

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of June 9, 2026

Call to Order and Roll Call

The June meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, June 9, 2026, at 1:00 PM ET/12:00 PM CT in Room 149 of the Capitol Annex. Representative Stephen West, Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Senator Mike Wilson; and Representatives Randy Bridges, Deanna Gordon, and Mary Lou Marzian.

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

Guests: Steve Humphress, Executive Director, Office of Regulatory Relief (KORR), Office of Attorney General (OAG); Cary Bishop, Assistant General Counsel, Finance and Administration Cabinet (FAC); Anna Haydon, Executive Director, Office of Statewide Accounting Services (OSAS), Office of the Controller (OC), FAC; Joe McDaniel, State Controller, OC, FAC; Jeff Allen, Executive Director, Board of Dentistry (KBD); Catherine Falconer, General Counsel, Department of Professional Licensing (DPL); Chad McCarty, Board Secretary/Treasurer, Board of Ophthalmic Dispensers (BOD); Jeff Prather, General Counsel, Board of Nursing (KBN); Eddie Slone, Executive Director, Board of Emergency Medical Services (KBEMS); John Wood, Counsel, KBEMS; Todd Allen, General Counsel/Deputy Commissioner, Kentucky Department of Education (KDE); Matt Ross, Associate Commissioner, Office of Finance and Operations (OFO), KDE; Lindsey Schwartz, Policy Advisor, Office of Legal Services (OLS), KDE; Julie Brooks, Regulations Coordinator, Department for Public Health (DPH), Cabinet for Health and Family Services (CHFS); Kelli Darland, Program Supervisor, DPH, CHFS; Kevin Byrd, Assistant Director, Division of Healthcare (DHC), Office of Inspector General (OIG), CHFS; Valerie Moore, Regulations Coordinator, OIG, CHFS; Peyton Sands, Deputy Inspector General, OIG, CHFS; Carmen Hancock, Director, Division of Long-Term Services and Supports (LTSS), Department for Medicaid Services (DMS), CHFS; Leslie Hoffman, Deputy Commissioner, DMS, CHFS; Jonathan Scott, Regulations Coordinator, DMS, CHFS; Ivanora Alexander, Executive Director, Office for Children with Special Health Care Needs (OCSHCN), DPH, CHFS; Emily Allen, Regulations Coordinator, OCSHCN, DPH, CHFS; Mary Kathryn DeLodder, Director, Kentucky Birth Coalition (KBC); and Lucy Heskins, Attorney Supervisor, Kentucky Protection and Advocacy (P&A).

Approval of May 12, 2026 Minutes

A motion was made by Representative Gordon and seconded by Representative Marzian to approve the minutes of the May 12, 2026, meeting. Minutes were approved by voice vote without objection.

Administrative Regulations Reviewed by this Subcommittee:

OFFICE OF ATTORNEY GENERAL: Steve Humphress, Executive Director, KORR, OAG, represented the office.

Consumer Protection

040 KAR 002:201. Repeal of 040 KAR 002:200.

Regulatory Relief

040 KAR 012:441. Health Spas.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

040 KAR 012:500. Going out of business, fire, removal and other KRS 365.415 sales.

A motion was made and seconded to approve the following amendments: to amend the TITLE; 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 from the agency, the amendments were approved.

040 KAR 012:510. Prior approval to obtain excess going out of business sale license.

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

040 KAR 012:610. Nonresident sellers of visual aid glasses.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 3, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

FINANCE AND ADMINISTRATION CABINET: Office of the Controller. Joe McDaniel, State Controller, OC, FAC; Cary Bishop, Assistant General Counsel, FAC; and Anna Haydon, Executive Director, OSAS, OC, FAC, represented the office.

200 KAR 038:080E. Account Validation Standards.

BOARDS AND COMMISSIONS: Board of Dentistry. Jeff Allen, Executive Director, KBD, represented the board.

201 KAR 008:533. Licensure of dentists.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph and Sections 2 through 10 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 9 to comply with 2026 RS HB 778 and include the minimum required continuing education on the recognition and prevention of pediatric ingestion or inhalation of controlled substances. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 008:540. Dental practices and prescription writing.

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 from the agency, the amendments were approved.

201 KAR 008:550. Anesthesia and sedation relating to dentistry.

A motion was made and seconded to approve the following amendments: to amend Sections 5, 6, 8, 9, and 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Board of Ophthalmic Dispensers. Catherine Falconer, General Counsel, DPL; and Chad McCarty, Secretary/Treasurer, BOD, represented the board.

201 KAR 013:010. Board; powers, duties, meetings.

201 KAR 013:040. Licensing.

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

201 KAR 013:050. Apprentices.

201 KAR 013:055. Continuing education requirements.

A motion was made and seconded to approve the following amendments: to amend Section 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 013:065. Complaint Management.

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

201 KAR 013:071. Repeal of 201 KAR 013:070.

201 KAR 013:075. Administrative hearings.

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

Board of Nursing. Jeff Prather, General Counsel, KBN, represented the board.

201 KAR 020:472. Initial approval for dialysis technician training programs.

201 KAR 020:474. Continuing approval and periodic evaluation of dialysis technician training programs.

INDEPENDENT ADMINISTRATIVE BODIES: Board of Emergency Medical Services.

Eddie Slone, Executive Director, KBEMS; and John Wood, Counsel, KBEMS, represented the board.

202 KAR 007:801. Medical directors.

A motion was made and seconded to approve the following amendments: to amend Sections 2 through 5, 7, and 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

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

Todd Allen, General Counsel/Deputy Commissioner, KDE; Matt Ross, Associate Commissioner, OFO, KDE; and Lindsey Schwartz, Policy Advisor, OLS, KDE, represented the department.

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

In response to Chair West, Mr. Allen stated the Agency Amendment brings the regulation into compliance with 2026 RS SB 46, relating to van transportation. Mr. Allen requested an oral amendment to make technical changes to comply with 2026 RS HB 253.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs, and Sections 2 through 10 to comply with 2026 RS SB 46; (2) to amend Section 1 to add definitions; (3) to amend Section 6 to comply with 2026 RS HB 253; and (4) to amend Sections 2 through 10 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: WIC Program. Julie Brooks, Regulations Coordinator, DPH, CHFS; and Kelli Darland, Program Supervisor, DPH, CHFS, represented the department.

902 KAR 018:011. Definitions for 902 KAR Chapter 18.

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 from the agency, the amendments were approved.

902 KAR 018:021. Eligibility, certification periods, and time frames for processing applicants.

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

902 KAR 018:031. Participant violations.

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 from the agency, the amendments were approved.

902 KAR 018:040. Fair hearing procedures for participants.

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 from the agency, the amendments were approved.

902 KAR 018:050. Vendor authorization criteria.

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

902 KAR 018:061. Vendor violations and sanctions.

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 from the agency, the amendments were approved.

902 KAR 018:071. Participant access determination and civil money penalty.

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 from the agency, the amendments were approved.

902 KAR 018:081. Local agency fair hearing and vendor administrative review process.

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

902 KAR 018:090. High risk criteria.

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 from the agency, the amendments were approved.

Office of Inspector General: Health Services and Facilities. Kevin Byrd, Assistant Director, DHC, OIG, CHFS; Valerie Moore, Regulations Coordinator, OIG, CHFS; and Peyton Sands, Deputy Inspector General, OIG, CHFS, represented the office. Mary Kathryn DeLodder, Director, KBC, appeared in favor of the regulation.

902 KAR 020:150. Freestanding Birthing Centers.

In response to Representative Marzian, Ms. Moore stated the regulation is based on 2025 RS HB 90, which was sponsored by Representative Nemes.

In response to Chair West, Ms. DeLodder stated after multiple discussions with the cabinet, the KBC and Kentucky Voices for Health are pleased with the final regulation. She confirmed all concerns are satisfied, and she thanked OIG for working with stakeholders.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph, the NECESSITY, FUNCTION, AND CONFORMITY paragraph, and Sections 1 through 8 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Section 3 to: (a) require 2 NRP-certified staff, which includes "at a minimum two licensed midwives" or a "licensed midwife and an NRP-certified assistant"; (b) specify requirements for obtaining an extension to fill a medical director vacancy and for appeal; and (c) change the term "protocols" to "policies"; (3) to amend Sections 3 and 8 to replace the term "physician" with "provider"; (4) to amend Section 4 to allow a member of the center's clinical staff to be present when a patient is at the center, instead of requiring a registered nurse; (5) to amend Section 7 to: (a) remove outdated language; (b) replace the term "birthing rooms" with "patient rooms"; (c) require each patient's room to be private; (d) require lavatories or sinks in every patient's room; (e) require a separate and enclosed area dedicated to storage and distribution of clean supply materials, as well as 1 for clean linen and clothing; and (f) require a separate and enclosed area dedicated to the collection and disposal of soiled materials, as well as 1 for soiled linen and clothing; and (6) to amend Section 8 to: (a) replace the term "calendar days" with "business days"; (b) delete county and distance requirements for hospitals that have a transfer agreement with the center; (c) delete requirements requiring confirmation that the hospital has appropriate facilities, services, and staff available for the care of the transferred patient; (d) allow an ambulance service to be located in a county contiguous to the county location of the center; and (e) allow the Inspector General to grant a waiver if a center is unable to secure a hospital or ambulance service agreement by the end of a 90-day extension period. Without objection, and with agreement from the agency, the amendments were approved.

Department for Public Health: Office for Children with Special Health Care Needs.

Ivanora Alexander, Executive Director, OCSHCN, DPH, CHFS; and Emily Allen, Regulations Coordinator, OCSHCN, DPH, CHFS, represented the department.

911 KAR 001:010. Application for Clinical Programs.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph, the STATUTORY AUTHORITY paragraph, the NECESSITY, FUNCTION, AND CONFORMITY paragraph, and Sections 1, 3 through 5, 7, and 9 through 11 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

911 KAR 001:085. Early Hearing Detection and Intervention Program.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph, the NECESSITY, FUNCTION, AND CONFORMITY paragraph, and Sections 1, 2, and 4 through 7 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 1 to add a definition for "center". Without objection, and with agreement from the agency, the amendments were approved.

911 KAR 001:091. Repeal of 911 KAR 001:090.

The following administrative regulations were DEFERRED OR REMOVED from the June 9, 2026, subcommittee agenda:

OFFICE OF THE ATTORNEY GENERAL: Regulatory Relief

040 KAR 012:400. Debt adjusters.

040 KAR 012:600. Nonresident sellers of contact lenses.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:440. Legend drug repository.

Board of Optometric Examiners

201 KAR 005:021. Licensure Compliance Review.

Board of Veterinary Examiners

201 KAR 016:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections: Parole Board

501 KAR 001:030. Determining parole eligibility.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Driver Licensing

601 KAR 012:130. Third-party issuance of identity documents.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Public Health Protection and Safety

902 KAR 001:400. Administrative conference.

Department for Medicaid Services: Division of Long-Term Services and Supports.

Carmen Hancock, Division Director, LTSS, DMS, CHFS; Leslie Hoffman, Deputy

Commissioner, DMS, CHFS; and Jonathan Scott, Regulations Coordinator, DMS, CHFS, represented the department. Lucy Heskins, Attorney Supervisor, P&A, appeared in opposition to the regulation.

907 KAR 002:720. 1915(c) Kentucky's Community Health for Improved Lives and Development (CHILD) Waiver Program Requirements.

In response to Chair West, Ms. Heskins stated she appreciated changes made by the cabinet, but a significant concern remains. The waiver does not allow for participant-directed services (PDS) as required by KRS 205.5606, which establishes the Kentucky Independence Plus Through Consumer-Directed Services Program. The waivers are tailored to assist aging or disabled individuals who have long-term needs, including children with high intensity needs, that can be served by the community. PDS results in better and more cost-effective living situations. The Centers for Medicare and Medicaid Services (CMS) report it is 62% cheaper to provide care in a community. According to the cabinet, PDS is not included because the Independence Plus program was short term and providing PDS in the waiver would create a substantial administrative burden. Ms. Heskins explained the statute requires PDS in each of the home and community-based waivers. The regulation is deficient.

In response to Representative Marzian, Ms. Hancock stated the statutory language is outdated, and CMS no longer recognizes the Independence Plus designation.

In response to Chair West, Ms. Hancock stated that 5 out of 7 1915(c) waivers allow PDS. Ms. Hoffman explained 2 waivers without PDS are medical, while PDS is nonmedical. Waivers for children with acute, severe, and complex conditions mostly reside in institutions or state custody, and PDS is not usually requested in this population.

In response to Chair West, Ms. Hancock stated the state cannot mandate or select services for a participant.

In response to Chair West, Ms. Heskins stated waivers with PDS offer a fluid level of support, aiding in successful transition back to the community and home. Under this regulation, community-living supports and respite services are not available to children in residential placement.

In response to Senator Wilson, Ms. Hoffman stated no children will lose services under the current regulation.

In response to Representative Bridges, Ms. Heskins stated she predicts some parents will not be able to receive community-living supports or respite services because traditional providers are not available, especially in rural areas.

In response to Representative Bridges, Ms. Hancock explained PDS is a service delivery option, which often includes untrained individuals, such as family, friends, and neighbors. It is not a service itself.

Representative Gordon stated the statute is currently in operation and would need to be changed. Until then, the law must be followed.

Chair West stated the statutory conflict is a ground for deficiency under KRS Chapter 13A.

In response to Chair West, Ms. Hoffman stated the Independence Plus program no longer exists. Mr. Scott explained the department complied with the statute when it became law in 2004, but the Medicaid program evolved. The Independence Plus program cannot be approved anymore. Ms. Hancock stated CMS has approved the department's recommendation to leave out PDS at this time. Mr. Scott explained the Medicaid program and substantial federal dollars are at risk if the department loses the federal CMS approval from August 2025.

In response to Chair West, Ms. Heskins clarified P&A's request, which is to allow parents or guardians the option to select providers and not require them to use an agency to obtain community-living supports and respite care. Even if the Independent Plus Program no longer exists under that name, the statute still requires consumers to have the option of PDS. Ms. Heskins stated the statutory requirements could be satisfied if the department allowed PDS within federal limitations.

Ms. Hoffman stated if the department goes back to CMS to amend the approved program, state appropriations are not sufficient to add services to the waiver.

Ms. Heskins explained the request is not for the addition of services, but for how those services are provided and by whom.

Mr. Scott requested deferral of consideration of 907 KAR 2:720 and 907 KAR 2:725 to the July subcommittee meeting. The subcommittee agreed to the department's request to defer consideration of these regulations to the July subcommittee meeting. Without objection, and with agreement of the subcommittee, these regulations were deferred.

A motion was made and seconded to approve the following amendments: to amend 1, 3 through 7, and 13 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

907 KAR 002:725. 1915(c) Kentucky's Community Health for Improved Lives and Development (CHILD) Waiver Reimbursement.

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 from the agency, the amendments were approved.

The subcommittee adjourned at 2:15 PM. The next meeting of this subcommittee is tentatively scheduled for July 8, 2026, at 1:00 PM ET/12:00 PM CT in Room 149 of the Annex.