.

[201 KAR 016:775](#). AAHP facilities – renewal notice – requirements for renewal and reinstatement.

[201 KAR 016:777](#). Registered AAHP facilities - duties of registered responsible parties and AAHP managers.

Board of Licensed Professional Counselors

[201 KAR 036:050](#). Complaint management process.

ENERGY AND ENVIRONMENT CABINET: Department of Environmental Protection: Solid Waste Facilities

[401 KAR 047:110](#). Registered permit-by-rule.

Standards for Solid Waste Facilities

[401 KAR 048:320](#). Operating requirements for less than one acre or expanded less than two acre construction or demolition debris landfills.

Department for Natural Resources: Division of Mine Permits: Bond and Insurance Requirements

[405 KAR 010:001](#). Definitions.

[405 KAR 010:015](#). General bonding provisions.

EDUCATION AND LABOR CABINET: Kentucky Board of Education: Kentucky Department of Education

[704 KAR 003:535](#). Full-time enrolled online, virtual, and remote learning programs.

PUBLIC PROTECTION CABINET: Department of Financial Institutions: Credit Unions

[808 KAR 003:050](#). Conduct of credit unions.

Check Cashing

[808 KAR 009:010](#). Deferred deposit database compliance.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Maternal and Child Health

[902 KAR 004:105](#). Kentucky Lifeline for Moms program implementation.

Department for Medicaid Services: Hospital Service Coverage and Reimbursement

[907 KAR 010:015](#). Payments for outpatient hospital services.

The subcommittee adjourned at 2:30 PM. The next meeting of this subcommittee was tentatively scheduled for February 10, 2025, at 1 PM in Room 149 of the Annex.