

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of September 9, 2025

Call to Order and Roll Call

The September meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, September 9, 2025, at 1:00 PM in Room 149 of the Capitol Annex. Senator Stephen West, 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 Deanna 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: Jessica Brown, General Counsel, Board of Pharmacy; Mark Brengelman, General Counsel, Board of Social Work; Hank Cecil, Chair, Board of Social Work; Marc Kelly, Executive Director, Board of Social Work; Lilly Coiner, Counsel, Board of Licensure for Occupational Therapy; Jill Phelps, Chair, Board of Licensure for Occupational Therapy; William Brab, Chair, Board of Registration for Professional Geologists; Adrian Del Valle, Counsel, Board of Registration for Professional Geologists; Elizabeth Morgan, R.T., Executive Director, Board of Medical Imaging and Radiation Therapy; Eddie Slone, Executive Director, Board of Emergency Medical Services; John Wood, Counsel, Board of Emergency Medical Services; Steven Fields, Attorney, Department of Fish and Wildlife Resources; Jenny Gilbert, Legislative Liaison, Department of Fish and Wildlife Resources; Jon Johnson, Assistant General Counsel, Kentucky Transportation Cabinet (KYTC); Chad Collins, General Counsel, Kentucky High School Athletic Association (KHSAA); Lauren Graves, Policy Advisor, Kentucky Department of Education (KDE); Sarah Medley, Policy Advisor, KDE; Corey Nichols, Deputy General Counsel, KDE; Julian Tackett, Commissioner, KHSAA; Jason Hernandez, General Counsel, Education and Labor Cabinet; Robin Maples, Occupational Safety and Health Standards Specialist, Department of Workplace Standards; and Wesley Duke, General Counsel, Cabinet for Health and Family Services (CHFS).

Approval of August 12, 2025 Minutes

A motion was made and seconded to approve the minutes of the August 12, 2025, meeting. Minutes were approved by voice vote without objection.

Administrative Regulations Reviewed by this Subcommittee:

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:480. Telework and electronic supervision for remote prescription processing. Jessica Brown, General Counsel, Board of Pharmacy, represented the board.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 and 5 through 7 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Licensure for Occupational Therapy

201 KAR 028:240. Occupational Therapy Licensure Compact. Lilly Coiner, Counsel, Board of Licensure for Occupational Therapy, and Jill Phelps, Chair, Board of Licensure for Occupational Therapy, represented the board.

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

Board of Registration for Professional Geologists

201 KAR 031:010. Fees. William Brab, Chair, Board of Registration for Professional Geologists, and Adrian Del Valle, Counsel, Board of Registration for Professional Geologists, represented the board.

In response to Co-Chair Lewis, Mr. Del Valle stated the last adjustment in fees took place approximately two years ago.

In response to Representative Gordon, Mr. Brab stated the increase in fees is due to decreasing membership and increasing operational fees and costs to the board.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1(2) and Section 3(1), (2), and (3) to delete the added language granting the board discretion to further increase the fee up to a set maximum on the board's own initiative; and (2) to delete Section 5 that requires a supermajority board vote at a public meeting to implement additional increases. Without objection, and with agreement of the agency, the amendments were approved.

Board of Medical Imaging and Radiation Therapy

201 KAR 046:010E. Definitions for 201 KAR Chapter 46. Elizabeth Morgan, R.T., Executive Director, Board of Medical Imaging and Radiation Therapy, represented the board.

201 KAR 046:081E. Limited X-Ray machine operator.

INDEPENDENT ADMINISTRATIVE BODIES: Board of Emergency Medical Services

202 KAR 007:501. Ambulance agency licensure. Eddie Slone, Executive Director, Board of Emergency Medical Services, and John Wood, Counsel, Board of Emergency Medical Services, 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 and Sections 1, 2, 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.

202 KAR 007:545. License classifications.

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.

202 KAR 007:565. Clinical pilot programs.

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.

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

301 KAR 003:140. Take of wildlife with aircraft prohibited. Steven Fields, Attorney, Department of Fish and Wildlife, Jenny Gilbert, Legislative Liaison, Department of Fish and Wildlife, represented the department.

In response to Co-Chair Lewis, Ms. Gilbert stated the regulation complies with 16 U.S.C. 742, which prohibits the use of drones for the take or harassment of wildlife. The regulation ensures the department operates within the federal guidelines, as well as addresses concerns raised by hunters.

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

301 KAR 003:160. Reciprocal agreements regarding fishing and hunting.

In response to Senator Wilson, Ms. Gilbert stated the regulation replaces an expired licensure reciprocity regulation. Some reciprocal agreements with neighboring states are over a decade old, necessitating review and clarification.

In response to Chair West, Ms. Gilbert stated the regulation does not affect licensing fees. A current state-issued license allows access to shared areas between Kentucky and contiguous states. The re-evaluation of fee structures in neighboring states for non-resident licenses is under discussion but requires further research.

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

TRANSPORTATION CABINET: Department of Vehicle Registration: Division of Motor Vehicle Licensing

601 KAR 023:070E. Street-legal special purpose vehicles. Jon Johnson, Assistant General Counsel, KYTC, represented the division.

EDUCATION AND LABOR CABINET: Board of Education: Department of Education: School Terms, Attendance and Operation

702 KAR 007:065. Designation of agent to manage middle and high school interscholastic athletics. Chad Collins, General Counsel, KHSAA; Lauren Graves, Policy Advisor, KDE; Sarah Medley, Policy Advisor, KDE; Corey Nichols, Deputy General Counsel, KDE; and Julian Tackett, Commissioner, KHSAA, represented the department.

In response to Chair West, Mr. Collins stated the regulation implements procedural and bylaw changes, including provisions relating to local control of athlete reinstatement, start and end times for sports activities to ensure coverage under catastrophic insurance, heat injury procedures, Title IX, and statutory compliance. Commissioner Tackett stated KRS 156.070 authorizes the department to designate an outside entity to manage athletics, which is KHSAA, and the statute does not refer to "NIL" or "name, image, likeness" programs used in affiliated schools.

In response to Representative Gordon, Commissioner Tackett stated the gender-at-birth section of the athletic participation form is not required to participate, and the physician has discretion to determine which portions of the form to complete, in compliance with recently passed legislation.

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.

Office of Learning Programs Development

704 KAR 004:010. Physical education.

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

Academic Standards

704 KAR 008:030. Required academic standards for health education.

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 amendment was approved.

704 KAR 008:050. Required academic standards for physical education.

704 KAR 008:080. Required academic standards in career studies and financial literacy.

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

Department of Workplace Standards: Division of Occupational Safety and Health Compliance

803 KAR 002:181E. Recordkeeping and reporting occupational injuries and illnesses. Jason Hernandez, General Counsel, Education and Labor Cabinet, and Robin Maples, Occupational Safety and Health Standards Specialist, Department of Workplace Standards, represented the division.

In response to Senator Yates, Mr. Hernandez stated the passage of 2025 RS HB 398 requires the amendments. Ms. Maples stated the changes in reporting timelines comply with federal requirements.

803 KAR 002:241E. Repeal of 803 KAR 2:240.

803 KAR 002:250E. Discrimination.

803 KAR 002:260E. Appeal procedure.

803 KAR 002:404. Personal protective and lifesaving equipment.

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

900 KAR 005:020E. State Health Plan for facilities and services. Wesley Duke, General Counsel, CHFS, represented the office.

In response to Senator Yates, Mr. Duke stated the regulation supports the large-scale expansion at Norton Healthcare's pediatric teaching hospital, as well as addresses gaps in pediatric health services across the state. The increase in neonatal beds improves access to quality care. Senator Yates stated Norton Healthcare is building one of the best pediatric hospitals in the country, and the existing pediatric facility will continue to expand.

In response to Chair West, Mr. Duke stated it is his understanding the age cut-off for pediatric psychiatric beds is 17, but he could not confirm it definitively.

Certificate of Need

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

A motion was made and seconded to approve the following amendments: (1) to amend Section 2(3)(e) and Section 3(4) for consistency with related statutes; and (2) to amend Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

The following administrative regulations were deferred or removed from the September 9, 2025, subcommittee agenda:

BOARDS AND COMMISSIONS: Board of Licensure for Long-Term Care Administrators

201 KAR 006:030. Temporary permits.

201 KAR 006:071. Continuing education requirements.

Board of Medical Licensure

201 KAR 009:270. Professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.

Board of Social Work

201 KAR 023:075. Continuing education for renewal. Mark Brengelman, General Counsel, Board of Social Work; Hank Cecil, Chair, Board of Social Work; and Marc Kelly, Executive Director, Board of Social Work, represented the board.

In response to Chair West, Mr. Kelly requested to defer consideration of this administrative regulation to the October meeting of the subcommittee. Without

objection, and with agreement of the subcommittee, this administrative regulation was deferred.

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

301 KAR 002:031. Repeal of 301 KAR 002:030. Steven Fields, Attorney, Department of Fish and Wildlife, and Jenny Gilbert, Legislative Liaison, Department of Fish and Wildlife, represented the department.

In response to Chair West, Ms. Gilbert requested to defer consideration of this administrative regulation to the October meeting of the subcommittee. Without objection, and with agreement of the subcommittee, this administrative regulation was deferred.

CABINET FOR ECONOMIC DEVELOPMENT: Economic Development Finance Authority

307 KAR 001:080E. Kentucky Entertainment Incentive Program.

EDUCATION AND LABOR CABINET: Board of Education: Department of Education: Pupil Transportation

702 KAR 005:130. Non-school bus passenger vehicles.

Department of Workplace Standards: Division of Occupational Safety and Health Compliance

803 KAR 002:310E. Medical services and first aid.

PUBLIC PROTECTION CABINET: Department of Insurance: Division of Property and Casualty Insurance

806 KAR 020:030E. Car Valuation Guides.

KENTUCKY HORSE RACING AND CHARITABLE GAMING CORPORATION: Pari-Mutuel Wagering

810 KAR 006:001. Definitions for 810 KAR Chapter 6.

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

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

Certificate of Need

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

The subcommittee adjourned at 1:35 PM. The next meeting of this subcommittee is tentatively scheduled for October 13, 2025, at 1 PM in Room 149 of the Annex.