

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of November 10, 2025

Call to Order and Roll Call

The November meeting of the Administrative Regulation Review Subcommittee was held on Monday, November 10, 2025, at 1:00 PM in Room 149 of the Capitol Annex. Representative Derek Lewis, 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 and Mike Wilson; and Representatives Randy Bridges, Deanna Gordon, and Mary Lou Marzian.

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

Guests: Miles Justice, General Counsel, Kentucky Higher Education Assistance Authority (KHEAA); Rosemary Holbrook, Staff Attorney Manager/Assistant General Counsel, Personnel Cabinet; Alan Hurst, Executive Director, Office of Employee Relations, Personnel Cabinet; Leanne K. Diakov, General Counsel, Board of Medical Licensure (KBML); Michael S. Rodman, Executive Director, KBML; William C. Thornbury, MD, President, KBML; Rob Jones, Attorney, Executive Director, Board of Landscape Architects (KBLA); Gary Wolnitzek, PLA, ASLA, Member, KBLA; Morgan Ransdell, Attorney, KBLA; Sara Janes, Staff Attorney III, Board of Speech-Language Pathology and Audiology (KBSLPA); Ciera Sherwood, Member, KBSLPA; Kyle Elliott, Executive Director, Board of Licensure for Professional Engineers and Land Surveyors (KYBOELS); Jake Miller, General Counsel, KYBOELS; Tamara McDaniel, RRT, Executive Director, Board of Respiratory Care (KBRC); Marlene McKinley, RRT, Chair, KBRC; Morgan Ransdell, Attorney, KBRC; Steven Fields, General Counsel, Department of Fish and Wildlife Resources (KDFWR); Jenny Gilbert, Legislative Liaison, KDFWR; Nathan Goens, Assistant General Counsel, Department of Criminal Justice Training (DOCJT); Andy Wilson, Training Supervisor, DOCJT; Todd G. Allen, Deputy Commissioner/General Counsel, Board of Education; John K. Wood, General Counsel, Kentucky Fire Commission (KFC); Bruce Roberts, Executive Director, KFC; Jason Hernandez, Executive Director, Department of Workplace Standards (DWS); Robin Maples, Occupational Safety and Health Specialist, DWS; Chuck Stribling, Deputy Commissioner, DWS; Wesley Duke, General Counsel, Cabinet for Health and Family Services (CHFS); Valerie Moore, Regulations Coordinator, CHFS, Office of Inspector General (CHFS-OIG); Tim Anderson, Assistant Director, CHFS-OIG; Julie Brooks, Regulations Coordinator, CHFS-OIG; Van Ingram, Executive Director, Office of Drug Control Policy; Jonathan Scott, Regulations Coordinator, CHFS, Department

for Medicaid Services; Peter Akpunonu, Constituent; Oliver Benes, MD, Family/Addiction Medicine Specialist; Jeremy Byard, Constituent; Daniel Hughes, Constituent; James Murphy, MD, Medical Director, Murphy Pain Center; Lori Nation, MD, Board Certified Physician; Katrina Nickels, MD, Hospice/Palliative/Addiction Medicine Specialist; Colleen Ryan, MD, Kentucky Society of Addiction Medicine; Eric Linkenhoker, Army Veteran; and Jeff Smith, National Policy Director, Holistic Alternative Recovery Trust.

Approval of October 14, 2025, Minutes

A motion was made by Co-Chair West and seconded by Senator Raque Adams to approve the minutes of the October 14, 2025, meeting. Minutes were approved by voice vote without objection.

Administrative Regulations Reviewed by this Subcommittee:

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY: Division of Student Financial Aid: Kentucky Educational Savings Plan Trust

011 KAR 012:010. Definitions for 011 KAR Chapter 012.

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.

011 KAR 012:020. General rules for investments and fund transfers.

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

011 KAR 012:030. Eligibility of beneficiary and participant.

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

011 KAR 012:040. Residency classification for Kentucky Educational Savings Plan Trust vested participation agreements.

011 KAR 012:050. Substitution of a beneficiary.

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.

011 KAR 012:060. Cancellation, partial withdrawal, and payment of refund.

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

011 KAR 012:070. Benefits payable from the Kentucky Educational Savings Plan Trust Program fund.

011 KAR 012:090. Transfer of ownership of Kentucky Educational Savings Plan Trust Program fund.

PERSONNEL CABINET: Classified

101 KAR 002:120. Incentive programs.

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

101 KAR 002:140. Workers' Compensation Fund and Program.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph and Sections 5, 7 and 8 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend incorporated material for consistency with other recently amended administrative regulations. Without objection, and with agreement of the agency, the amendments were approved.

101 KAR 002:230. Kentucky Employee Mediation and Workplace Resolution Programs.

BOARDS AND COMMISSIONS: Board of Medical Licensure

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

In response to Chair Lewis, Michael S. Rodman, Executive Director, KBML, stated the board received additional comments from the Kentucky Society of Addiction Medicine, which resulted in the proposed agency amendment. William C. Thornbury, MD,

President, KBML, stated the priority of the board is public safety and harm reduction, and when buprenorphine is diverted or used with other drugs, it becomes dangerous. After participating in over 20 meetings with stakeholders across the state, the board agreed to relax many requirements, but not all suggestions are incorporated due to professional disagreement.

In response to Chair Lewis, Katrina Nickels, MD, Hospice/Palliative/Addiction Medicine Specialist, explained she prescribes opioids for cancer-related pain, and there are other regulations with guardrails for buprenorphine. This regulation restricts prescribing authority to oncologists and palliative care, but many cancer survivors are treated by primary care doctors. If buprenorphine is unavailable to their doctors, addictive drugs will be prescribed, such as oxycontin.

In response to Chair Lewis, Lori Nation, MD, stated she owned multiple treatment facilities and provided care for opioid use disorder at all levels. Kentucky physicians have extensive experience in addiction care and are better equipped to prescribe buprenorphine than doctors in other states. While there are dangers in blending these medications, that is true for other allowed medications as well. The requirements for prescribing methadone, a more dangerous drug, are more lenient.

In response to Chair Lewis, Oliver Benes, MD, Family/Addiction Medicine Specialist, stated physicians are not comfortable prescribing buprenorphine in their practices, fearing they could lose their licenses.

In response to Representative Marzian, James Murphy, MD, Medical Director, Murphy Pain Center, stated KBML did not meet with stakeholders, as requested by Co-Chair West. Instead, the board suggested submitting written comments, and the agency amendment is not sufficient to address experts' concerns.

In response to Co-Chair West, Dr. Murphy stated the regulation is an outlier because of the high restrictions placed on buprenorphine, including costly drug screens. Doctors gather a lot of information to determine an individualized plan of care, and these drug screens should not be mandatory. Many lower-income patients are not able pay for the screens, putting them at risk of being kicked out of their doctor's practice. Physicians are afraid to prescribe this life-saving, low-risk, Schedule III drug because of these restrictions.

Chair Lewis explained that the regulation is traveling through a process, which will next take it to a committee of jurisdiction. Additionally, the General Assembly convenes in January, and a legislator may be persuaded to file a bill addressing stakeholder concerns.

A motion was made by Representative Marzian and seconded by Senator Julie Raque Adams to find this administrative regulation deficient. A roll call vote was taken. There being three votes to find the administrative regulation deficient, three votes not to find the administrative regulation deficient, and one pass vote, the motion failed.

A motion was made and seconded to approve the following amendments: (1) to

amend Section 1(3) to clarify that the level of inpatient residential treatment facility excluded from established standards is criteria established by the American Society of Addiction Medicine (ASAM); and (2) to amend Section 3(4) to require a licensee to perform and document a good faith effort instead of best efforts in obtaining a patient's prior medical records. Without objection, and with agreement of the agency, the amendments were approved.

At the October 14th meeting of the subcommittee, a motion was made and seconded to approve the following amendments: (1) to amend Sections 1(3) and 3(1)(b) to comply with the drafting requirements of KRS Chapter 13A; (2) to amend Section 3(2) to allow buprenorphine-mono-product to be prescribed to a patient diagnosed with opioid use disorder if the patient is transitioning from a full opioid agonist to buprenorphine, limited to a period of no longer than 30 days; and (3) to amend Section 3(4) to allow physicians certified in addiction medicine by the American Board of Preventive Medicine to be included among others qualified to provide specialty consult for patients. Without objection, and with agreement of the agency, the amendments were approved.

Board of Landscape Architects

201 KAR 010:010. Board personnel.

201 KAR 010:030. Code of ethics.

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

201 KAR 010:040. Applications.

A motion was made and seconded to approve the following amendments: to amend Sections 3 and 6 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.

201 KAR 010:050. Fees.

201 KAR 010:080. Continuing education.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 6, 7, and 10 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 010:090. Investigation and discipline process.

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 4 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 Speech-Language Pathology and Audiology

201 KAR 017:120E. Audiology and Speech-Language Pathology Interstate Compact.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 and 2 to include an updated edition date of September 20, 2025, that corresponds to the date of the last updated rule; (2) to amend Section 2 to include the latest versions of the Rule on Data System Reporting Requirements adopted on September 20, 2025, and the Rule on the Implementation of Criminal Background Check Requirement adopted on June 30, 2025; and (3) to amend Section 2 and incorporated material to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Licensure for Professional Engineers and Land Surveyors

201 KAR 018:040. Fees.

201 KAR 018:060. Rejections and Denials of Applications for Licensure.

201 KAR 018:081. Repeal of 201 KAR 18:080.

201 KAR 018:096. Fire Protection Engineering Technology Program Core Curriculum.

Board of Respiratory Care

201 KAR 029:010. Activities under limited mandatory certification.

201 KAR 029:015. Fees.

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

201 KAR 029:020. Code of ethics; unprofessional conduct.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 3 to comply with the drafting requirements of KRS Chapter

13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 029:030. Complaint processing procedures.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Sections 2 through 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 029:040. Reporting of final orders and agreed orders.

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

201 KAR 029:050. Continuing education requirements.

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, 3 through 5, 8, and 10 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 029:060. Continuing education requirements for persons on inactive status; waiver.

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

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

301 KAR 002:075. Wildlife rehabilitation permit.

In response to Chair Lewis, Jenny Gilbert, Legislative Liaison, KDFWR, stated the cases of epizootic hemorrhagic disease (EHD) are expected to decrease because the virus is drought-related. The department is carefully monitoring Pulaski County for cases of Chronic Wasting Disease (CWD), and a public hearing is planned in that area before any decisions are made about hunting zone changes. The CWD response plan is on the department's website, and it is important for hunters in that area to voluntarily submit specimens for testing.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 4 through 6, 8, 10 through 13, and 15 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

301 KAR 002:251. Hunting and trapping seasons and limits for furbearers.

Water Patrol

301 KAR 006:070. Motorboat Dealer and Manufacturer Registration.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1 and 4 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 Criminal Justice Training: Law Enforcement Foundation Fund

503 KAR 005:140. Law Enforcement Professional Development and Wellness Program.

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

EDUCATION AND LABOR CABINET: Board of Education: Department of Education Office of Chief State School Officer

701 KAR 005:170E. Waiver Requests.

Office of Instruction

704 KAR 003:440. Primary school program guidelines.

A motion was made and seconded to approve the following amendment: to amend Section 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM: Kentucky Fire Commission

739 KAR 002:015. Firefighter training hours.

EDUCATION AND LABOR CABINET: Department of Workplace Standards: Occupational Safety and Health Compliance

803 KAR 002:120. Citations.

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

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

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

In response to Co-Chair West, Wesley Duke, General Counsel, CHFS, stated the cabinet received comments with concerns about oversight, safety, and effectiveness, but none of the comments related to access to care. The cabinet plans to go back to the drawing board to address and improve the requirements in response to concerns.

A motion was made and seconded to approve the following amendments: to amend Section 2 and incorporated material to: (1) remove definitions for "cornea transplant" and "glaucoma fistulizing surgery"; (2) amend ophthalmologists' requirements; and (3) comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Certificate of Need

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

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.

Controlled Substances

902 KAR 055:015E. Schedules of controlled substances.

In response to Chair Lewis, Mr. Duke explained that the cabinet took steps to schedule 7-hydroxymitragynine (7-OH) because the concentrated level is readily available, does not occur naturally, is highly addictive, and has no oversight. Julie Brooks, Regulations Coordinator, CHFS-OIG, stated that 7-OH is present in the kratom plant (mitrogynine) at a low level.

In response to Co-Chair West, Ms. Brooks stated 7-OH is processed into an extract, creating a different product than natural kratom in its mitrogynine form, and the relationship between kratom and 7-OH is analogous to hemp and the cannabinoids derived from it. The proposed regulation is consistent with 2024 RS HB 293.

In response to Chair Lewis, Jeff Smith, National Policy Director, Holistic Alternative Recovery Trust, stated the proposed agency amendment circumvents the public comment process. New tools are needed to treat substance abuse disorder, and research shows 7-OH is a promising option. Overdose deaths increased between 1998 and 2023, but in

2024, there was a 27 percent drop in overdose deaths nationally. 7-OH became available around the time the rate started decreasing. States that banned 7-OH did not see decreases in overdose deaths. While that does not establish causation, it is a compelling correlation. There is growing scientific evidence that 7-OH can manage chronic pain without the risk of a respiratory depressant effect. In studies with mice, no lethal dose of 7-OH has been identified, whereas even Tylenol is lethal in enough quantities. 7-OH helps people in chronic pain without the need to resort to oxycontin, heroin, or fentanyl, which especially impacts people in rural areas who are trying to get off opioids. Documented adverse effects of 7-OH consist of irritability, euphoric mood, digestive discomfort, and similar effects. Five deaths have been documented, but they are all polydrug scenarios, where 7-OH is part of a dangerous drug cocktail. Mr. Smith agreed 7-OH should be regulated, such as requiring certain labeling and banning sales to minors. Adults should not be denied this promising, life-saving option.

In response to Chair Lewis, Eric Linkenhoker, Army Veteran, stated he suffers from military-related PTSD and injuries from a work-related railroad accident, which resulted in opioid addiction and subsequent legal problems. He is sober now because 7-OH decreases his pain, making it easier to avoid relapse. 7-OH is inexpensive and effective, and it would be better to compromise. Rather than an outright ban of 7-OH, a regulatory system, such as that for the precursors to methamphetamine, should be established. Regulations could include provisions establishing age limits and requiring retailers to lock 7-OH behind cases.

In response to Chair Lewis and Co-Chair West, Van Ingram, Executive Director, Office of Drug Control Policy, stated he has received many calls about individuals becoming addicted to 7-OH, as it is readily available at gas stations and other retailers. 7-OH is 13 times more powerful than morphine, and people consuming it are being introduced to a euphoric high. Large doses of this drug are legally obtained without a doctor, APRN, or pharmacist. The Food and Drug Administration (FDA) listed 7-OH as a drug of concern and explained there are other FDA-approved drugs to treat opioid use disorder. Ms. Brooks stated CHFS obtained its data from sources such as the Drug Enforcement Administration, the Centers for Disease Control and Prevention, and the Mayo Clinic.

In response to Co-Chair West, Mr. Duke testified that an emergency regulation was filed because this is a critical problem without medical guidance, and CHFS intends to act quickly and decisively. Ms. Brooks stated that an ordinary regulation is also in the process and is open for public comments.

In response to Chair Lewis, Mr. Ingram stated there is a federal analogue, but the regulation provides more clarity.

A motion was made and seconded to approve the following amendment: to amend Section 1 to add 7-hydroxymitragynine concentrated at a level above 400 ppm to the list of Schedule 1 substances. Without objection, and with agreement of the agency, the

amendment was approved.

Department for Medicaid Services: Payments and Services

907 KAR 003:320E. Beneficiary Advisory Council and modifications to the Advisory Council for Medical Assistance to establish the Kentucky Medicaid Advisory Committee.

The following administrative regulations were DEFERRED OR REMOVED from the November 10, 2025, subcommittee agenda:

PERSONNEL CABINET: Classified

101 KAR 002:210E. 2025 and 2026 Plan Year Handbooks for the Public Employee Health Insurance Program.

FINANCE AND ADMINISTRATION CABINET: Purchasing

200 KAR 005:021. Manual of policies and procedures.

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 Dentistry

201 KAR 008:563. Licensure of dental hygienists.

Board of Veterinary Examiners

201 KAR 016:730. Approved allied animal professional (AAHP) programs; education requirements.

201 KAR 016:731. Examination requirements for AAHP providers.

201 KAR 016:732. Application requirements for AAHP licenses – reinstatement.

201 KAR 016:735. Renewal requirements for AAHP licenses – 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 016:767. 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 Licensure for Professional Engineers and Land Surveyors

201 KAR 018:072. Experience.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections

501 KAR 016:310. Pre-execution medical actions.

Department of Criminal Justice Training: General Training Provision

503 KAR 003:010. Basic law enforcement training course recruit conduct requirements; procedures and penalties.

EDUCATION AND LABOR CABINET: Board of Education: Department of Education: Office of Chief State School Officer

701 KAR 005:170. Waiver Requests.

Pupil Transportation

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

The subcommittee adjourned at 2:30 PM. The next meeting of this subcommittee is tentatively scheduled for December 8, 2025, at 1 PM in Room 149 of the Annex.