

**ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE**  
**Minutes of June 10, 2025**

**Call to Order and Roll Call**

The June meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, June 10, 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; Senators Julie Raque Adams, Mike Wilson, and David Yates; and Representatives Randy Bridges, Deanna Gordon, and Mary Lou Marzian.

**LRC Staff:** Sarah Amburgey, Stacy Auterson, Laura Begin, Emily Caudill, Emily Harkenrider, Anna Latek, Callie Lewis, and Carrie Nichols.

**Guests:** Jessica Bowman, Christopher Thacker, Kentucky Opioid Abatement Advisory Commission; Jamie Caldwell, Rosemary Holbrook, Personnel Cabinet; Kelly Jenkins, Board of Nursing; Mark Brengelman, Marc Kelly, Board of Social Work; Mark Brengelman, Board of Examiners of Psychology; Bruce Roberts, John Wood, Kentucky Fire Commission; Jeb Pinney, Public Service Commission; Dr. Leslie Hoffmann, Jonathan Scott, Cabinet for Health and Family Services; Nikki Boyd, March of Dimes; Brittany Elam, Kentucky Voices for Health; Jackie McGranahan, Kate Miller, American Civil Liberties Union of Kentucky; and Michael Frazier, Kentucky Student Rights Coalition.

**Administrative Regulations Reviewed by this Subcommittee**

**OFFICE OF THE ATTORNEY GENERAL: Kentucky Opioid Abatement Advisory Commission**

040 KAR 009:020. Local government application procedure. Jessica Bowman, executive advisor, and Christopher Thacker, general counsel, represented the commission.

**PERSONNEL CABINET: Classified**

101 KAR 002:034. Classified compensation administrative regulations. Jamie Caldwell, commissioner, Department of Human Resources Administration, and Rosemary Holbrook, assistant general counsel, represented the cabinet. Nikki Boyd, director, Maternal and Infant Health Initiatives, March of Dimes; Brittany Elam, policy specialist, Kentucky Voices for Health; and Jackie McGranahan, senior policy strategist, and Kate

Miller, advocacy director, American Civil Liberties Union of Kentucky, appeared in opposition to 101 KAR 002:102 and 101 KAR 003:015.

In response to Co-Chair West, Ms. Holbrook stated the current amount of annual leave time allotted to new employees is 12 days per year, with employees having longevity allotted up to 24 days per year. Sick leave is allotted one day per month, up to 12 days per year, regardless of seniority. 101 KAR 002:102 and 101 KAR 003:015 would provide six additional weeks of leave time.

In response to Co-Chair West, Ms. Boyd stated the March of Dimes supports amending 101 KAR 002:102 and 101 KAR 003:015 to further expand paid leave by allowing the six additional weeks of leave time to be used annually, rather than once per 10-year period. Studies show additional paid leave time results in reduced turnover, increased productivity, increased workforce participation by women, health benefits, and increased job satisfaction.

In response to Co-Chair West, Ms. Elam stated Kentucky Voices for Health supports amending 101 KAR 002:102 and 101 KAR 003:015 to further expand paid leave by allowing the six additional weeks of leave time to be used more frequently than once per 10-year period. To support this proposal, Kentucky Voices for Health submitted surveys and testimony from applicable employees. Kentucky ranks 37<sup>th</sup> in the nation regarding family and medical leave benefits. Paid parental leave and medical leave are both important but different. Kentucky should align paid leave with the Family Medical Leave Act and federal standards.

In response to Co-Chair West, Ms. McGranahan stated the American Civil Liberties Union of Kentucky supports amending 101 KAR 002:102 and 101 KAR 003:015 to further expand paid leave by allowing the six additional weeks of leave time to be used annually, rather than once per 10-year period. The ACLU also supports increasing the additional paid leave time to 12 weeks, rather than six.

In response to Representative Marzian, Ms. Boyd stated Kentucky has one of the highest rates of infant mortality, pre-term birth, maternal morbidity, and maternal mortality. Both mental and physical health are important for caretakers and children.

In response to Senator Yates, Ms. Elam stated the median number of weeks of paid leave nationwide ranges anywhere from four to 12 weeks. Ms. Miller stated all of the surrounding states, with the exception of West Virginia, offer employees a minimum of six weeks of paid leave. Ohio recently increased the maximum paid leave availability for public employees to 12 weeks. Some private-sector employees receive up to six months of paid leave. Ms. Miller was unaware if any other public or private employers require a 10-year waiting period between the use of paid leave.

In response to Co-Chair West, Ms. Holbrook stated employees have the option to split the six weeks of leave during the 10-year period.

In response to Senator Raque Adams, Ms. Holbrook stated the cabinet's intention is for the additional paid leave to supplement the existing leave structure, which already

provides sick and annual leave days. Ms. Caldwell stated both annual and sick leave accruals could roll over from year to year.

In response to Co-Chair West, Ms. Holbrook stated up to 30 days may be rolled over from one year to the next for new employees. Employees with more than 20 years of service could have up to 60 roll over days. Ms. Caldwell stated any accrued annual leave over those maximums was converted into sick leave at the end of each year.

In response to Senator Yates, Ms. Holbrook stated this is a new program and the cabinet welcomes feedback and would consider concerns and suggestions in the future as this initiative evolves.

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 2 through 7 and 9 through 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

101 KAR 002:102. Classified leave general 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 8, 10, 12, 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.

**Unclassified**

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

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 8, 10, 12, 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.

101 KAR 003:045. Compensation plan and pay incentives for unclassified service.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 3 through 6 and 8 through 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**BOARDS AND COMMISSIONS: Board of Nursing**

201 KAR 020:240. Fees for applications and services. Kelly Jenkins, executive director, represented the board.

In response to Co-Chair West, Ms. Jenkins stated the board was able to reduce fees from \$500 to \$165 now that initial program startup costs were met and lower database management costs for licensed certified professional midwives.

201 KAR 020:600. Standards for training programs for licensed certified professional midwives.

A motion was made and seconded to approve the following amendments: to amend Sections 6, 7, and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 020:620. Licensing requirements for licensed certified professional midwives.

**Board of Social Work**

201 KAR 023:012E. Social Work Licensure Compact. Mark Brengelman, counsel, and Marc Kelly, executive director, represented the board.

**Board of Examiners of Psychology**

201 KAR 026:320. Per diem and reimbursement. Mark Brengelman, counsel, represented the board.

**KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM: Kentucky Fire Commission**

739 KAR 002:050. Volunteer fire department aid. Bruce Roberts, executive director, and John Wood, general counsel, represented the commission.

739 KAR 002:140. Fire department reporting requirements.

**ENERGY AND ENVIRONMENT CABINET: Public Service Commission: Utilities**

807 KAR 005:015E. Access and attachments to utility poles and facilities. Jeb Pinney, executive advisor, represented the commission.

**CABINET FOR HEALTH AND FAMILY SERVICES: Department for Medicaid Services**

907 KAR 001:039. Hearing program reimbursement provisions and requirements. Dr. Leslie Hoffmann, deputy commissioner, and Jonathan Scott, legislative and regulatory liaison, represented the department.

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.

907 KAR 001:835. Michelle P. waiver services and reimbursement.

### **Payments and Services**

907 KAR 003:100. Reimbursement for acquired brain injury waiver 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 and Sections 3 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 003:210. Acquired brain injury long-term care waiver services and reimbursement.

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

### **Certified Provider Requirements**

907 KAR 007:015. Reimbursement for home and community based waiver services version 2.

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

### **Hospital Service Coverage and Reimbursement**

907 KAR 010:840. Hospital Rate Improvement Program.

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 1 and 2 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 4 to: (a) clarify that the quality metrics that hospitals are required meet to receive the supplemental payment are established in federal law; and (b) delete an example. Without objection, and with agreement of the agency, the amendments were approved.

## **Home and Community Based Services**

907 KAR 016:005. Definitions for 1915(i) Recovery, Independence, Support & Engagement (RISE) Initiative.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs; and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 016:010. 1915(i) RISE Initiative Home and Community-Based Services (HCBS); participant eligibility.

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

907 KAR 016:015. Recovery, Independence, Support & Engagement (RISE) Initiative 1915(i) Home and Community-Based Services (HCBS); provider participation and enrollment.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 5 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.

907 KAR 016:020. 1915(i) Home and Community-Based Services (HCBS) Recovery, Independence, Support & Engagement (RISE) Initiative; covered services.

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

907 KAR 016:025. Recovery, Independence, Support & Engagement Initiative (RISE) Program reimbursement provisions and requirements.

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

**The following administrative regulations were deferred or removed from the June 10, 2025, subcommittee agenda:**

**OFFICE OF THE GOVERNOR: Department of Veterans' Affairs: State Veteran's Nursing Home**

017 KAR 003:042. Eligibility requirements to state veterans' nursing homes.

**BOARDS AND COMMISSIONS: Board of Pharmacy**

201 KAR 002:045. Technicians.

201 KAR 002:165. Transfer of prescription information.

201 KAR 002:416. Pharmacy annual reporting of cost of dispensing data.

**PUBLIC PROTECTION CABINET: Department of Insurance: Agents, Consultants, Solicitors, and Adjusters**

806 KAR 009:360. Pharmacy Benefit Manager License.

**ENERGY AND ENVIRONMENT CABINET: Public Service Commission: Utilities**

807 KAR 005:015. Access and attachments to utility poles and facilities.

**The subcommittee adjourned at 1:50 PM. The next meeting of this subcommittee was tentatively scheduled for July 8, 2025, at 1:00 PM in Room 149 of the Capitol Annex.**