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Legislative session ends with bills on cannabis and sports wagering

by Mike Wynn - LRC Public Information

FRANKFORT – While the 2023 legislative session may have opened to tempered expectations in January, it gaveled to a close on March 30 with a stack of major bills in the books, including two breakout measures on medicinal cannabis and sports wagering that both passed in the final hours.

Lawmakers returned to Frankfort on March 29 for the last two days of the short, 30-day session and, in a marathon of proceedings, overrode more than a dozen vetoes from the governor.

They also wrapped up an historic impeachment trial against a Kentucky prosecutor, honored the victims of the deadly helicopter crash near Fort Campbell, and passed another volley of bills before adjourning sine die late on the final night.

Overall, close to 175 measures earned a final tap of the gavel this year, including more than 40 that carried support on the last day. Many have already become law.

Legislation on medicinal cannabis is one of the most noteworthy thanks to its long and rocky path to victory. Lawmakers have debated the concept of medical marijuana for more than a decade in Kentucky, and even though proposals have won favor in the House in recent years, they have failed to get much traction in the Senate.

Supporters broadened the appeal this year by proposing additional safeguards against abuse.

The measure, Senate Bill 47, establishes a framework for the state Cabinet for Health and Family Services to oversee and regulate a medicinal cannabis program, starting in January 2025. That includes special permits and licenses for cultivators, prescribers and dispensaries.

SB 47 allows cannabis use for those suffering with cancer, chronic and other types of pain, epilepsy, multiple sclerosis, muscle spasms, chronic nausea or post-traumatic stress disorder. Patients who are over 21 could vape the substance, but smoking would remain illegal.

The House approved the legislation with a 66-33 vote on March 30, and the governor signed it into law the next morning. The Senate passed the bill with a 26-11 vote earlier in the month.



The measure on sports wagering also marked a significant shift in the General Assembly.

House Bill 551 creates a structure to legalize, regulate and tax sports wagering in Kentucky under the auspices of the Kentucky Horse Racing Commission. Only licensed tracks would be permitted to obtain a sports wagering license, and the bill sets up a fund to address problem gambling. It also prohibits minors from placing wagers.

Officials estimate that the wagering marketplace will generate about \$23 million in new tax revenue for the state, much of which will benefit Kentucky's troubled public pensions, according to supporters.

The bill cleared the Senate floor on a 25-12 vote on March 30 and received the governor's signature the next morning. It passed out of the House earlier in the month on a 63-34 vote.

Both measures were among a list of substantial bills that won approval this year despite a relatively slow start to the session.

Over the 30 days, lawmakers also passed a major package on juvenile

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justice, a ban on gray machines and a battalion of bills on public schools, some of which spurred intense deliberations.

Many will remember the session for Senate Bill 150, which focuses on health services and school policies related to gender and human sexuality. The legislation commanded headlines throughout most of the session and stirred another round of fierce debate in the last week as lawmakers overrode a veto on the bill.

But many other bills found bipartisan support, including legislation to regulate delta-8 THC, efforts to expand the workforce and a measure to crack down on hazing.

Here's a final look at some of the major bills that won passage this year:

Biomarker Testing: House Bill 180 requires health benefit plans to cover biomarker testing for patients who have been diagnosed with cancer and other diseases. The governor signed this bill into law.

Bourbon Barrel Tax: House Bill 5 would, over a 20-year period, phase out the property taxes on distilled spirits that are warehoused in Kentucky. The taxes are paid to state and local taxing districts, and the bill includes some protections for public schools and local governments that use the revenue. HB 5 has been signed by the governor.

Charles Young Corridor: Senate Joint Resolution 58 calls for the area from Camp Nelson in Jessamine County to the Kentucky and Ohio border at Mays Lick, Kentucky, to be designated as the Brigadier General Charles Young Memorial Historical Corridor. The governor signed this resolution.

Child Abuse: Senate Bill 229 seeks to ensure that law enforcement, social services and other authorities are properly notified and communicating in cases of child abuse. It also requires agencies under investigation to cooperate with authorities. The governor signed this bill into law.

Child Murder: House Bill 249 makes the intentional killing of a child under age 12 an aggravating circumstance. That ensures that a person who is guilty of killing a child would either be subject to life in prison without parole or the death penalty. The governor signed this bill into law.



Despite maintenance to the dome, the Kentucky Capitol remained illuminated in Frankfort on March 30 – the final day of the 2023 legislative session.

Coal Power: Senate Bill 4 requires utility companies to receive permission from the Kentucky Public Service Commission before retiring a fossil fuel-fired electric generating unit. A unit cannot be retired if the move would compromise the quality of service to customers or negatively impact the electric grid. SB 4 became law without the governor's signature.

Delta-8 THC: House Bill 544 directs the state Cabinet for Health and Family Services to establish regulations related to delta-8 THC by Aug. 1. That includes product testing and labeling along with prohibitions on the sale of delta-8 products to people under age 21. The governor signed this bill into law.

DUI Restitution: Senate Bill 268 would allow courts to order restitution for children whose parents are killed or permanently disabled by an intoxicated driver. This bill has been signed by the governor.

ESG Investing: House Bill 236 requires that the state's public pension investments be based on financial risks and returns and not on environmental, social and governance factors, commonly known as ESG. The governor signed this bill into law.

Federal Firearms Bans: House Bill 153 prohibits state and local law enforcement agencies and other public officials from enforcing any federal firearm bans or regulations enacted after Jan. 1, 2021. Violators could be charged with a misdemeanor and face termination from their job. HB 153 became law without the governor's signature.

Fentanyl Test Strips: House Bill 353 would remove fentanyl test strips from state prohibitions on drug paraphernalia unless the strips are used in the manufacture or selling of the drug. This bill was signed by the governor.

Gender and Sexuality: Senate Bill 150 is a wide-ranging bill focused on health services and school policies related to gender and human sexuality. Among many provisions, the legislation bans puberty blockers, hormones and surgeries for transgender minors. SB 150 also calls for greater parental com-

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munication and consent on how schools approach gender and sexuality with students. It prohibits instruction on human sexuality in elementary school and requires written parental consent for teaching the subject in later grades. Other instruction on exploring gender identity or sexual orientation is not allowed at any grade level. The governor vetoed this bill, but lawmakers overrode the veto.

Gray Machines: House Bill 594 clarifies that certain gambling machines, often called “gray machines” or “skill games,” are illegal in Kentucky. The devices are called gray machines because they have operated in a gray area in the state’s gambling laws while growing more prevalent at gas stations and convenience stores over the past two years. Anyone who manages or owns the machines would be subject to a \$25,000 fine per device. The governor has signed HB 594 into law.

Hazing: Senate Bill 9, known as “Lofton’s Law,” would elevate reckless or dangerous acts of hazing to a crime. First-degree hazing would qualify as a Class D felony, while second-degree hazing would be a Class A misdemeanor. The governor signed this bill into law.

Health Care Workers: House Bill 200 aims to address a shortage in health care workers by creating the Kentucky Health Care Workforce Investment Fund. It will use both public and private money to increase scholarship opportunities in the field. The governor signed HB 200 into law.

Incest: House Bill 78 more narrowly defines Kentucky’s incest laws by prohibiting a person from having sexual intercourse with his or her parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, brother, sister or ancestor or descendant. This bill was signed into law by the governor.

Juvenile Detention: House Bill 3 requires that juveniles charged with a violent felony offense be detained up to 48 hours pending a detention hearing with a judge, beginning July 1, 2024. The bill also seeks to improve parent accountability, expand mental health interventions and enhance options for restorative justice. Other provisions will reopen the Jefferson County Youth Detention Center. The governor signed this bill into law.

Juvenile Justice Reform: Senate Bill 162 will place all eight of Kentucky’s juvenile detention centers under one office with a lead supervisor who reports directly the commissioner. Among many other changes, the bill seeks to increase staffing and training, enhance mental health interventions, and provide better segregation of violent offenders. SB

162 was signed into law by the governor.

KEES for Workforce Training: Senate Bill 54 allows students to use a Kentucky Educational Excellence Scholarship to attend certain proprietary school programs and workforce training programs that are focused on high-demand work sectors. Students could also use KEES funds at an eligible college of art and design. The governor signed this bill into law.

Literacy Center: Senate Bill 156 establishes a statewide reading research center for research on early reading models, instructional resources and evidence-based reading practices. The legislation builds on last year’s Read to Succeed Act, a comprehensive effort to improve early literacy outcomes in Kentucky. The governor signed this bill into law.

Motor Vehicle Racing: Senate Bill 96 would set up a framework for local governments to grant permits for motor vehicle racing events as long as conditions are met on insurance, security and emergency services. It would also allow local governments to temporarily close roadways and waive traffic regulations for the events. SB 96 has been signed by the governor.

Physician Wellness: Senate Bill 12 will allow physicians to participate in wellness and career fatigue programs without disclosing their participation to employers. Supporters say it will help physicians deal with job-related burnout without fear of retaliation. The bill was signed by the governor.

Police Wellness: House Bill 207 would allow law enforcement agencies to provide confidential wellness programs to support employee mental health. Specifically, it would shield records of a wellness program from subpoenas and open records requests. The bill has been signed by the governor.

Postpartum Depression: Senate Bill 135 calls on the state Cabinet for Health and Family Services to create a panel focused on perinatal mental health disorders and provide related information and assessment tools online. The governor signed this bill into law.

Public Employee Payroll Deductions: Senate Bill 7 will cease most automatic payroll deductions that public employees might use for paying union dues or dues to other organizations. The governor vetoed this bill, but lawmakers overrode the veto.

Religious Freedom in Schools: House Bill 547 codifies religious freedoms for public school teachers, faculty and staff, including the right to engage

in religious expression and prayer during breaks and to display religious items in personal spaces. The governor signed this bill into law.

School Materials: Senate Bill 5 calls on local school boards to create a process for reviewing and resolving parental objections over sexually explicit materials in public schools. This bill became law without the governor’s signature.

School Staffing: House Bill 32 allows school districts to hire classified personnel, such as cafeteria workers and bus drivers, without a high school diploma or GED. The school district must provide those employees an opportunity obtain a GED or earn relevant licenses or credentials at no cost. The governor signed this bill into law.

Sex Offenders: Senate Bill 80 prohibits registered sex offenders from loitering or operating a mobile business within 1,000 feet of schools, daycares, and public playgrounds or swimming pools. The governor signed this bill into law.

State Education Commissioner: Under Senate Bill 107, the state education commissioner will be subject to Senate confirmation before taking office. The bill also sets a four-year term for the position. The governor vetoed this bill, but lawmakers overrode the veto.

Student Discipline: Under House Bill 538, school boards are required to adopt policies related to expelling students who pose a threat to the safety and wellbeing of others and disciplining students who have physically assaulted, battered or abused personnel or other students off school property – if the incident is likely to disrupt the educational process. HB 538 also provides more flexibility to place students into alternative learning programs. The governor signed this bill into law.

Taxes: House Bill 1 is part of a broad, multi-year effort to gradually reduce and eliminate income taxes while also expanding the overall tax base. It would reduce state income taxes from 4.5% to 4% at the start of 2024 and codify a reduction from 5% to 4.5% that took effect earlier this year. The governor signed this bill into law.

Teacher Shortages: House Bill 319 aims to ease teacher shortages by cementing Kentucky’s place in the Interstate Teacher Mobility Contract if created. The bill also requires the Kentucky Department of Education to establish a statewide job posting system. The bill has been signed by the governor.

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* Members of the Kentucky General Assembly may also be contacted by calling 502-564-8100.

Legislative session ends, from page 3

TikTok Ban: Senate Bill 20 bans nearly all employees in the state executive and legislative branches from using the social media app TikTok on government-owned networks and devices. The app – owned by the Chinese company ByteDance – is considered a threat to the state's data security. The governor signed this bill into law.

Tracking Devices: Senate Bill 199 would, with some exceptions, outlaw the installation of tracking devices on motor vehicles without the consent of the vehicle owner or lessee. The bill has been signed by the governor.

Unemployment Insurance: House Bill 146 makes technical updates to an overhaul of unemployment insurance that lawmakers passed last year. Among the changes, the measure sets the minimum duration of benefits to 16 weeks, instead of 12, and calls on state unemployment officials to advise claimants on educational and training opportunities. The governor signed this bill into law.

Vehicular Homicide: House Bill 262 adds the crime of vehicular homicide to state statutes. A person would be guilty of vehicular homicide, a class B felony, if they cause a death while operating a motor vehicle impaired. The governor signed this bill into law.

Most bills will take effect on June 29 unless they contain emergency clauses or special effective dates. Kentuckians can learn more about these bills and many others by visiting the Legislative Record webpage.

Citizens can also share their views on issues with lawmakers by calling the General Assembly's toll-free message line at 1-800-372-7181.

The Kentucky General Assembly will gavel back in for a 60-day legislative session on Jan. 2, 2024.



LRC Publications 2023 Price List

Daily Record Pick up: \$165

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\$120.00

Acts of the General Assembly (2023)

Regular Session: \$80 (2 volumes)

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House and Senate Complete Set,
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Committee Meetings

GOVERNMENT CONTRACT REVIEW COMMITTEE

Committee Minutes
April 11, 2023

Call to Order and Roll Call

The Government Contract Review Committee met on Tuesday, April 11, 2023, at 9:00 AM, in Room 131 of the Capitol Annex. Senator Stephen Meredith, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen Meredith, Co-Chair; Representative Mark Hart, Co-Chair; Senators Gary Boswell, and Donald Douglas; Representatives Beverly Chester-Burton, Bobby McCool, and Michael Sarge Pollock.

Guests: Matt Wingate, Katie Smith, Michael Board, Cassandra Weiss, Jennifer Smith, Daniel Boamah, Kimberly Green, and Tania Basta.

LRC Staff: Kim Eisner, Jarrod Schmidt, and Kim Smith.

A motion was made by Senator Boswell to approve minutes of the March 2023, meeting of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Douglas to consider as reviewed the Personal Service Contract List, with exception of those items selected for further review by members of the committee. Representative Pollock seconded the motion, which passed without objection.

A motion was made by Senator Douglas to consider as reviewed the Personal Service Contract Amendment List, with exception of those items selected for further review by members of the committee. Representative Pollock seconded the motion, which passed without objection.

A motion was made by Senator Douglas to consider as reviewed the Memoranda of Agreement List, with exception of those items selected for further review by members of the committee. Representative Pollock seconded the motion, which passed without objection.

A motion was made by Senator Douglas to consider as reviewed the Memoranda of Agreement Amendment List, with exception of those items selected for further review by members of the committee. Representative Pollock seconded the motion, which passed without objection.

A motion was made by Senator Douglas to consider as reviewed the Kentucky Entertainment Incentive Program Agreements List, with exception of those items selected for further review by members of the committee. Representative Pollock seconded the motion, which passed without objection.

**THE FOLLOWING PERSONAL SERVICE
CONTRACTS WERE REVIEWED WITHOUT
OBJECTION:**

CHFS - OFFICE OF THE SECRETARY

Tilford Dobbins & Schmidt, PLLC, 2300001401;
Thomas J. Hellmann Attorney-At-Law, PLLC,
2300001403.

COUNCIL ON POSTSECONDARY EDUCATION
Moss Adams, LLP, 2300001905.

DEPARTMENT FOR INCOME SUPPORT

Paul Wayne McLaughlin, 2300001536; Barry S.
Stoler MD, 2300001537.

DEPARTMENT OF CRIMINAL JUSTICE TRAINING

Julie Parker Communications, LLC, 2300002127.

DEPARTMENT OF EDUCATION

Shannon Putman, 2300001972.

DEPARTMENT OF HIGHWAYS

Johnson, Mirmiran & Thompson, Inc.,
1300000071-1; Johnson, Mirmiran & Thompson, Inc.,
1600000216-1; Johnson, Mirmiran & Thompson, Inc.,
2200001492-1; Johnson, Mirmiran & Thompson, Inc.,
2200004665-1; HDR Engineering, Inc., 2300002042;
Burgess and Niple, Inc., 2300002043; Michael Baker
International, Inc., 2300002044; Palmer Engineering
Company, 2300002052; Palmer Engineering
Company, 2300002060; QK4, Inc., 2300002187;
Bacon Farmer Workman Engineering & Testing, Inc.,
2300002202; H W Lochner, Inc., 2300002226; WSP
USA, Inc., 2300002483; Linebach Funkhouser, Inc.,
2300002516; HMB Engineers, Inc., 2300002517;
Palmer Engineering County, 2300002562.

DEPARTMENT OF MILITARY AFFAIRS

Jeffrey Drake Kennedy, 2300002062.

FACILITIES & SUPPORT SERVICES

KFI Engineers PC, 2300001629; Marcum
Engineering, LLC, 2300001727; 713 Architects,
PLLC, 2300001760; Patrick D. Murphy Company,
Inc., 2300001793; Clotfelter/Samokar PSC,
2300001797; Patrick D. Murphy Company, Inc.,
2300001915; Patrick D. Murphy Company, Inc.,
2300001991; GRW Engineers, Inc., 2300002041;
Kohrs Lonnemann Heil Engineers, Inc., 2300002140;
Brown & Kubican, PSC, 2300002331; EOP Architects,
PSC, 2300002433; KZF-LJB Joint Venture, LLC,
2300002455.

KENTUCKY PUBLIC PENSIONS AUTHORITY

Provaliant Holdings, LLC, 2300002152.

| | | |
|--|---|--|
| KENTUCKY STATE POLICE William Jared Beauchamp, 2300001967. | DEPARTMENT FOR MEDICAID SERVICES Dean Dorton Allen Ford, PLLC, 2300001365. | UNIVERSITY OF LOUISVILLE TEK Systems, 23-019; Meridian Behavioral Health, Inc., 23-028. |
| KY COMMUNITY TECHNICAL COLLEGE SYSTEM Academic Search, Inc., 900; Academic Career & Executive Search, LLC, 901; AGB Search, LLC, 902; Pauly Group, Inc., 903; R H Perry & Associates, Inc., 904; Storbeck Search, LLC d/b/a Diversified Search, 905. | DEPARTMENT OF CRIMINAL JUSTICE TRAINING Shaw Polygraph Services, Inc., 2300001482. | WESTERN KENTUCKY UNIVERSITY Eddins Domine Law Group, PLLC, 222326; The Scorer’s Table, 222328. |
| MOREHEAD STATE UNIVERSITY Dean Dorton Allen Ford, PLLC, 23-022; Thomas P. Miller & Associates, LLC, 23-023. | DEPARTMENT OF EDUCATION Human Resources Research Organization, 2200003905. | THE FOLLOWING MEMORANDA OF AGREEMENTS WERE REVIEWED WITHOUT OBJECTION: |
| NORTHERN KENTUCKY UNIVERSITY Dean Dorton, LLC, 2023-136; Competitive Edge Business Solutions d/b/a Focal Point Business Coaching, 2024-132. | DEPARTMENT OF HIGHWAYS E A Partners, PLC, 0600001849; Palmer Engineering Company, 1300001582; ICA Engineering, Inc. f/k/a Florence & Hutcheson, Inc., 1400001576; Stantec Consulting Services, Inc., 1800002069; Tammy L. Barnes, 1900003390; Michael Baker International, Inc., 1900004308; Palmer Engineering Company, 2000001280; Glaus, Pyle, Schomer, Burns & Dehaven, Inc., 2000001564; Aecom Technical Services, Inc., 2100001785; Burgess and Niple, Inc., 2100001880; Strand Associates, Inc., 2200000846; Palmer Engineering Company, 2200001264; Prime AE Group, Inc., 2300000049. | BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES Young People In Recovery, 2300001807; Recovery Cafe Lexington, Inc., 2300001810; Mercy Health - Marcum & Wallace Hospital, LLC, 2300001875; Bridgehaven, Inc., 2300001978; Green River Regional MHMR Board, Inc., 2300002225; Western Kentucky Regional Mental Health & Retardation Advisory Board, 2300002337; Pennyroyal Regional Mental Health Mental Retardation Board, 2300002338; Northkey Community Care, 2300002342; Comprehend, Inc., 2300002343; Mountain Comprehensive Care Center, 2300002345; New Vista of the Bluegrass, Inc., 2300002349; Department of Corrections, 2300002350. |
| TRANSPORTATION - OFFICE OF THE SECRETARY Brantley Appraisal Company, 2300002206. | DEPARTMENT OF JUVENILE JUSTICE Brenda Wilburn, 2200001561; Brenda Wilburn, 2200001593; Brenda Wilburn, 2200001601; Diamond Drugs, Inc., 2200001605; Necco, Inc., 2200001795. | BOARD OF ELECTIONS Nelson County, 2300002004. |
| UNIVERSITY OF KENTUCKY JRA Architects, A231170; ADV Market Research & Consulting, LLC, K23-209. | DEPARTMENT OF VETERANS AFFAIRS 360care, LLC, 2200004177. | DEPARTMENT FOR COMMUNITY BASED SERVICES Audubon Area Community Services, 2300001796; Daniel Boone Community Action Agency, Inc., 2300001806; Gateway Community Action, 2300001808; Harlan County Community, 2300001811; Kentucky River Foothills Development Council, Inc., 2300001822; Licking Valley Cap, 2300001832; LKLP Community Action Council, 2300001833; Central Kentucky CAC, Inc., 2300001865; Lake Cumberland Community Action Agency, Inc., 2300001866; Middle Kentucky Community Action Partnership, Inc., 2300001874; Multi Purpose Community Action Agency, Inc., 2300001885; Northeast Kentucky Community Action Agency, 2300001893; Northern Kentucky Community Action, 2300001896; Pennyryle Allied Community Services, Inc., 2300001908; Tri-County Community Action Agency, Inc., 2300001909; West Kentucky Allied Services, Inc., 2300001910. |
| UNIVERSITY OF LOUISVILLE William Tente, 23-126; Walker Consultants, 23-128; Facility Commissioning Group, Inc., 23-129. | FACILITIES & SUPPORT SERVICES Kohrs Lonnemann Heil Engineers, Inc., 1600000312; Ross Tarrant Architects, Inc., 2000002652; EOP Architects PSC, 2000003040; EOP Architects PSC, 2100000950; Paladin, Inc., 2100001812; Vertical Structures, Inc., 2200003355; Omni Architects, 2200003840; EOP Architects, PSC, 2200004466; Paladin, Inc., 2200004470; Stengel Hill Architecture, Inc., 2300001117; CMTA, Inc., 2300001353. | DEPARTMENT FOR LOCAL GOVERNMENT Fulton County Fiscal Court, 2300001743; Jessamine County, 2300001772; Breathitt County Water District, 2300001841; Oldham County Fiscal Court, 2300001868; City of Hindman, 2300001887; Greenup County, 2300001903; Calloway County Fiscal Court, 2300001934; Harrison County, 2300001937; Scott County, 2300001938; Boyle County Fiscal Court, 2300001941; Hart County Fiscal Court, 2300001944; Floyd County Fiscal Court, 2300001946; Jefferson County Clerk, 2300001977; Anderson County, 2300001980; Clay County Fiscal Court, 2300001996; Clay County Fiscal Court, 2300002000; Warren County Fiscal Court, |
| WESTERN KENTUCKY UNIVERSITY Huron Consulting Services, LLC, 222351. | FINANCE - OFFICE OF THE SECRETARY McBrayer, PLLC, 2200003290. | |
| THE FOLLOWING PERSONAL SERVICE AMENDMENTS WERE REVIEWED WITHOUT OBJECTION: | JUSTICE - OFFICE OF THE SECRETARY Axis Forensic Toxicology, Inc., 2200003372. | |
| BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES Sources of Strength, Inc., 2200001455. | KENTUCKY FISH AND WILDLIFE RESOURCES Sustainable Streams, LLC, 16FW000034; Stantec Consulting Services, Inc., 19FW004505; Sustainable Streams, LLC, 22FW000471. | |
| DEPARTMENT FOR COMMUNITY BASED SERVICES KVC Behavioral Health Care/Croney & Clark, 2200002257; KVC Behavioral Health Care/Croney & Clark, 2200002261; KVC Behavioral Health Care/Croney & Clark, 2200002278; Sivic Solutions Group, LLC, 2200003289. | KY COMMUNITY TECHNICAL COLLEGE SYSTEM Central Kentucky Interpreter Referral, Inc., 874; Deaf Services Center, 877; TrendyMinds, LLC, 886. | |
| DEPARTMENT FOR ENVIRONMENTAL PROTECTION Schnabel Engineering, LLC, 2200002944. | UNIVERSITY OF KENTUCKY KFI Engineers PSC, A221090; Robert W. Baird & Company, Inc., K23-129; APAX Software, K23-205. | |
| DEPARTMENT FOR INCOME SUPPORT Kay Barnfield PSYD., PSC, 2200001566; Bruening & Associates, 2200001573; Jane F. Brake, 2200001576; Robert Culbertson, MD, 2200001577; Laura Cutler, 2200001656; Jon S. Demos, 2200001657; Paul Anthony Ebben, 2200001658; Tonya R. Gonzalez, 2200001663; Julie B. Jones, 2200001666; Stephen Kavka, 2200001667; Rebecca B. Luking, 2200001668; Our Family Direct Primary Care, PLLC, 2200001669; Daniel Grant Meece, 2200001672; G. Stephen Perry, EdD, 2200001676. | | |

2300002015; City of Somerset, 2300002017; Kenton County Fiscal Court, 2300002021; Carter County, 2300002022; Meade County, 2300002024; Lawrence County, 2300002028; Shelby County Fiscal Court, 2300002031; Muhlenberg County Fiscal Court, 2300002034; Clark County Fiscal Court, 2300002035; Hopkins County Treasurer, 2300002037; Perry County Fiscal Court, 2300002050; Kenton County Fiscal Court, 2300002051; Rowan County Fiscal Court, 2300002054; Letcher County Fiscal Court, 2300002063; Floyd County Fiscal Court, 2300002068; Harlan County Fiscal Court, 2300002110; Pulaski County Treasurer, 2300002113; Bell County Treasurer, 2300002114; Bath County Fiscal Court, 2300002130; Ohio County Fiscal Court, 2300002155; Knox County Fiscal Court, 2300002190; Mercer County, 2300002207; Christian County, 2300002208; Daviess County, 2300002209; Ohio County Fiscal Court, 2300002230; City of Stanford, 2300002237; Madison County, 2300002333; Campbell County Fiscal Court, 2300002436; Graves County Treasurer, 2300002437; Pike County Fiscal Court, 2300002447; Knott County Fiscal Court, 2300002497.

DEPARTMENT FOR PUBLIC HEALTH

University of Louisville Research Foundation, 2300001625; University of Kentucky Research Foundation, 2300001721.

DEPARTMENT FOR WORKFORCE INVESTMENT

Build Inclusion, Inc., 2300001858; Lifeskills, Inc., 2300001982; Voices of Hope - Lexington, Inc., 2300001987.

DEPARTMENT OF CRIMINAL JUSTICE TRAINING

Eastern Kentucky University, 2300002157.

DEPARTMENT OF EDUCATION

Frankfort Independent School District, 2200001815; Taylor County Board of Education, 2300000163; Wayne County Board of Education, 2300000462; Spencer County Board of Education, 2300000496; Middlesboro Independent School District, 2300000596; Mason County Board of Education, 2300000619; Paducah Independent School District, 2300001094; Ohio Valley Educational Cooperative, 2300001236; University of Louisville Research Foundation, 2300001310; Jefferson County Board of Education, 2300001551; Kentucky Educational Development Corporation, 2300001583; Edreports.Org, Inc., 2300001618; Kentucky Valley Education, 2300001728; West40 Intermediate Service Center 2, 2300001761; Kentucky Valley Education, 2300001845; Allen County Board of Education, 2300001880; Beechwood Board of Education, 2300001919; Bullitt County Board of Education, 2300001925; Campbell County Board of Education, 2300001926; Carter County Board of Education, 2300001929; Fayette County Board of Education, 2300001931; Harrison County Board of Education, 2300001952; Lincoln County Board of Education, 2300001955; Livingston County Board of Education, 2300001956; Logan County Board of Education, 2300001957; Ludlow Independent School District,

2300001958; Marshall County Board of Education, 2300001959; Monroe County Board of Education, 2300001960; Whitley County Board of Education, 2300001966; Anderson County Board of Education, 2300002056; Augusta Independent School District, 2300002526.

DEPARTMENT OF JUVENILE JUSTICE

New Legacy Reentry Corporation, 2300002213; Option To Success, Inc., 2300002214.

DEPARTMENT OF MILITARY AFFAIRS

Oldham County Fiscal Court, 2300001596; City of Frankfort, 2300001599.

EDUCATION AND LABOR CABINET

Multi, 2300000067; Tennessee Board of Regents, 2300001745.

HORSE RACING COMMISSION

Washington State University, 2300001684.

JUSTICE - OFFICE OF THE SECRETARY

Justice Innovation, Inc., 2300001600; Justice Innovation, Inc., 2300002188; Corbin Independent School District, 2300002356; Trigg County Board of Education, 2300002357; Barren River District Health Department, 2300002363.

KENTUCKY DEPARTMENT OF PARKS

City of Cumberland, 2300001597.

OFFICE OF ENERGY POLICY

University of Kentucky Research Foundation, 2300002136.

PUB PROTECTION - OFFICE OF THE SECRETARY

Foundation for Appalachian Kentucky, Inc., 2300001881; Kentucky Habitat for Humanity, 2300002112; The Hope Initiative, Inc., 2300002115.

STATE TREASURER

Zoom Group, Inc., 2300002119.

THE FOLLOWING MEMORANDA OF AGREEMENT AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:

BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES

The Healing Place, Inc., 2200001628; NAMI Lexington Kentucky, Inc., 2200001754; University of Kentucky Research Foundation, 2200002115; Mental Health Association of Kentucky, Inc., 2200002172; Shepherd's House, Inc., 2200002476; Perry County Ambulance, 2200002714; Multi, 2300000039.

CHFS - DEPARTMENT FOR AGING AND INDEPENDENT LIVING

National Foundation To End Hunger, Inc., 2200002286; Green River Area Development District, 2200004261.

CHFS - OFFICE OF THE SECRETARY

United Way of Kentucky, Inc., 2200004308.

DEPARTMENT FOR COMMUNITY BASED SERVICES

KVC Behavioral Health Care/Croney & Clark, 2200001838; West Kentucky Allied Services, Inc., 2200002051; Kentucky Association of Sexual Assault Programs, 2200002195; Youth Villages, Inc., 2200002604; Home of the Innocents, 2200002807; Gateway Community Action, 2200002997; Prevent Child Abuse Kentucky, 2200003127; University of Kentucky Research Foundation, 2200003214; KVC Behavioral Health Care/Croney & Clark, 2200003776.

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Sanitation District No 1, 2000003456.

DEPARTMENT FOR LOCAL GOVERNMENT

Clay County Fiscal Court, 2000002185; City of Bowling Green, 2200001634.

DEPARTMENT FOR PUBLIC HEALTH

University of Louisville, 2200001646; University of Kentucky Research Foundation, 2200002537; University of Louisville Research Foundation, 2200002616; University of Louisville Research Foundation, 2200002625; University of Kentucky Research Foundation, 2200003170; Shawnee Christian Healthcare Center, Inc., 2200003173; Appalachian Kentucky Health Care Access Network, Inc., 2200003285; Kentucky Primary Care Association, Inc., 2200003292; Go-Hire Employment and Development, Inc., 2200003493; University of Kentucky Research Foundation, 2200003808; Center for Human Entrepreneurship Solutions Group, 2200003834; Kentucky Cancerlink, Inc., 2200003959; University of Kentucky Research Foundation, 2200004183; University of Louisville Hospital, 2300000090.

DEPARTMENT OF AGRICULTURE

Murray State University, 2200001548.

DEPARTMENT OF CORRECTIONS

Multi, 2200000010.

DEPARTMENT OF EDUCATION

Allen County Board of Education, 2200001722; Johnson County Board of Education, 2200001817; Logan County Board of Education, 2200001818; Shelby County Board of Education, 2200001819; Kentucky Community and Technical College System, 2200003839; Kentucky Valley Education, 2200004061; Madison County Board of Education, 2200004319; West Kentucky Educational Cooperative, 2200004551; Bourbon County Board of Education, 2300000060; Bellevue Independent School District, 2300000068; Boyd County Board of Education, 2300000135; Covington Independent School District, 2300000139; Grant County Board of Education, 2300000144; Henderson County Board of Education, 2300000147; Johnson County Board of Education, 2300000150; Kenton County Board of Education, 2300000151; Lawrence County Board of Education, 2300000152; Lewis County Board of Education, 2300000153; Livingston County Board of Education, 2300000154; Marshall

County Board of Education, 2300000156; Scott County Board of Education, 2300000161; Trigg County Board of Education, 2300000164; Boyle County Board of Education, 2300000183; Adair County Board of Education, 2300000394; Ashland Board of Education, 2300000405; Bell County Board of Education, 2300000413; Boone County Board of Education, 2300000419; Bracken County Board of Education, 2300000446; Breathitt County Board of Education, 2300000447; Breckinridge County Board of Education, 2300000448; Burgin Board of Education, 2300000450; Butler County Board of Education, 2300000451; Whitley County Board of Education, 2300000455; Caldwell County Board of Education, 2300000459; Eminence Independent Board of Education, 2300000461; Fairview Independent School District, 2300000463; Fayette County Board of Education, 2300000465; Greenup County Board of Education, 2300000467; Mayfield Independent School District, 2300000468; Pike County Board of Education, 2300000469; Pineville Independent School District, 2300000472; Robertson County Board of Education, 2300000474; Rockcastle County Board of Education, 2300000476; Carlisle County Board of Education, 2300000477; Clinton County Board of Education, 2300000488; Crittenden County Board of Education, 2300000490; Danville Independent School District, 2300000492; Dayton Independent School District, 2300000497; Elliott County Board of Education, 2300000503; Casey County Board of Education, 2300000508; Frankfort Independent School District, 2300000510; Christian County Board of Education, 2300000511; Glasgow Independent School District, 2300000521; Crittenden County Board of Education, 2300000525; Cumberland County Board of Education, 2300000526; Green County Board of Education, 2300000527; Glasgow Independent School District, 2300000529; Hart County Board of Education, 2300000531; Hardin County Board of Education, 2300000533; Menifee County Board of Education, 2300000534; Harlan County Board of Education, 2300000535; Harrison County Board of Education, 2300000536; Metcalfe County Board of Education, 2300000553; Monroe County Board of Education, 2300000555; Owensboro Independent School District, 2300000557; Owsley County Board of Education, 2300000559; Russellville Independent School District, 2300000560; Todd County Board of Education, 2300000561; Washington County Board of Education, 2300000562; Wayne County Board of Education, 2300000563; Webster County Board of Education, 2300000564; Whitley County Board of Education, 2300000566; Williamstown Board of Education, 2300000567; Owsley County Board of Education, 2300000568; Oldham County Board of Education, 2300000582; Murray Independent School District, 2300000592; Montgomery County Board of Education, 2300000594; Menifee County Board of Education, 2300000603; Jackson County Board of Education, 2300000605; Meade County Board of Education, 2300000606; Larue County Board of Education, 2300000611; Madison County Board of Education, 2300000621; Marion County Board of Education, 2300000622; Bullitt County Board of Education, 2300001146; Central Kentucky

Educational Cooperative, 2300001339.

DEPARTMENT OF JUVENILE JUSTICE
Kentucky Department of Education, 2200003006.

MEDICAID SERVICES BENEFITS
Kentucky Transportation Cabinet, 2200002788.

OFFICE OF INSPECTOR GENERAL
Trilogy Healthcare Holdings, Inc. / Synchrony Lab Services, LLC, 2100002175-1.

OSH REVIEW COMMISSION
Office of the Attorney General, 2200001829.

PUB PROTECTION - OFFICE OF THE SECRETARY
Housing Oriented Ministries Established for Services, Inc., 2300001633.

THE FOLLOWING KENTUCKY ENTERTAINMENT INCENTIVE PROGRAM AGREEMENTS WERE REVIEWED WITHOUT OBJECTION:

ECON DEV - OFFICE OF THE SECRETARY
Blackwood Productions, LLC, 2300002492; Chopin Productions, LLC, 2300002494; Marsupial Kids, LLC, 2300002495; Ring Productions, LLC, 2300002513; Good Friends, LLC, 2300002514; Rockwood Champ, 2300002515.

THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE SELECTED FOR FURTHER REVIEW:

ECON DEV - OFFICE OF THE SECRETARY
Tri-County Economic Development Corporation, 2300002185. Matt Wingate and Katie Smith discussed the contract with the committee. A motion was made by Representative Pollock to consider the contract as reviewed. Senator Boswell seconded the motion, which passed.

OFFICE OF ADMINISTRATIVE SERVICES
Cossich, Sumich, Parsiola & Taylor, LLC, 2300002067. A motion was made by Representative Hart to defer the contract to the May 2023 committee meeting. Senator Douglas seconded the motion, which passed.

THE FOLLOWING PERSONAL SERVICE AMENDMENTS WERE SELECTED FOR FURTHER REVIEW:

KENTUCKY PUBLIC PENSIONS AUTHORITY
Umberg Zipser, LLP, 2200003377. Michael Board and Cassandra Weiss discussed the contract with the committee. A motion was made by Representative Hart to consider the contract as reviewed. Representative Pollock seconded the motion, which passed.

WESTERN KENTUCKY UNIVERSITY
Launchvox, Inc., 222334. Jennifer Smith, Daniel Boamah, and Kimberly Green discussed the contract with the committee. A motion was made

by Representative Hart to consider the contract as reviewed. Senator Douglas seconded the motion, which passed with Senator Boswell voting no.

THE FOLLOWING PERSONAL SERVICE CONTRACT FOR \$10K AND UNDER WERE SELECTED FOR FURTHER REVIEW:

WESTERN KENTUCKY UNIVERSITY
Michael Reece, Ph.D., 222353. Tania Basta discussed the contract with the committee. A motion was made by Representative Hart to consider the contract as reviewed. Senator Douglas seconded the motion, which passed with Senator Boswell voting no.

EXEMPTION REQUEST

ENERGY AND ENVIRONMENT CABINET:
The Division of Water requested an exemption from the biennial budget contracting restrictions for the FY2023 Assistance for Small and Disadvantaged Communities Drinking Water Grant Program. A motion was made by Representative Hart to grant the request to September 30, 2025. Representative Chester-Burton seconded the motion, which passed without objection.
There being no further business, the meeting adjourned at 9:37 AM.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the December Meeting
December 13, 2022

Call to Order and Roll Call

The December meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, December 13, 2022, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen West, Co-Chair; Representative David Hale, Co-Chair; Senator Ralph Alvarado; Representatives Randy Bridges, Deanna Frazier Gordon, and Mary Lou Marzian.

Guests: Representative Derek Lewis; John Gregory, Dondra Meredith, Office of Adult Education; Chris Chamness, Department of Employment Insurance; Matt Stephens, Sandy Williams, Kentucky Infrastructure Authority; Cary Bishop, Brian Thomas, Finance and Administration Cabinet; Marc Kelly, Board of Social Work; Sarah Cronin, Mona Juett, Department of Tourism; Jenny Gilbert, Department of Fish and Wildlife Resources; Seth Fawns, Cyndi Heddleston, Kentucky State Corrections Commission; Amy Barker, Alicia Boyd, Janet Conover, Amelia Howell, Brandon Lynch, Department of Corrections; Amy Barker, Patrick Miller, Nathan Goen, Ben Wilcox, Department of Criminal Justice Training; Todd Allen, Matt Ross, Board of Education; Laura Begin, Office of Human Resource Management; Julie Brooks, Wes Duke, Department for Public Health;

Kara Daniel, Adam Mather, Office of Inspector General; Jonathan Scott, Department of Medicaid Services; Laura Begin, Todd Trapp, Department for Community Based Services; Norma Hatfield, Kinship Families Coalition; and Dustin Pugel, Policy KY.

LRC Staff: Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Carrie Nichols, and Christy Young.

Administrative Regulations Reviewed by this Subcommittee:

EDUCATION AND LABOR CABINET: Office of Adult Education (KYAE): Adult Education and Literacy

013 KAR 003:050. GED® eligibility requirements. John Gregory, executive director, and Dondra Meredith, deputy general counsel, represented the office.

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.

PERSONNEL CABINET: Office of the Secretary

101 KAR 002:210E. 2023 Plan year handbook for the Public Employee Health Insurance Program. Chris Chamness, deputy commissioner, represented the office.

101 KAR 002:210. 2023 Plan year handbook for the Public Employee Health Insurance Program.

FINANCE AND ADMINISTRATION CABINET: KENTUCKY INFRASTRUCTURE AUTHORITY

200 KAR 017:111E. Guidelines for Kentucky Infrastructure Authority drinking water and wastewater grant program. Matt Stephens, general counsel, and Sandy Williams, executive director, represented the authority.

In response to questions by Co-Chair West, Ms. Williams stated that the fee was new. The authority was involved with 810 grants related to the federal American Rescue Plan Act. The fee was established at 0.5 percent of each grant amount and would be used to fund administrative costs through December 31, 2026. The authorizing statute allocated \$75,000 for administration of the grant program, and the authority was confident that there was sufficient statutory authority for the new fee.

In response to a question by Representative Bridges, Ms. Williams stated that the purpose of the fee was to fund staff salaries through December 31, 2026.

200 KAR 017:111. Guidelines for Kentucky Infrastructure Authority drinking water and wastewater grant program.

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 4 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.

COMMONWEALTH OFFICE OF TECHNOLOGY

200 KAR 041:010. The Kentucky state plane coordinate system. Cary Bishop, assistant general counsel, and Brian Thomas, executive director, represented the office.

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

BOARDS AND COMMISSIONS: Board of Social Work

201 KAR 023:016E. Temporary permission to practice. Marc Kelly, executive director, represented the board.

In response to a question by Representative Frazier Gordon, Mr. Kelly stated that the board was involved with 47 temporary permits based on an administrative regulation that had expired. This administrative regulation was filed on an emergency basis to ensure continuity regarding those permits.

TOURISM, ARTS AND HERITAGE CABINET: Department of Tourism

300 KAR 001:021. Process for the distribution of tourism recovery and investment funds appropriated by the General Assembly in the 2022 Regular Session from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021. Sarah Cronin, general counsel, and Mona Juett, deputy commissioner, represented the department.

In response to questions by Co-Chair Hale, Ms. Juett stated that \$60 million for destination marketing was being dispersed in three tranches. Tranche 1 included \$25 million for direct marketing. Tranche 2 included \$25 million for the meetings and conventions industry, and Tranche 3 included \$10 million for multijurisdictional areas of five or more counties by group. The department had completed the process for tranches 1 and 2 and had scored the applications for tranche 3.

In response to a question by Co-Chair Hale, Ms. Juett stated that the department received \$15 million up front to administer the program.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through

7 and 9 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 Fish and Wildlife Resources: Game

301 KAR 002:185. Hunter education. Jenny Gilbert, legislative liaison, represented the department.

In response to a question by Co-Chair Hale, Ms. Gilbert stated that applicants were still required to attain live-fire training.

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

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 Sections 1, 2, 4, 7, and 9 to comply with the drafting and formatting requirements of KRS Chapter 13A; and to add Section 10 to incorporate the Dove Quota Posthunt Hunter Survey by reference. Without objection, and with agreement of the agency, the amendments were approved.

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

JUSTICE AND PUBLIC SAFETY CABINET: Kentucky State Corrections Commission: Kentucky Community Corrections Grant Program

500 KAR 010:001. Definitions for 500 KAR Chapter 010. Seth Fawns, staff attorney, and Cyndi Heddleston, staff assistant, represented the program.

500 KAR 010:020. Administration and application procedure for community corrections grant program.

500 KAR 010:030. Community Corrections Board and grant recipient requirements.

500 KAR 010:040. Program review.

A motion was made and seconded to approve the following amendments: to amend Section 2 to clarify record-retention requirements; and Sections 2 through 5 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 Corrections: Office of the Secretary

501 KAR 006:080. Department of Corrections manuals. Amy Barker, assistant general counsel,

and Brandon Lynch, staff assistant, represented the department.

In response to a question by Co-Chair West, Ms. Barker stated that amendments reorganized requirements and, based on inmate requests, added faiths to the religion-related manual.

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

501 KAR 006:130. Western Kentucky Correctional Complex.

A motion was made and seconded to approve the following amendments: to amend Section 1 and the material incorporated by reference to update cross references, make minor clarifications, and comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department of Criminal Justice Training: General Training Provision

503 KAR 003:130. Online basic and in-service training. Amy Barker, assistant general counsel, and Patrick Miller, staff assistant, represented the department.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 4 and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Office of State School Security Marshal

503 KAR 007:010. Onsite review of school security risk assessments and written approval of local board of education's noncompliance with KRS 158.4414(2). Nathan Goens, staff attorney, and Ben Wilcox, State School Security Marshal, represented the department.

In response to questions by Co-Chair West, Mr. Wilcox stated that this administrative regulation did not conflict with the Safety and Resiliency Act. If school funding was insufficient or staff unavailable to meet requirements for a School Resource Officer (SRO), the office would send a statement acknowledging the situation. At least one SRO was required per school.

In response to questions by Co-Chair Hale, Mr. Wilcox stated that SRO authority in off-campus situations depended on the employer of the SRO and from where the SRO derived authority. A facility such as a school board office would be under the jurisdiction of an SRO because the facility would

constitute school property.

A motion was made and seconded to approve the following amendments: to amend: Section 3 to clarify procedures for on-site review of the School Security Risk Assessment Tool; Section 4 to clarify procedures for closed and locked-door exemption applications; and the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1, 3, 4, and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

EDUCATION AND LABOR CABINET: Board of Education: Charter Schools

701 KAR 008:010E. Charter school student application, lottery, and enrollment. Todd Allen, general counsel, and Matt Ross, executive advisor, represented the board.

In response to questions by Co-Chair West, Mr. Allen stated that four of the five administrative regulations in this package were amendments and one was new. Some changes related to a charter school pilot project and some related to revisions in the authorizing statutes.

701 KAR 008:020E. Evaluation of charter school authorizers.

701 KAR 008:030E. Charter school appeal process.

701 KAR 008:040E. Conversion charter school petition, conversation, and operation.

701 KAR 008:050E. Charter school funding.

Office of Learning Programs Development

704 KAR 003:305. Minimum requirements for high school graduation.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A; and to amend Section 5 to add early graduation requirements in accordance with KRS 158.141. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Human Resource Management: Administration

900 KAR 001:050. Child and adult protection employees subject to state and national criminal background checks. Laura Begin, regulation coordinator, represented the office.

In response to questions by Co-Chair West, Ms. Begin stated that the fingerprint-based national background check process for the Department of Community Based Services (DCBS) staff and for private child care and child placing employees was an automated system, and results should be completed

quickly in most cases. Kentucky had multiple sites for fingerprint background testing. Federal law required these checks for private child care staff with access to vulnerable children; however, the FBI would only authorize the tests in the presence of a Kentucky statutory mandate. Senator Alvarado previously sponsored a bill to establish that statutory authority. Because DCBS staff had the same access as private agency staff, it seemed prudent to have consistent requirements for both. The typical time frame for the background check was three days unless a disqualifying issue resulted from the check. A disqualifying issue would result in a manual check, which would take longer. The office had a Help Center to address delays in this process.

Department for Public Health: Vital Statistics

901 KAR 005:120. Abortion reporting. Julie Brooks, regulation coordinator, and Wes Duke, general counsel, represented the department.

In response to questions by Co-Chair West, Ms. Brooks stated that the abortion reporting form was being amended to include all statutorily required elements. 901 KAR 005:130 established processes related to certificates of abortion, and 901 KAR 005:140 established the process for a permit to transport fetal remains. The certificates of abortion were to be separate from certificates of live births and would be permanently stored in the Office of Vital Statistics.

A motion was made and seconded to approve the following amendments: to amend: Section 5 and Form VS-913, Report of Abortion, to add additional data elements required by House Bill 3 from the 2022 Regular Session of the General Assembly; and the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 through 5 to: (a) use statutory terminology; and (b) comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

901 KAR 005:130. Certificate of abortion.

901 KAR 005:140. Permit to transport fetal remains.

Local Health Departments

902 KAR 008:160. Local health department operations requirements.

A motion was made and seconded to approve the following amendments: to amend Sections 4, 5, 10, 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.

Office of Inspector General: Health Services and Facilities

902 KAR 020:365. Kentucky abortion inducing drug certification program and registration of qualified physicians. Kara Daniel, assistant inspector general, and Adam Mather, inspector general, represented the office.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, 4, 7, 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.

Office of Inspector General

906 KAR 001:210. Health care services agencies.

A motion was made and seconded to approve the following amendments: to amend Sections 3 through 5, 7, and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Medicaid Services

907 KAR 001:065. Payments for price-based nursing facility services. Jonathan Scott, regulatory and legislative advisor, represented the department.

In response to a question by Co-Chair West, Mr. Scott stated that this administrative regulation was making the \$29 reimbursement a permanent part of the base rate. Senator Alvarado stated that this rate increase was necessary to prevent facilities from closing.

Payments and Services

907 KAR 003:160E. Specialized children's services clinics.

Department for Community Based Services: K-TAP, Kentucky Works, Welfare to Work, State Supplementation

921 KAR 002:016. Standards of need and amount for the Kentucky Transitional Assistance Program (KTAP). Laura Begin, regulation coordinator, and Todd Trapp, Director of the Division of Family Support, represented the department. Norma Hatfield, president, Kinship Families, and Dustin Pugel, policy director, Kentucky Center for Economic Policy, appeared in support of this administrative regulation.

In response to a question by Co-Chair West, Ms. Begin stated that the amendments to 922 KAR 001:290 were intended to expedite the process for fingerprint based national background checks for private child care and child placement staff.

In response to questions by Co-Chair West, Ms.

Begin stated that funding for 921 KAR 002:016 was federal. The department had not completed a fiscal analysis of the impact of changes to this program. Mr. Trapp stated that benefits were based on specific dollar amounts contingent upon factors such as income and the number of children involved. Most programs based benefits on a percentage, rather than a specific dollar amount. Mr. Pugel stated that this was unusual and problematic. There was no maintenance effect from this program; therefore, there would be no impact on the General Fund.

In response to a question by Co-Chair West, Mr. Pugel stated that Kentucky Center for Economic Policy supported this administrative regulation. This update brought Kentucky in line with median and surrounding states. There had not been an increase since 1995. There had been a decrease in families using this program.

In response to a question by Co-Chair West, Ms. Hatfield stated that Kinship Families supported this administrative regulation. Ms. Hatfield read two letters from families who were impacted by this program. The letters expressed support for increases to this program. Kentucky had the highest rate in the nation for kinship families, which constituted children living with family members who were not biological parents and children. Kinship families kept children out of the foster care system at a time when it was difficult to place children. Kinship families needed monetary support. The current level of support was significantly insufficient.

Representative Marzian stated that this administrative regulation should move on to the second legislative committee. This was an important administrative regulation with minimal financial impacts to Kentucky.

Co-Chair Hale stated that it was not his intent to stop this administrative regulation; however, the subcommittee members needed more time to consider the ramifications of this administrative regulation. Ms. Begin stated that the department was willing to meet with members before consideration by the second legislative committee, and the department preferred for this administrative regulation to move forward. In response to a question by Co-Chair Hale, Ms. Begin stated that the department respectfully did not agree to defer consideration of this administrative regulation to the January 2023 subcommittee meeting. Co-Chair West requested that the department provide to this subcommittee, financial information regarding this program.

921 KAR 002:017. Kentucky Works Program (KWP) supportive services.

921 KAR 002:035. Right to apply and reapply.

921 KAR 002:040. Procedures for determining initial and continuing eligibility.

921 KAR 002:050. Time and manner of payments.

921 KAR 002:060. Delegation of power for oaths and affirmations.

A motion was made and seconded to approve the following amendments: to amend Section 4 and the material incorporated by reference to: add the signed payee's title; add the notary's ID number; update the revision date; and make technical corrections. Without objection, and with agreement of the agency, the amendments were approved.

921 KAR 002:370. Technical requirements for Kentucky Works Program (KWP).

Child Welfare

922 KAR 001:290. Background checks for private child-caring or child-placing staff members.

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

922 KAR 001:350. Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers.

A motion was made and seconded to approve the following amendment: to amend Section 20 to add provisions pertaining to maintenance of foster care home records. Without objection, and with agreement of the agency, the amendment was approved.

Other Business: A legislative citation was presented in honor of the retirement of Representative Marzian from the Kentucky General Assembly. Representative Marzian stated that she had enjoyed her tenure on this subcommittee and had learned a lot.

Senator Alvarado, who was also leaving the Kentucky General Assembly, stated that it was an honor to serve on this subcommittee, which was a place where the checks and balances of government were regularly exercised. He was looking forward to new challenges.

Co-Chair Hale, who was leaving his post as Co-Chair, stated that he enjoyed his time as Co-Chair of the subcommittee and had also learned a lot. He enjoyed working with his Co-Chair, Senator West, and with staff. He introduced Representative Derek Lewis, who was anticipated to become the next Co-Chair.

The following administrative regulations were deferred or removed from the December 13, 2022, subcommittee agenda:

STATE BOARD OF ELECTIONS: Electronic Voting Systems

031 KAR 002:030E. E-Poll book product certification.

031 KAR 002:030. E-poll book product certification.

FINANCE AND ADMINISTRATION CABINET: Teachers’ Retirement System: General Rules

102 KAR 001:361E. Disability retirement for TRS 4 members with less than five (5) years of service.

Kentucky Retirement Systems: General Rules

105 KAR 1:451E. Quasi-governmental employer reports on independent contractors and leased employees.

105 KAR 001:451. Quasi-governmental employer reports on independent contractors and leased employees.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:030. License transfer and non-resident pharmacist license.

201 KAR 002:360. Naloxone dispensing.

201 KAR 002:380E. Board authorized protocols.

201 KAR 002:380. Board authorized protocols.

201 KAR 002:450. Unprofessional conduct of a pharmacy permit holder.

201 KAR 002:460. Out of state pharmacy permits.

Board of Licensure for Long-Term Care Administrators

201 KAR 006:060. Fees.

Board of Dentistry

201 KAR 008:520. Fees and fines.

201 KAR 008:601. Mobile dental facilities and portable dental units.

Real Estate Commission

201 KAR 011:121. Standards of professional conduct.

Department of Fish and Wildlife Resources: Game

301 KAR 002:075. Wildlife rehabilitation permit.

301 KAR 002:081. Transportation and holding of live native wildlife.

301 KAR 002:082. Transportation and holding of live exotic wildlife.

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

501 KAR 006:050. Luther Luckett Correctional Complex.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Medicaid Services

907 KAR 001:082. Coverage provisions and requirements regarding rural health clinic services. Jonathan Scott, regulatory and legislative advisor, represented the department.

In response to a question by Co-Chair West, Mr. Scott requested that this administrative regulation be deferred to the January 2023 meeting of this subcommittee. Without objection, and with agreement of the agency, this administrative regulation was deferred.

907 KAR 001:680. Vaccines for children program.

Payments and Services

907 KAR 003:010. Reimbursement for physicians’ services.

Department for Developmental Health, Developmental and Intellectual Disabilities: Substance Abuse

908 KAR 001:374. Licensure of nonhospital-based outpatient alcohol and other drug treatment entities.

Department for Community Based Services: K-TAP, Kentucky Works, Welfare to Work, State Supplementation

921 KAR 002:006. Technical requirements for the Kentucky Transitional Assistance Program (KTAP).

921 KAR 002:500. Family Assistance Short Term (FAST).

921 KAR 002:510. Relocation Assistance Program (RAP).

921 KAR 002:520. Work Incentive (WIN).

The subcommittee adjourned at 2:30 p.m. The next meeting of this subcommittee was tentatively scheduled for January 10, 2023, at 1 p.m.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the January Meeting
January 10, 2023

Call to Order and Roll Call

The January meeting of the Administrative

Regulation Review Subcommittee was held on Tuesday, January 10, 2023, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams, Damon Thayer, and David Yates; Representatives Randy Bridges, Deanna Frazier Gordon, and Daniel Grossberg.

Guests: Michael Adams and Jennifer Scutchfield, Office of the Secretary of State; Taylor Brown, State Board of Elections; Graham Gray, Farrah Petter, and Jon Grate, Auditor of Public Accounts; Robert B. Barnes, Teachers’ Retirement System; Carrie Bass and Jessica Beaubien, Kentucky Retirement Systems; Lois Ann Disponett and August Lincoln Pozgay, Real Estate Authority; Marc Kelly, Board of Social Work; William Brab, Jeremy Sylvester, and Zachary Zimmerer, Board of Registration for Professional Geologists; Steven Fields, Jenny Gilbert, Rich Storm, and Dan Figert, Department of Fish and Wildlife Resources; Abigale George, Clint Quarles, and Ryan Burnette, Department of Agriculture; Michael Kennedy, Division of Air Quality; Amy Barker and Amelia Howell, Justice and Public Safety Cabinet; Jonathan Scott, Department for Medicaid Services; Rachael Ratliff, Department for Behavioral Health, Development and Intellectual Disabilities; and Laura Begin and Andrea Day, Department for Community Based Services.

LRC Staff: Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, and Christy Young.

Administrative Regulations Reviewed by this Subcommittee:

SECRETARY OF STATE: Filings

030 KAR 009:010. Forms. Michael Adams, Secretary of State, represented the office.

In response to a question by Co-Chair West, Secretary Adams stated that this administrative regulation was in response to House Bill 336 from the 2020 Regular Session of the General Assembly, which established the deadline for filing the name and address of the Lieutenant Governor running mate for a governor’s race. This administrative regulation established and incorporated that form.

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 of the agency, the amendments were approved.

STATE BOARD OF ELECTIONS: Electronic Voting Systems

031 KAR 002:030E. E-Poll book product certification. Taylor Brown, general counsel,

represented the board.

In response to questions by Co-Chair West, Mr. Brown stated that electronic poll books were replacing hand-signed rosters for voting purposes. There was currently only one certified vendor in Kentucky for electronic poll books, Tenex, which was located in Tampa, Florida. Pursuant to this emergency administrative regulation, the board had received four applications for vendor certification, including Tenex.

031 KAR 002:030. E-poll book product certification.

GENERAL GOVERNMENT CABINET: Auditor of Public Accounts: Audits

045 KAR 001:050. Audits of fiscal courts. Jon Grate, chief of staff, and Farrah Petter, assistant state auditor, represented the office.

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 and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

FINANCE AND ADMINISTRATION CABINET: Teachers' Retirement System: General Rules

102 KAR 001:361E. Disability retirement for TRS Tier 4 members with less than five years of service. Robert Barnes, general counsel and deputy executive secretary, represented the system.

In response to a question by Co-Chair West, Mr. Barnes stated that House Bill 258 from the 2021 Regular Session of the General Assembly established a new, fourth retirement tier, TRS 4.

102 KAR 001:361. Disability retirement for TRS Tier 4 members with less than five years of service.

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

Kentucky Retirement Systems: General Rules

105 KAR 001:071. Repeal of 105 KAR 001:070. Carrie Bass, staff attorney supervisor, and Jessica Beaubien, policy specialist, represented the systems.

105 KAR 001:371. Repeal of 105 KAR 001:370.

105 KAR 1:451E. Quasi-governmental employer reports on independent contractors and leased employees.

105 KAR 001:451. Quasi-governmental employer reports on independent contractors and leased employees.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 4 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.

BOARDS AND COMMISSIONS: Real Estate Commission

201 KAR 011:121. Standards of professional conduct. Lois Ann Disponett, chair, and August Pozgay, general counsel, represented the board.

In response to questions by Senator Yates, Mr. Pozgay stated that neither this administrative regulation nor the incorporated material addressed members, partnerships, or Limited Liability Companies with minority or percentage ownership in real estate purchasing groups. Disclosures were required for licensees of the commission. The amendment to this administrative regulation removed the requirement to disclose former clients involved in transactions. Ms. Disponett stated that this administrative regulation was being amended to clarify who constituted an agent.

In response to questions by Co-Chair West, Ms. Disponett stated that the Seller Disclosure applied to residential property of four units or less. Mr. Pozgay stated that the agency would follow up with this subcommittee regarding to whom the Agency Disclosure applied.

In response to a question by Representative Grossberg, Ms. Disponett stated that a "former prospective client" was established if there was a written offer signifying a true fiduciary responsibility.

In response to questions by Representative Bridges, Mr. Pozgay stated that the term, "retained," did not necessarily imply that any payment had been made, but that there was a formalized relationship. Ms. Disponett stated that a buyer's agent would not be paid by a buyer. Mr. Pozgay stated that payment was not a component of the disclosure form.

A motion was made and seconded to approve the following amendments: to amend Section 11 to revise incorporated forms for clarity and to align form content with current regulatory provisions. 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, and Jeremy Sylvester, board counsel, represented the board.

In response to questions by Representative Frazier Gordon, Mr. Brab stated that fees were last increased in 2001 and 2009. The fee increase was to address an office cost increase of approximately \$20,000 per fiscal year.

201 KAR 031:031. Repeal of 201 KAR 031:030.

In response to a question by Co-Chair West, Mr. Brab stated that this administrative regulation established a grace period for temporary licensure in 1994 and 1995. There had been no requests or records of requests for this licensure; therefore, this administrative regulation was being repealed.

201 KAR 031:040. Applications and examinations.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 5 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 031:050. Renewals.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 5, and 6 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 002:015. Feeding of wildlife. Steven Fields, staff attorney; Dan Figert, assistant director of wildlife; and Rich Storm, commissioner, represented the department.

301 KAR 002:075. Wildlife rehabilitation permit.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1 through 4 and 6 through 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.

301 KAR 002:081. Transportation and holding of live native wildlife.

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 14 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the 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: (1) to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 3 through 7 and 9 through 12 to comply

with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 10(5)(c) to establish conditions for euthanasia for confiscated wildlife. Without objection, and with agreement of the agency, the amendments were approved.

**GENERAL GOVERNMENT CABINET:
Department of Agriculture: Organic Agricultural
Product Certification**

302 KAR 040:010. Certification of organic production, processing, or handling operations. Ryan Burnette, division director; Abigale George, Organic Program specialist; and Clint Quarles, attorney, represented the department.

In response to questions by Co-Chair West, Mr. Quarles stated that Organic Program fees, which had not been adjusted since at least 2004, were doubling. Fees were intended to recoup expenses for the program, such as costs for gas and vehicles. This program generally operated under a financial loss to the agency. Mr. Burnette stated that the fee for an organic certified crop farm was going from \$250 to \$500; however, with the U.S.D.A. cost-sharing program, the expense for the farm would continue to be \$250. The applicants were able to apply for the federal cost-sharing funds through the application or as part of an inspection.

In response to questions by Senator Thayer, Mr. Burnette stated that there was widespread support for these increases because the department fees continued to be far lower than what private entities charged. The department did not have a letter from the industry stating that the fees would not be passed on to consumers. Co-Chair West clarified that industry preferred that the department continued to implement this program because it would otherwise cost more.

Senator Yates stated that costs could be lowered if more competition were available in the organic industry. If the program ceased, competition would likely be reduced, which would seem to keep costs high.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 5 and material incorporated by reference to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**ENERGY AND ENVIRONMENT CABINET:
Department for Environmental Protection:
Division for Air Quality: General Standards of
Performance**

401 KAR 063:060. List of hazardous air pollutants, petitions process, lesser quantity designations, and source category list. Michael Kennedy, division director, represented the division.

In response to questions by Co-Chair West, Mr. Kennedy stated that 1-Bromopropane was a solvent

used to clean metals and other materials. Adding 1-Bromopropane to the list was expected to have no immediate impact because emissions control was not a requirement of adding the contaminant to the list.

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

501 KAR 006:050. Luther Luckett Correctional Complex. Amy Barker, assistant general counsel, and Amelia Howell, program administrator, represented the office.

A motion was made and seconded to approve the following amendments: to amend Section 1 and the material incorporated by reference to clarify provisions and comply with the drafting 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 Medicaid Services:
Payments and Services**

907 KAR 003:160. Specialized children's services clinics. Jonathan Scott, regulation coordinator, represented the department.

In response to questions by Co-Chair West, Mr. Scott stated that, moving forward, this would be a fee-for-service benefit that bypassed the MCOs. The department had the statutory authority for this, and many of the child advocacy centers were not participating with the MCOs. Only approximately half were participating with an MCO, and the department endeavored to ensure that this provider type was fully able to participate without barriers. Out of approximately 15 child advocacy centers, only 7 or 8 were fully participating. Senator Raque Adams clarified that the cabinet did not increase the reimbursement rate. Senate Bill 8 from the 2022 Regular Session of the General Assembly required increased reimbursement for child advocacy centers.

In response to a question by Senator Thayer, Mr. Scott and Senator Raque Adams stated the department was complying with Senate Bill 8 from the 2022 Regular Session of the General Assembly.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 2 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.

Department for Developmental Health, Developmental and Intellectual Disabilities: Sub-stance Abuse

908 KAR 001:374. Licensure of nonhospital-based outpatient alcohol and other drug treatment entities. Rachael Ratliff, regulation coordinator,

represented the department.

**Department for Community Based Services:
Daycare**

922 KAR 002:165. Employee Child Care Assistance Partnership. Laura Begin, regulation coordinator, and Andrea Day, division director, represented the department.

In response to a question by Co-Chair West, Ms. Begin stated that House Bill 499 from the 2022 Regular Session of the General Assembly established the Employee Child Care Assistance Partnership, which intended to help employers obtain and maintain children in childcare. The cost of childcare was often the most salient decision point in determining employment and continuation of employment.

A motion was made and seconded to approve the following amendments: to amend: (1) Section 3 to comply with the drafting requirements of KRS Chapter 13A; (2) Section 8 for clarity; (3) Section 9 to update the edition date of material incorporated by reference; and (4) the material incorporated by reference for consistency with this administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

Other Business: Co-Chair West introduced new subcommittee members in order of seniority, including: Senator Damon Thayer, Representative Derek Lewis, and Representative Daniel Grossberg. Representative Hale had resigned as Co-Chair of this subcommittee, and it was necessary to elect a replacement House Co-Chair to complete the unexpired portion of that term. Representative Frazier Gordon made a motion, seconded by Representative Bridges, that Representative Derek Lewis be nominated for House Co-Chair. Representative Lewis accepted the nomination. Representative Bridges made a motion, seconded by Representative Frazier Gordon, to end House Co-Chair nominations and elect Representative Lewis by acclamation. Representative Lewis was endorsed as House Co-Chair of the subcommittee.

The following administrative regulations were deferred or removed from the January 10, 2023, subcommittee agenda:

**OFFICE OF THE ATTORNEY GENERAL:
Department of Law: Office of Consumer Protection**

040 KAR 002:150. Cremation forms and inspections.

**FINANCE AND ADMINISTRATION CABINET:
Kentucky Retirement Systems: General Rules**

105 KAR 001:411. Hospital and medical insurance for retired members and Kentucky Retirement Systems Insurance Fund Trust.

BOARDS AND COMMISSIONS: Board of Pharmacy

- 201 KAR 002:360. Naloxone dispensing.
- 201 KAR 002:380E. Board authorized protocols.
- 201 KAR 002:380. Board authorized protocols.

201 KAR 002:450. Unprofessional conduct of a pharmacy permit holder.

Board of Licensure for Long-term Care Administrators

- 201 KAR 006:060. Fees.

Board of Dentistry

- 201 KAR 008:520. Fees and fines.

201 KAR 008:601. Mobile dental facilities and portable dental units.

Board of Social Work

201 KAR 023:016. Temporary permission to practice. Marc Kelly, executive director, represented the board.

In response to a question by Co-Chair West, Mr. Kelly requested deferral of this administrative regulation to the February 2023 meeting of this subcommittee. Without objection, and with agreement of the agency, this administrative regulation was deferred.

201 KAR 023:051E. Renewal, termination, reinstatement of license.

EDUCATION AND LABOR CABINET: Department of Education: Charter Schools

701 KAR 008:010. Charter school student application, lottery, and enrollment.

701 KAR 008:020. Evaluation of charter school authorizers.

701 KAR 008:030. Charter school appeal process.

701 KAR 008:040. Conversion charter school petition, conversion, and operation.

701 KAR 008:050. Charter school funding.

PUBLIC PROTECTION CABINET: Department of Insurance: Health Insurance Contracts

806 KAR 017:280. Registration, utilization review, and internal appeal.

806 KAR 017:290. Independent External Review Program.

Department of Financial Institutions: General Provisions

808 KAR 001:170. Licensing and registration.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Health Services and Facilities

902 KAR 020:470. Kentucky heart attack response and treatment recognition process.

Department for Medicaid Services

907 KAR 001:082. Coverage provisions and requirements regarding rural health clinic services.

907 KAR 001:680. Vaccines for children program.

Payments and Services

907 KAR 003:010. Reimbursement for physicians' services.

Medicaid Eligibility

907 KAR 020:050. Presumptive eligibility.

Department for Community Based Services: K-TAP, Kentucky Works, Welfare to Work, State Supplementation

921 KAR 002:006. Technical requirements for the Kentucky Transitional Assistance Program (KTAP).

921 KAR 002:500. Family Assistance Short Term (FAST).

921 KAR 002:510. Relocation Assistance Program (RAP).

921 KAR 002:520. Work Incentive (WIN).

The subcommittee adjourned at 2 p.m. The next meeting of this subcommittee was tentatively scheduled for February 14, 2023, at 8 a.m.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the February Meeting
February 14, 2023

Call to Order and Roll Call

The February meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, February 14, 2023, at 8:00 AM, in Room 171 of the Capitol Annex. Representative Derek Lewis, Chair, called the meeting to order, and the secretary called the roll.

Present were:
Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators

Julie Raque Adams and Damon Thayer; and Representatives Randy Bridges, Deanna Frazier Gordon, and Daniel Grossberg.

Guests: Dianna Barber, Kentucky Higher Education Assistance Authority; Stephen Humphress and Christopher Thacker, Office of the Attorney General; Stafford Easterling, Personnel Board; Jessica Beaubien and Carrie Bass, Kentucky Retirement Systems; Eden Davis and Christopher Harlow, Board of Pharmacy; Misty Stutz, Kentucky Pharmacists Association; Cory Meadows, Kentucky Medical Association; Jeffrey Allen and Ann-Tyler Morgan, Board of Dentistry; Leanne Diakov, Board of Medical Licensure; Kelly Jenkins and Jeffrey Prather, Board of Nursing; Marc Kelly, Board of Social Work; Steven Fields, Jenny Gilbert, and Rich Storm, Department of Fish & Wildlife Resources; Nathan Goens and Elisha Mahoney, Justice and Public Safety Cabinet; John Ghaelian and Duane Hammons, Department of Workplace Standards; Abigail Gall and Shaun Orme, Department of Insurance; Jonathan Scott, Department for Medicaid Services; Ivy Alexander and Emily Allen, Office for Children with Special Health Care Needs; Laura Begin and Todd Tripp, Department for Community Based Services; Lisa Lee, Department for Medicaid Services.

LRC Staff: Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Carrie Nichols, and Christy Young.

Administrative Regulations Reviewed by this Subcommittee:

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY: Division of Student and Administrative Services

011 KAR 004:080. Student aid applications. Dianna Barber, interim executive director, represented the division.

In response to questions by Co-Chair West, Ms. Barber stated that changes reflected federal PELL eligibility.

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

KHEAA Grant Programs

011 KAR 005:001. Definitions pertaining to 011 KAR Chapter 005.

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.

011 KAR 005:037. CAP grant student eligibility.

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 005:145. CAP grant award determination procedure.

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

**OFFICE OF THE ATTORNEY GENERAL:
Department of Law: Office of Consumer Protection**

040 KAR 002:150. Cremation forms and inspections. Stephen Humphress, assistant attorney general, and Christopher Thacker, assistant deputy attorney general, represented the office.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 4, 6, 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.

**GENERAL GOVERNMENT CABINET:
Personnel Board**

101 KAR 001:325. Probationary periods. Stafford Easterling, general counsel, represented the board.

**FINANCE AND ADMINISTRATION CABINET:
Kentucky Retirement Systems: General Rules**

105 KAR 001:411. Hospital and medical insurance for retired members and Kentucky Retirement Systems Insurance Fund Trust. Carrie Bass, staff attorney supervisor, and Jessica Beaubien, policy specialist, represented the systems.

A motion was made and seconded to approve the following amendments: to amend Section 1 to add a definition for “wellness or wellbeing promise”; to amend Section 10 to clarify procedures if enrollment is not mandatory; and to amend the RELATES TO paragraph and Sections 1, 3, 5, and 7 through 14 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**BOARDS AND COMMISSIONS: Board of
Pharmacy**

201 KAR 002:360. Naloxone dispensing. Eden Davis, general counsel, and Christopher Har-low,

executive director, represented the board.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; Sections 1 through 6; and material incorporated by reference to change references to “naloxone” to “opioid antagonist” consistent with Senate Bill 56 from the 2022 Regular Session of the General Assembly; and to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph; Sections 3 through 6; and material incorporated by reference to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 002:450. Unprofessional conduct of a pharmacy permit holder.

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 and formatting requirements of KRS Chapter 13A; and to amend Section 1 to add a definition for a “pharmacy permit holder.” Without objection, and with agreement of the agency, the amendments were approved.

Board of Dentistry

201 KAR 008:016. Registration of dental laboratories. Jeffrey Allen, executive director, and Anne-Tyler Morgan, counsel, represented the board.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 008:520. Fees and fines.

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

201 KAR 008:571. Registration of dental assistants.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 3 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.

201 KAR 008:601. Mobile dental facilities and portable dental units.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 2 through 4, 6, 7, and 9 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 Medical Licensure

201 KAR 009:470. Standardized medical order for scope of treatment form. Leanne Diakov, counsel, represented the board.

Board of Nursing

201 KAR 020:370. Applications for licensure. Kelly Jenkins, executive director, and Jeffrey Prather, general counsel, represented the board.

A motion was made and seconded to approve the following amendments: to amend Section 2 to restore the previous language of an application for licensure by endorsement lapsing within one year from the date of the application form being filed with the board office; and 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.

Board of Social Work

201 KAR 023:051E. Renewal, termination, reinstatement of license. Marc Kelly, executive director, represented the board.

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

301 KAR 002:219. Repeal of 301 KAR 002:224 and 301 KAR 002:226. Jenny Gilbert, legislative liaison, and Steven Fields, staff attorney, represented the department.

301 KAR 002:221. Waterfowl seasons and limits.

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

301 KAR 002:228. Sandhill crane hunting requirements.

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

**JUSTICE AND PUBLIC SAFETY CABINET:
Office of the Secretary**

500 KAR 016:010. Funds disbursement from the elder and vulnerable victims trust fund. Nathan Goens, staff attorney, and Elisha Mahoney, executive staff advisor, represented the office.

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

**EDUCATION AND LABOR CABINET:
Department of Workplace Standards: Labor Standards; Wages and Hours**

803 KAR 001:081. Board, lodging, gratuities and other allowances. John Ghaelian, general counsel, represented the department.

**PUBLIC PROTECTION CABINET: Department
of Insurance: Health Insurance Contracts**

806 KAR 017:280. Registration, utilization review, and internal appeal. Abigail Gall, executive advisor, and Shaun Orme, executive advisor, represented the department.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 4, 6, 7, and 9 through 13 and material incorporated by reference to comply with the drafting requirements of KRS Chapter 13A; and to amend Sections 4 and 9 for clarification. Without objection, and with agreement of the agency, the amendments were approved.

806 KAR 017:290. Independent External Review Program.

A motion was made and seconded to approve the following amendments: to amend Section 12 and material incorporated by reference to comply with the drafting 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 Medicaid Services**

907 KAR 001:680. Vaccines for children program. Lisa Lee, commissioner, and Jonathan Scott, regulation coordinator, represented the department.

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

Payments and Services

907 KAR 003:010. Reimbursement for physicians' services.

Medicaid Eligibility

907 KAR 020:050. Presumptive eligibility.

A motion was made and seconded to approve the following amendments: to add a new Section 9 incorporating the "Presumptive Eligibility Hospital Patient Information Form" by reference; to amend Section 8 to insert Web site links; and to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 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.

Office for Children with Special Health Care Needs

911 KAR 001:060. Medical staff. Ivy Alexander, executive director, and Emily Allen, regulation coordinator, represented the office.

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

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

Representative Frazier Gordon thanked the office because Kentucky was a model for the nation regarding early hearing detection and intervention.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

911 KAR 001:090. Appeals.

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.

**Department for Community Based Services:
K-TAP, Kentucky Works, Welfare to Work, State
Supplementation**

921 KAR 002:006. Technical requirements for the Kentucky Transitional Assistance Pro-gram (KTAP).

Laura Begin, regulation coordinator, and Todd Tripp, division director, represented the department.

At the November 9, 2022, meeting of this subcommittee, a motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 3, 5, 13, 15, and 16 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

921 KAR 002:500. Family Assistance Short Term (FAST).

921 KAR 002:510. Relocation Assistance Program (RAP).

921 KAR 002:520. Work Incentive (WIN).

Other Business: Co-Chair Lewis stated that several members had concerns about some administrative regulations that had been filed by the Department for Medicaid Services. This subcommittee considered these administrative regulations.

The subcommittee determined that the following administrative regulations were deficient pursuant to KRS 13A.030(2)(a):

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

907 KAR 001:026E. Dental services' coverage provisions and requirements. Lisa Lee, commissioner, and Jonathan Scott, regulation coordinator, represented the department.

In response to a question by Co-Chair Lewis, Ms. Lee stated that communication among the department, MCOs, providers, and recipients had not been optimal. The department had been in contact with stakeholders, especially dental providers, in order to clear up some of the confusion.

In response to questions by Co-Chair West, Ms. Lee stated that this package of administrative regulations did not necessarily represent a large expansion of services. Several other states covered the same services, and this was an effort to offset future costs. Poor dental care was associated with heart disease and pre-term births. Studies had demonstrated that hearing aids helped reduce dementia. During the coronavirus (COVID-19) pandemic, the department was prohibited, except in certain circumstances, from exiting recipients from the program. Now that the public health emergency was expiring, there were those who needed these services who would soon be exiting the program. This package of administrative regulations was intended to help those individuals find success after exiting the program in order to reduce recidivism. The department anticipated a cost of approximately \$89 million, which would be funded by federal and state monies and offset by savings from, for example, emergency room visits related to deferred adult dental care. The department viewed

this as an investment in preventative care in order to reduce costs for more advanced diseases. Ms. Lee was unsure whether or not the department presented this proposal to the Medicaid Oversight Advisory Committee in November 2022. The department continued to work with stakeholders to develop specific reimbursement rates and codes related to preventative services. MCOs have agreed to increase costs to the Medicaid fee schedule. Ms. Lee stated that some legislators had expressed concerns about the department moving forward with this package of administrative regulations without input from the General Assembly. Co-Chair West stated that he understood that some legislators had objected to this package of administrative regulations, and that many providers were not participating due to low reimbursement rates.

Senator Raque Adams stated that most of the feedback she had received was from providers who had concerns about low reimbursement rates. Compensation was inadequate for the care that was currently provided. Expanding services, rather than raising reimbursement rates for existing services, seemed counterintuitive.

Co-Chair Lewis stated that, pertaining to Medicaid, many dental providers were breaking even at best and, in some cases, taking a loss. Transportation was also a major concern. Medicaid reimbursement rates, compared with standard and Medicare rates, were significantly lower. Rates had been stagnant for many years. While the department's goal was a sound one, there might be a more effective way to allocate these funds. Expanding coverage without providers was futile.

Representative Bridges stated that \$89 million was a great expansion. This seemed like an appropriation of funds, which was a legislative prerogative. While this package of administrative regulations seemed well-intentioned, it was prudent to consider adjusting reimbursement rates for existing services first.

Representative Frazier Gordon stated that, as a provider of hearing services, she appreciated the importance of addressing children's hearing needs and in preventing dementia in adults. As an example of problems with the Medicaid hearing component, the current process for providing a hearing aid took many months, and the provider always had a financial loss. This was a good initiative; however, current problems first needed to be addressed.

In response to questions by Co-Chair West, Ms. Lee stated that the department had 22 technical advisory committees that held meetings to discuss specific policies and provide feedback. Most of the feedback pertained to reimbursement and administrative procedures. She was unaware if there was specific budget language regarding how cost savings from Senate Bill 50 were to be allocated. The department believed that the visual, hearing, and dental programs for adults were necessary on an emergency basis to prevent more serious diseases. Mr. Scott stated that he would get back with this subcommittee regarding

what documentary evidence was submitted to justify the emergency nature of this administrative regulation. Co-Chair West stated that the documentary evidence submitted was the Governor's press release on this matter, the authorizing statute, the public notice, and pages from a federal form. This documentary justification seemed insufficient. This seemed like a massive expansion of the program, and the General Assembly should have input in developing these policies. This package of administrative regulations represented an appropriation of funds to a program that was already experiencing significant reimbursement complaints. The reimbursement complaints needed to be addressed first.

Senator Thayer stated that this was another example of Governor Beshear's dismissiveness toward the General Assembly.

Co-Chair West made a motion, seconded by Senator Thayer, to find these administrative regulations deficient. A roll call vote was conducted, and with six votes to find these administrative regulations deficient and one pass vote, these administrative regulations were found deficient.

Representative Bridges explained his vote to find these administrative regulations deficient. This was definitely an appropriation. The timing of these administrative regulations was odd because the General Assembly was currently in a legislative session.

Co-Chair Lewis explained his vote to find these administrative regulations deficient. He stated that he understood the department's intent and appreciated their efforts.

Compiler's Note: Pursuant to KRS 13A.335(3) (a), a new Section 21 was added to this administrative regulation to reflect the finding of deficiency.

907 KAR 001:026. Dental services' coverage provisions and requirements.

Compiler's Note: Pursuant to KRS 13A.335(3) (a), a new Section 21 was added to this administrative regulation to reflect the finding of deficiency.

907 KAR 001:038E. Hearing Program coverage provisions and requirements.

Compiler's Note: Pursuant to KRS 13A.335(3) (a), a new Section 10 was added to this administrative regulation to reflect the finding of deficiency.

907 KAR 001:038. Hearing program coverage provisions and requirements.

Compiler's Note: Pursuant to KRS 13A.335(3) (a), a new Section 10 was added to this administrative regulation to reflect the finding of deficiency.

907 KAR 001:632E. Vision program coverage provisions and requirements.

Compiler's Note: Pursuant to KRS 13A.335(3) (a), a new Section 15 was added to this administrative regulation to reflect the finding of deficiency.

907 KAR 001:632. Vision program coverage provisions and requirements.

Compiler's Note: Pursuant to KRS 13A.335(3) (a), a new Section 15 was added to this administrative regulation to reflect the finding of deficiency.

The following administrative regulations were deferred or removed from the February 14, 2023, subcommittee agenda:

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:380E. Board authorized protocols. Eden Davis, general counsel, and Christopher Harlow, executive director, represented the board. Misty Stutz, president, Kentucky Pharmacists and Physicians, and dean, Sullivan University School of Pharmacists, appeared in support of these administrative regulations. Cory Meadows, deputy executive vice-president, Kentucky Medical Association, appeared in opposition to these administrative regulations.

In response to a question by Senator Raque Adams, Ms. Stutz stated that these administrative regulations were necessary to expand medical access and to allow quick and efficient responses to emergent, acute, self-limiting public health crises. The medical system of care, including care provided by pharmacists, should be agile. The KRS Chapter 13A regulatory process was slow and did not function quickly enough to address emergent issues. Not all emergent public health issues met the criteria for an emergency administrative regulation, although these public health issues could still have devastating effects on the health of Kentuckians. Research demonstrated that there was an insufficient number of physicians for all patient care that was needed. Pharmacists were highly trained to collaborate with physicians to provide care for acute, minor ailments and to provide preventative care. These services were not intended to replace primary care physicians, but to address gaps in care and to respond to public health threats in a timely manner. Medical oversight was provided regarding the appropriateness of the protocols. Pharmacist care services also provided an entry point into the medical system of care. These administrative regulations were filed upon request by the Department for Medicaid Services to ensure that patients had access to PAXLOVID for the treatment of coronavirus (COVID-19). The board has eliminated the list of specific conditions for which protocols could be developed and strengthened oversight. These administrative regulations established a Protocol Review Committee and a Protocol Registry. Ms. Stutz requested that this subcommittee respectfully allow these administrative regulations to continue through the process without substantive changes.

In response to a question by Co-Chair Lewis, Mr. Meadows stated that Kentucky Medical Association

(KMA) was opposed to board authorized protocols. These administrative regulations, in any form, did not represent sound public health policy. Protocols should be specifically authorized by the General Assembly. These changes were unnecessary and did not reflect discussions between the board and the KMA. The board was circumventing the rulemaking process, which provided for emergency administrative regulations. These administrative regulations lacked proper parameters and did not establish transparency. The board was removing the specific list of conditions that could be treated through these protocols, leaving broad authority outside of the rulemaking process and thereby bypassing the General Assembly. These administrative regulations were also removing necessary subject matter training requirements for pharmacists participating in these protocols. Because changes to these administrative regulations was potentially expanding conditions that pharmacists may address, training requirements should be expanded, not deleted. The board should reinstate training requirements in the interest of quality of care and public safety. The Protocol Review Committee, which was to consist of four pharmacists and only one physician, seemed to be authorized only to address issues of process, rather than substance. While the board had referenced a public comment process pertaining to these protocols, that language had not been found in these administrative regulations.

In response to a question by Co-Chair Lewis, Mr. Harlow stated that the board's mission was to ensure public health and patient safety. The changes to these administrative regulations were necessary to improve oversight and ensure that pharmacists were working within their current scope of practice. The purpose of the Protocol Review Committee was to ensure compliance and that protocols were appropriate. Pharmacists were highly educated prior to implementing any protocols. Training was not addressed in these administrative regulations because it was a component of the protocols. Ms. Davis stated that the board's intent was not to bypass the rulemaking process, but to be able to respond to an urgent health crisis. A public health situation that was regional or did not affect the entire state might not qualify for an emergency administrative regulation, and the process for an ordinary administrative regulation to become effective took at least six months.

In response to questions by Co-Chair West, Ms. Davis stated that coronavirus (COVID-19) would be an example of a statewide emergent public health crisis. A regional crisis, such as a localized outbreak of measles, might not reach the criteria for an emergency administrative regulation, but might still need a rapid response. Mr. Harlow stated that opioid and alcohol use disorders might also be examples. Mr. Meadows stated that the emergency administrative regulation process existed to address imminent public health threats. Anything that did not meet the criteria was not an emergency.

In response to a question by Senator Raque Adams, Ms. Davis stated it was unclear if a localized outbreak would qualify for an emergency administrative regulation. Senator Raque Adams stated that a specific outbreak seemed like an event that would comply with the emergency administrative regulation

criteria. When the General Assembly authorized these protocols, there was significant debate regarding this matter. Going beyond the initially authorized health conditions and expanding to include a broad array of other conditions was far afield of the General Assembly's original intent for this program.

Co-Chair Lewis stated that, being from the pharmacy sector, he saw the need for this but also understood some of the members' concerns.

Co-Chair West stated that one of the requirements for an emergency administrative regulation was "protect human health and the environment." That standard seemed broad enough to meet the needs of this program. The fact that an outbreak might be regional, rather than statewide, did not seem to preclude an administrative regulation from meeting the criteria for filing as an emergency administrative regulation. These new protocols seemed to be creating an intermediary step in rulemaking that lacked transparency and oversight.

In response to a question by Co-Chair West, Mr. Harlow stated that the board agreed to defer consideration of these administrative regulations to the March meeting of this subcommittee. Without objection, and with agreement of the agency, these administrative regulations were deferred.

In response to a question by Senator Raque Adams, Co-Chair Lewis stated that the goal of deferral was for stakeholders to meet and attempt to address some of the outstanding concerns regarding these administrative regulations.

201 KAR 002:380. Board authorized protocols.

A motion was made and seconded to approve the following amendments: to amend Section 1 to add a definition for "protocol"; and to amend 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.

Board of Optometric Examiners

201 KAR 005:002. Board administration and optometric practice.

Board of Licensure for Long-Term Care Administrators

201 KAR 006:060. Fees.

Board of Social Work

201 KAR 023:016. Temporary permission to practice.

201 KAR 023:051. Renewal, termination, reinstatement of license.

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

501 KAR 006:040. Kentucky State Penitentiary.

EDUCATION AND LABOR CABINET: Department of Education: Charter Schools

701 KAR 008:010. Charter school student application, lottery, and enrollment.

701 KAR 008:020. Evaluation of charter school authorizers.

701 KAR 008:030. Charter school appeal process.

701 KAR 008:040. Conversion charter school petition, conversion, and operation.

701 KAR 008:050. Charter school funding.

PUBLIC PROTECTION CABINET: Department of Financial Institutions: General Provisions

808 KAR 001:170. Licensing and registration.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Health Services and Facilities

902 KAR 020:470. Kentucky heart attack response and treatment recognition process.

902 KAR 020:480. Assisted living communities.

Controlled Substances

902 KAR 055:110. Monitoring system for prescription controlled substances.

Department for Medicaid Services

907 KAR 001:082. Coverage provisions and requirements regarding rural health clinic services.

The subcommittee adjourned at 9:25 a.m. The next meeting of this subcommittee was tentatively scheduled for March 7, 2023, at 8 a.m.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE Minutes of the March Meeting March 7, 2023

Call to Order and Roll Call

The March meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, March 7, 2023, at 8:00 AM, in Room 149 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams, and Damon Thayer; Representatives Randy Bridges, Deanna Frazier Gordon, and Daniel Grossberg.

Guests: Mark Bowman, Dwayne Edwards, Tamara Reid-McIntosh, and Juan Renaud, Department

of Veterans' Affairs; Graham Gray and Farrah Petter, Auditor of Public Accounts; Carrie Bass and Jessica Beaubien, Kentucky Retirement Systems; Eden Davis and Christopher Harlow, Board of Pharmacy; Cory Meadows, Kentucky Medical Association; Ben Mudd, Kentucky Pharmacists Association; John Park and Michelle Shane, Board of Veterinary Examiners; Stephen Curley, Board of Physical Therapy; Marc Kelly, Board of Social Work; Eddie Sloan and John Wood, Board of Emergency Medical Services; Brian Clark, Steven Fields, and Jenny Gilbert, Department of Fish & Wildlife Resources; Amy Barker, Amelia Howell, and Brandon Lynch, Department of Corrections; Todd Allen, Matthew Courtney, Micki Ray, and Matt Ross, Department of Education; Oran McFarlan and Matt Lynch, Office of Unemployment Insurance; Abigail Gall and Shaun Orme, Department of Insurance; Julie Brooks, Department for Public Health; Kara Daniel and Adam Mather, Office of Inspector General; Alex Kuhn, American Heart Association; Lisa Lee and Johnathan Scott, Department for Medicaid Services.

LRC Staff: Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Carrie Nichols, and Christy Young.

The subcommittee determined that the following emergency administrative regulation was deficient pursuant to KRS 13A.030(2)(a):

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:380E. Board authorized protocols. Eden Davis, general counsel, and Christopher Harlow, executive director, represented the board. Ben Mudd, executive director, Kentucky Pharmacists Association, appeared in support of this administrative regulation. Cory Meadows, director of advocacy, Kentucky Medical Association, appeared in opposition to this administrative regulation.

In response to a question by Co-Chair West, Mr. Harlow stated that the board had been working with Kentucky Medical Association stakeholders to reach an agreement on this administrative regulation.

In response to a question by Co-Chair West, Mr. Mudd stated that the Kentucky Pharmacists Association supported board-authorized protocols and had also been working with the Board of Pharmacy regarding this administrative regulation. Pharmacists were well educated and qualified to provide protocol-driven care. Pharmacists were trained how to assess patients and under what circumstances it was appropriate to refer a patient to a primary care physician or to an emergency department. The intent of the board-authorized protocols was to provide safe and efficient care to the appropriate patients. Each protocol included exclusion and inclusion criteria in order to determine which patients were appropriate for pharmacy treatment and which patients should be referred for care from other types of providers. To date, the board had not reported any complaints pertaining to safety related to care by a pharmacist. These protocols were collaborative and required to be signed by a licensed prescriber.

In response to a question by Co-Chair West, Mr. Meadows stated that Kentucky Medical Association

(KMA) had been working with the Board of Pharmacy to address concerns about board-authorized protocols. KMA previously expressed concerns regarding the removal of training and education provisions, as well as significant concerns regarding removing the list of conditions applicable to protocols. KMA preferred that the protocols be established statutorily in order to prevent future process concerns. KMA considered some of the conditions applicable for protocols inappropriate for treatment at the pharmacy counter, and physicians should have input in the protocols and the protocol process.

In response to a question by Co-Chair Lewis, Mr. Harlow stated that pharmacists were federally authorized to prescribe Paxlovid. The Department for Medicaid Services (DMS) contacted the board to request amendments to facilitate that process. It had been prohibited for a pharmacist to both prescribe and dispense the prescription; therefore, DMS requested an amendment to establish a protocol pertaining to Paxlovid. The emergent nature of the situation established the necessity for an emergency administrative regulation; however, the board determined to only establish the Paxlovid-related protocol and not others until the ordinary administrative regulation became effective.

In response to questions by Co-Chair West, Mr. Meadows stated that KMA had immediate concerns about this emergency administrative regulation and more comprehensive concerns about the overall protocol process. In the short term, the goal was to reinstate the education and training components and limit new protocols to Paxlovid only. The registry and protocol committee should be retained. In the long term, these protocols should not be established through administrative regulation and, instead, should be statutorily established. Stakeholder meetings about this matter had resulted in some progress toward agreement on some specific matters.

In response to a question by Senator Raque Adams, Mr. Meadows stated that this emergency administrative regulation did not have conditions established for the protocols and did not have education or training provisions.

Co-Chair West made a motion, seconded by Senator Raque Adams, to find this emergency administrative regulation deficient. A roll call vote was conducted and, with six votes for deficiency and one vote against deficiency, this emergency administrative regulation was found deficient.

In response to a question by Ms. Davis, Co-Chair West stated that this subcommittee found this emergency administrative regulation deficient pursuant to KRS 13.030(2)(a)1., 6., 8., and 11.

Compiler's Note: Pursuant to KRS 13A.335(3)(a), a new Section 4 was added to this administrative regulation to reflect the finding of deficiency.

Administrative Regulations Reviewed by this Subcommittee:

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

017 KAR 003:020. Charges for room and board, goods, and services at state veterans' nursing homes.

Mark Bowman, executive director; Tamara Reid-McIntosh, executive director; and Juan Renaud, deputy commissioner, represented the department.

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 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.

GENERAL GOVERNMENT CABINET: Auditor of Public Accounts: Audits

045 KAR 001:030. Audits of sheriffs' tax settlements. Graham Gray, general counsel, and Farrah Petter, assistant state auditor, represented the auditor.

FINANCE AND ADMINISTRATION CABINET: Kentucky Retirement Systems: General Rules

105 KAR 001:001. Definitions for Title 105 of the Kentucky Administrative Regulations. Carrie Bass, staff attorney supervisor, and Jessica Beaubien, policy specialist, represented the systems.

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

105 KAR 001:365. Hybrid cash balance plan.

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

BOARDS AND COMMISSIONS: Board of Veterinary Examiners

201 KAR 016:550. Authorization for animal control agencies to apply for restricted controlled substances certificate from DEA. Dr. John Park, veterinarian and board member, and Michelle Shane, executive director, represented the board.

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

201 KAR 016:552. Responsibilities for certified animal control agencies; limitations on drugs.

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, 2, 7, and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 016:560. Certification as an animal euthanasia specialist.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs, Section 9, and material incorporated by reference to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 016:562. Duties and responsibilities of an animal euthanasia specialist.

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

201 KAR 016:572. Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice.

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

201 KAR 016:610. Procedures for grievances, investigations, and administrative charges.

Board of Physical Therapy

201 KAR 022:170. Physical Therapy Compact Commission. Stephen Curley, executive director, represented the board.

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.

Board of Social Work

201 KAR 023:051. Renewal, termination, reinstatement of license. Marc Kelly, executive director, represented the board.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs; and Sections 1 through 6 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 Emergency Medical Services

202 KAR 007:201. Emergency medical responders. Eddie Sloan, interim executive director, and John Wood, counsel, represented the board.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 2, 5, 6, 8, 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.

202 KAR 007:301. Emergency medical technician.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 2, 4, 6, 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.

202 KAR 007:330. Advanced emergency medical technician.

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, 2, 4, 5, 10, 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.

202 KAR 007:401. Paramedics.

202 KAR 007:555. Ground agencies.

202 KAR 007:601. Training, education, and continuing education.

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

301 KAR 002:245. Wanton waste and disposal of big game and upland game birds. Steven Fields, staff attorney, and Brian Clark, deputy commissioner, represented the department.

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

Hunting and Fishing

301 KAR 003:120. Commercial nuisance wildlife control.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 2 through 4, 6, 8, and 9 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

501 KAR 006:040. Kentucky State Penitentiary. Amy Barker, assistant general counsel, and Brandon Lynch, branch manager, represented the office.

A motion was made and seconded to approve the following amendments: to amend the TITLE, Section 1, and the material incorporated by reference to: (1) align provisions with other departmental policies; and (2) 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: Department of Education: Charter Schools

701 KAR 008:010. Charter school student application, lottery, and enrollment. Todd Allen, general counsel; Matthew Courtney, policy advisor; Micki Ray, chief academic officer; and Matt Ross, policy advisor, represented the department.

In response to a question by Co-Chair West, Mr. Allen stated that 701 KAR 008:010, 008:020, 008:030, 008:040, and 008:050 were in response to House Bill 9 from the 2022 Regular Session of the General Assembly.

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

701 KAR 008:020. Evaluation of charter school authorizers.

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

701 KAR 008:030. Charter school appeal process.

701 KAR 008:040. Conversion charter school petition, conversion, and operation.

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.

701 KAR 008:050. Charter school funding.

Office of Instruction

704 KAR 003:303. Required academic standards.

Academic Standards

704 KAR 008:120. Required Kentucky academic standards for science.

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

Exceptional and Handicapped Programs

707 KAR 001:002. Definitions.

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

Office of Unemployment Insurance: Unemployment Insurance

787 KAR 001:090E. Unemployed worker’s reporting requirements. Matt Lynch, staff attorney, and Oran McFarlan, deputy general counsel, represented the office.

787 KAR 001:100E. Week of unemployment defined.

PUBLIC PROTECTION CABINET: Department of Insurance: Authorization of Insurers and General Requirements

806 KAR 003:250. Cybersecurity reporting procedures. Abigail Gall, executive director, and Shaun Orme, executive advisor, represented the department.

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 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: Health Services and Facilities

902 KAR 020:470. Kentucky heart attack

response and treatment recognition process. Julie Brooks, regulation coordinator, represented the department.

Office of Inspector General

902 KAR 020:490E. Rural emergency hospitals. Kara Daniel, deputy inspector general, and Adam Mather, inspector general, represented the office.

Department for Medicaid Services

907 KAR 001:038E. Hearing Program coverage provisions and requirements. Lisa Lee, commissioner, and Jonathan Scott, regulation coordinator, represented the department.

Co-Chair Lewis stated that, for clarity, nothing seemed to prohibit the cabinet from negotiating new reimbursement rates. Ms. Lee stated that, regarding dental reimbursement rates, negotiated reimbursement rate increases were based on an expected increase in services. Reimbursement rates were targeted to services that would most benefit recipients and prevent disease progression. The cabinet was considering the options for moving forward after this administrative regulation and the other companion administrative regulations in this package were found deficient.

In response to questions by Representative Frazier Gordon, Ms. Lee stated that this administrative regulation pertained to hearing tests and hearing technology. The economic data provided in the department’s analysis was based only on state contributions, which were approximately 25 percent of total costs. Federal contributions were approximately 75 percent of total costs. Mr. Scott stated that funding was complex, including federal and state funding, negotiated reimbursement rates, and capitation. Ms. Lee stated that the department was acting strategically to develop rates that were intended to have the biggest positive impact for recipients, rather than raising reimbursement rates across the board.

In response to questions by Co-Chair West, Ms. Lee stated that reimbursement rates were related to administrative regulations but were not directly adjusted through the administrative regulation process. Recent rate increases were negotiated based on the expectation of expanded services. These administrative regulations were intended to assist employment opportunities and to prevent progression of disease, thus creating long-term cost savings. Mr. Scott stated that, if these administrative regulations became null, void, and unenforceable, there were services that would no longer be covered; therefore, those reimbursement rates would essentially be moot.

Co-Chair West stated that there did not seem to be impediments to the department filing replacement emergency administrative regulations to address this subject if these administrative regulations became null, void, and unenforceable. Legislators were available to further discuss this matter, if the department so chose.

Pursuant to KRS 13A.030(2)(a), this

administrative regulation was found deficient at the February 14, 2023 meeting of this subcommittee.

The following administrative regulations were deferred or removed from the March 7, 2023, subcommittee agenda:

DEPARTMENT OF LAW: Kentucky Opioid Abatement Advisory Commission

040 KAR 009:010E. General application procedure.

040 KAR 009:020E. Local government application procedure.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:380. Board authorized protocols.

Board of Optometric Examiners

201 KAR 005:002. Board administration and optometric practice.

Board of Licensure for Long-Term Care Administrators

201 KAR 006:060. Fees.

Board of Social Work

201 KAR 023:016. Temporary permission to practice.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Juvenile Justice: Child Welfare

505 KAR 001:120E. Department of Juvenile Justice Policies and Procedures Manual; Health and Safety Services.

505 KAR 001:140E. Department of Juvenile Justice Policies and Procedures Manual: Detention Services.

EDUCATION AND LABOR CABINET: Department of Education: Academic Standards

704 KAR 008:060. Required academic standards for social studies.

Department of Workplace Standards: Labor Standards; Wages and Hours

803 KAR 001:006. Employer-employee relationship.

PUBLIC PROTECTION CABINET: Department of Financial Institutions: General Provisions

808 KAR 001:170. Licensing and registration.

CABINET FOR HEALTH AND FAMILY SERVICES: Health Services and Facilities

902 KAR 020:480. Assisted living communities.

Controlled Substances

902 KAR 055:110. Monitoring system for prescription controlled substances.

Department for Medicaid Services

907 KAR 001:026E. Dental services' coverage provisions and requirements.

907 KAR 001:082. Coverage provisions and requirements regarding rural health clinic services.

907 KAR 001:632E. Vision program coverage provisions and requirements.

The subcommittee adjourned at 9 a.m. The next meeting of this subcommittee was tentatively scheduled for April 11, 2023, at 1 p.m.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of the April Meeting

April 11, 2023

Call to Order and Roll Call

The April meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, April 11, 2023, at 1:00 PM, in Room 149 of the Capitol Annex. Representative Derek Lewis, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Derek Lewis, Co-Chair; Senator Damon Thayer; Representatives Randy Bridges, Deanna Frazier Gordon, and Daniel Grossberg.

Guests: Joe Donohue, Board of Accountancy; Eden Davis and Christopher Harlow, Board of Pharmacy; Dr. Joe Ellis and Carson Kerr, Board of Optometric Examiners; Kelly Jenkins and Jeffrey R. Prather, Board of Nursing; Brian Clark, Steven Fields, and Jenny Gilbert, Department of Fish and Wildlife Resources; Amy Barker and Leah Boggs, Department of Juvenile Justice; Buddy Hoskinson, Matt Lynch, and Oran McFarlan, Office of Unemployment Insurance; Abigail Gall and Shaun Orme, Department of Insurance; Justin Burse, Marni Gibson, Chad Harlan, Jeff Jacob, and Gary Stephens, Department of Financial Institutions; Doug Hardin and Kim Sutherland, Department of Charitable Gaming; Kara Daniel and Adam Mather, Office of Inspector General; and Jonathan Scott, Department for Medicaid Services.

LRC Staff: Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Carrie Nichols, and Christy Young.

Administrative Regulations Reviewed by this Subcommittee:

BOARDS AND COMMISSIONS: Kentucky State Board of Accountancy

201 KAR 001:190. Examination sections, applications, and procedures. Joe Donohue, executive director, represented the board.

Co-Chair Lewis stated his appreciation for the board's work.

A motion was made and seconded to approve the following amendments: to amend Sections 1 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.

Board of Pharmacy

201 KAR 002:380. Board authorized protocols. Eden Davis, general counsel, and Christopher Harlow, executive director, represented the board.

Co-Chair Lewis stated that he appreciated the board's willingness to revise this administrative regulation in response to stakeholders' concerns.

At the February 14, 2023, meeting of this subcommittee, a motion was made and seconded to approve the following amendments: to amend Section 1 to add a definition for "protocol"; and to amend 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.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph to add a statutory citation; to amend Section 2 to reference the authorized conditions listed in Section 5; to amend Section 3 to restore previous language requiring a protocol to contain the date and education or training of the pharmacist as referenced in Section 4; to add a Section 4 to restore the previous language pertaining to the required pharmacist education and training, including that a failure to be educated and trained before utilizing a prescriber approved protocol may result in disciplinary action pursuant to KRS 315.121(1)(a); to add a Section 5 to: restore the previous language on the list of authorized conditions for which board authorized protocols may be established; and include in this list, coronavirus (COVID-19) infection pursuant to recommendations by the CDC; and to amend Section 5 to comply with the formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Optometric Examiners

201 KAR 005:002. Board administration and optometric practice. Dr. Joe Ellis, vice president,

and Carson Kerr, 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 and Sections 1 through 3, 5, and 6 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 Nursing

201 KAR 020:411. Sexual Assault Nurse Examiner Program standards and credential requirements. Kelly Jenkins, executive director, and Jeffrey Prather, general counsel, represented the board.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 2, 7, 9, and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 4 through 9 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 020:476. Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement.

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 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: Game

301 KAR 002:144. Fall wild turkey hunting. Steven Fields, staff attorney, and Jenny Gilbert, legislative liaison, represented the department.

In response to questions by Senator Thayer, Ms. Gilbert stated that the department did not have data to indicate whether or not Kentucky's turkey population was in decline, and the department was currently studying the matter. The department had received concerns from sportsmen that precipitated this proposed reduction in turkey limits, which might be temporary depending on biological findings. The

two turkey limit was per person during the fall turkey season, with additional provisions related to turkey beards. The turkey beard length helped a hunter judge the age of a turkey. The department would report on the turkey population study once it was completed.

In response to a question by Co-Chair Lewis, Mr. Fields stated that Kentucky had been more conservative regarding protection of the turkey population than many states, which were experiencing significant decreases.

A motion was made and seconded to approve the following amendments: to amend Section 5(4) to align the baited area provisions with 301 KAR 2:140; and to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 4 and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 002:300. Black bear seasons and requirements.

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

Licensing

301 KAR 005:001. Definitions for 301 KAR Chapter 5.

301 KAR 005:010. License agent applications and agreements.

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.

301 KAR 005:020. License agent requirements and responsibilities.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 2, 4, and 5 to comply with the drafting requirements of KRS Chapter 13A; and to amend Section 6 to clarify the appeal process. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 005:022. License, tag, and permit fees.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 4, 5, and 7 to comply with the drafting requirements of KRS Chapter 13A; to amend Section 1(10) to clarify that the hunting permit fee for Land Between the Lakes is federally established on the Web site; and to amend Section 1 to revise licensure names in compliance

with Senate Bill 241 from the 2023 Regular Session of the General Assembly. Without objection, and with agreement of the agency, the amendments were approved.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Juvenile Justice: Child Welfare

505 KAR 001:120E. Department of Juvenile Justice Policies and Procedures Manual; Health and Safety Services. Amy Barker, assistant general counsel, and Leah Boggs, general counsel, represented the department.

505 KAR 001:140E. Department of Juvenile Justice Policies and Procedures Manual: Detention Services.

A motion was made and seconded to approve the following amendments: to amend Section 1 and DJJPP 713, Restraints and Control, to specify that the policy applies to all state operated juvenile detention centers and Level Four youth development centers. Without objection, and with agreement of the agency, the amendments were approved.

EDUCATION AND LABOR CABINET: Office of Unemployment Insurance

787 KAR 001:090. Unemployed worker's reporting requirements. Oran McFarlan, deputy general counsel; Buddy Hoskinson, executive director; and Matt Lynch, staff attorney, represented the office.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

787 KAR 001:100. Week of unemployment defined.

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

PUBLIC PROTECTION CABINET: Department of Insurance: Assets and Liabilities

806 KAR 006:072. Valuation of life insurance and annuity reserves. Abigail Gall, executive advisor, and Shaun Orme, executive advisor, represented the department.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 6 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 Financial Institutions: Securities

808 KAR 010:440. Examples of dishonest or unethical practice for broker-dealers and agents. Justin Burse, acting commissioner; Marni Gibson, deputy commissioner; and Gary Stephens, assistant general counsel, represented the department.

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

808 KAR 010:450. Examples of dishonest or unethical practice for investment advisers and investment adviser representatives.

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

Student Education Loan Servicing

808 KAR 016:010. Licensing, registration, renewal and fees.

A motion was made and seconded to approve the following amendments: to amend Section 2 for consistency with the KRS 286.12-020(4); to amend Section 3 for consistency with KRS 286.12-070(4); and to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 2 through 4 and 6 for clarity and to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

808 KAR 016:020. Recordkeeping requirements; unfair, deceptive, or predatory practices.

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 of the agency, the amendments were approved.

Department of Charitable Gaming: Charitable Gaming

820 KAR 001:005. Charitable gaming licenses and exemptions. Doug Hardin, staff attorney, and Kim Sutherland, division director, represented the department.

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

820 KAR 001:025. Reports.

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.

820 KAR 001:130. Administrative actions.

A motion was made and seconded to approve the following amendments: to amend Sections 2 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.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Controlled Substances

902 KAR 055:110. Monitoring system for prescription controlled substances. Kara Daniel, deputy inspector general, and Adam Mather, inspector general, represented the office.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 2, 4, and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Medicaid Services

907 KAR 001:082. Coverage provisions and requirements regarding rural health clinic services. Jonathan Scott, regulation coordinator, 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, 7, 9, 10, and 13 to comply with the drafting requirements of KRS Chapter 13A; to amend Section 1 to add to the definition for “approved behavioral health practitioner under supervision” to include, “a behavioral health associate, as permissible pursuant to 907 KAR Chapter 15”; and to amend Section 3 to: clarify that day treatment services shall be provided under the supervision of a licensed or certified behavioral health practitioner or a behavioral health practitioner working under billing, rather than clinical supervision; establish that service criteria for intensive outpatient programs shall be for substance use disorder; add to the list of partial hospitalization criteria: psychoeducation; and peer support services; and delete requirements for agreements to link providers. Without objection, and with agreement of

the agency, the amendments were approved.

The following administrative regulations were deferred or removed from the April 11, 2023, subcommittee agenda:

DEPARTMENT OF LAW: Kentucky Opioid Abatement Advisory Commission

040 KAR 009:010E. General application procedure.

040 KAR 009:010. General application procedure.

040 KAR 009:020E. Local government application procedure.

040 KAR 009:020. Local government application procedure.

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

201 KAR 006:060. Fees.

Board of Nursing

201 KAR 020:478. Dialysis technician scope of practice, discipline, and miscellaneous requirements.

Board of Social Work

201 KAR 023:016. Temporary permission to practice.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Juvenile Justice: Child Welfare

505 KAR 001:120. Department of Juvenile Justice Policies and Procedures Manual: Health and Safety Services.

505 KAR 001:140. Department of Juvenile Justice Policies and Procedures Manual: Detention Services.

EDUCATION AND LABOR CABINET: Department of Education: Academic Standards

704 KAR 008:060. Required academic standards for social studies.

PUBLIC PROTECTION CABINET: Department of Financial Institutions: General Provisions

808 KAR 001:170. Licensing and registration.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Health Services and Facilities

902 KAR 020:480. Assisted living communities.

902 KAR 020:490. Rural emergency hospitals.

The subcommittee adjourned at 1:30 p.m. The next meeting of this subcommittee was tentatively scheduled for May 9, 2023, at 1 p.m.

**GOVERNMENT CONTRACT REVIEW COMMITTEE
Committee Minutes
January 10, 2023**

Call to Order and Roll Call

The Government Contract Review Committee met on Tuesday, January 10, 2023, at 9:00 AM, in Room 131 of the Capitol Annex. Representative Mark Hart, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen Meredith, Co-Chair; Senators Gary Boswell, Donald Douglas, and David Yates; Representatives Beverly Chester-Burton, Mark Hart, Bobby McCool, and Michael Sarge Pollock.

Guests: Leslie Brown, Dr. Melissa Bell, Chip White, Kevin Rader, Nathan Goins, Eric Friedlander, Veronica Judy-Cecil, Wes Duke, Sharron Burton, Bart Hardin, Barry Swanson, Blake Christopher, Stacy Woodrum, Tim Feld, Karen Wirth, David Cook, Carol Morrison, DJ Wasson, Victoria Elridge, Amy Metzger, and Marnie Mountjoy.

LRC Staff: Kim Eisner, Jarrod Schmidt, and Kim Smith.

ELECTION OF HOUSE MEMBER CO-CHAIR:

Ms. Kim Eisner opened the floor for nominations from a House member for the position of co-chair.

Representative McCool made a motion to nominate Representative Hart as co-chair. Senator Yates seconded the motion.

Representative McCool made a motion that nominations for the co-chair cease and that Representative Hart be elected by acclamation. Senator Yates seconded the motion. Representative Hart was elected by acclamation.

Ms. Eisner opened the floor for nominations from a Senate member for the position of co-chair.

Senator Boswell made a motion to nominate Senator Meredith as co-chair. Senator Douglas seconded the motion.

Senator Douglas made a motion that nominations for the co-chair cease and that Senator Meredith be elected by acclamation. Senator Boswell seconded the motion. Senator Meredith was elected by acclamation.

A motion was made by Senator Boswell to approve minutes of the December 2022, meeting of the committee. Senator Meredith seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Personal Service Contract List, with exception of those items selected for further review by members of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Personal Service Contract Amendment List, with exception of those items selected for further review by members of the committee. Senator Douglas seconded the motion,

which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Memoranda of Agreement List, with exception of those items selected for further review by members of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Memoranda of Agreement Amendment List, with exception of those items selected for further review by members of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Kentucky Entertainment Incentive Program Agreements List, with exception of those items selected for further review by members of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Correction List. Senator Douglas seconded the motion, which passed without objection.

THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE REVIEWED WITHOUT OBJECTION:

ADMINISTRATIVE OFFICE OF THE COURTS
Stites & Harbison, PLLC, 2300001575.

DEPARTMENT FOR MEDICAID SERVICES
Dean Dorton Allen Ford, PLLC, 2300001365.

DEPARTMENT FOR WORKFORCE INVESTMENT
Bank Street College of Education, 2300001358.

DEPARTMENT OF CRIMINAL JUSTICE TRAINING
Force Science, Ltd., 2300001488.

DEPARTMENT OF EDUCATION
Ron Fairchild, 2300001465.

DEPARTMENT OF HIGHWAYS
Vaughn and Melton, 2300001492; QK4, Inc., 2300001506; Prime AE Group, Inc., 2300001509; Aecom Technical Services, Inc., 2300001512; Leslie M. Haney & Albert W. Gross Partners, 2300001513; HMB Engineers, Inc., 2300001514; American Engineers, Inc., 2300001515; WSP Usa, Inc., 2300001516; GRW Engineers, Inc., 2300001534; Stanton Constructability Services, LLC, 2300001539; Innovative Contracting & Engineering, LLC, 2300001541; American Engineers, Inc., 2300001560; GRW Engineers, Inc., 2300001563; Marine Solutions, Inc., 2300001566; Stantec Consulting Services, Inc., 2300001567; Collins Engineers, Inc., 2300001568.

EASTERN KENTUCKY UNIVERSITY
ALT32, PSC, 1706-2023; Hafer, PSC, 1805-2023.

FACILITIES & SUPPORT SERVICES
American Engineers, Inc., 2300001427; GRW

Engineers, Inc., 2300001459.

KENTUCKY FISH AND WILDLIFE RESOURCES
Multi, 22FW000061; Multi, 22FW000106; Stantec Consulting Services, Inc., 22FW000317.

KENTUCKY PUBLIC PENSIONS AUTHORITY
Lori Eisele, 2300001309.

KENTUCKY STATE UNIVERSITY
Sodexo Operations, LLC, 23-016.

KY HOUSING CORPORATION
Capital Edge Consulting, Inc., 2023-48.

NORTHERN KENTUCKY UNIVERSITY
Omni Architects, 2024-127; REaChaLL, LLC, 2024-129.

UNIVERSITY OF KENTUCKY
HDR, Inc., A231160; AON Risk Services Central, K23-202; Virmarc, K23-203; APAX Software, K23-204; APAX Software, K23-205; Marts & Lundy, K23-206.

UNIVERSITY OF LOUISVILLE
Bentz, Whaley, Flessner, and Associates, Inc., 23-094.

THE FOLLOWING PERSONAL SERVICE AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:

BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES
Reach of Louisville, Inc., 2200002926.

DEPARTMENT OF HIGHWAYS
HNTB Corporation, 0700004077; HDR Engineering, Inc., 1100001727; QK4, 1400000709; Strand Associates, Inc., 1500001578; QK4, Inc., 1600000935; Integrated Engineering, 1600004012; DLZ Kentucky, Inc., 1800000312; DLZ Kentucky, Inc., 1800000398; HDR Engineering, Inc., 1800000419; Strand Associates, Inc., 2000000381; Michael Baker International, Inc., 2000000723; Bacon Farmer Workman Engineering & Testing, Inc., 2000000838; Palmer Engineering County, 2000001237; DLZ Kentucky, Inc., 2000004381; J. Michael Jones and Associates, 2100001432; Bold Pursuits, LLC, 2100001439; Palmer Engineering Company, 2100001614; Gresham Smith, 2100001616; Stantec Consulting Services, Inc., 2100003156; QK4, Inc., 2200000408; Palmer Engineering Company, 2200001180.

DEPARTMENT OF VETERANS AFFAIRS
Multi, 2200000114.

EASTERN KENTUCKY UNIVERSITY
Central Kentucky Interpreter Referral, Inc., 1490-2022; Sturgill, Turner, Barker & Moloney, PLLC, 1645-2023.

FACILITIES & SUPPORT SERVICES
EOP Architects, PSC, 2000003040; Stantec Consulting Services, Inc., 2200000670.

KENTUCKY FISH AND WILDLIFE RESOURCES
Third Rock Consultants, LLC, 12FW003126; Stantec Consulting Services, Inc., 15FW002859; Sustainable Streams, LLC, 16FW000034; Sustainable Streams, LLC, 16FW000034; Sustainable Streams, LLC, 18FW001506; Stantec Consulting Services, Inc., 22FW000317; Respec Consulting and Services, LLC, 22FW000462.

LEGISLATIVE RESEARCH COMMISSION
Milliman Solutions, LLC, 2200004608.

OFFICE OF THE CONTROLLER
Management Registry, Inc., 2200000119; Federal Staffing Resources, LLC, 2200000121; Worldwide Travel Staffing Limited, 2200000122; NR, Inc., 2200000123; Cell Staff, LLC, 2200000125.

PERSONNEL - OFFICE OF THE SECRETARY
Premise Health Employer Solutions, LLC, 2200003754.

UNIVERSITY OF KENTUCKY
Sanger & Eby, 23-004; Omni Architects, A181090; Walker Consultants, A221080; Omni Architects, A221120; K. Norman Berry Associates, PLLC, A231140.

UNIVERSITY OF LOUISVILLE
Multi, 23-047; Multi, 23-054; Multi, 23-058.

WESTERN KENTUCKY UNIVERSITY
Multi, 222414.

THE FOLLOWING MEMORANDA OF AGREEMENTS WERE REVIEWED WITHOUT OBJECTION:

ATTORNEY GENERAL
CHFS Department for Behavioral Health, 2300001431.

BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES
Multi, 2300000063.

DEPARTMENT FOR COMMUNITY BASED SERVICES
Kentucky Department of Education, 2200004518; University of Louisville Research Foundation, 2300001389; Seven Counties Services, Inc., 2300001406.

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Commonwealth Office of Technology, 2300001306.

DEPARTMENT FOR LOCAL GOVERNMENT
City of Clay City, 2300001154; City of Paducah, 2300001287; Monticello-Wayne County Industrial

Development Authority, 2300001328; Union County Fiscal Court, 2300001348; Floyd County Fiscal Court, 2300001352; Lee County, 2300001394; Knott County Fiscal Court, 2300001446; Ohio County Fiscal Court, 2300001455; Ohio County Fiscal Court, 2300001456; Harlan County Fiscal Court, 2300001493; Knott County Fiscal Court, 2300001525.

DEPARTMENT FOR NATURAL RESOURCES

Multi, 2300000002; Multi, 2300000004; Multi, 2300000007.

DEPARTMENT FOR PUBLIC HEALTH

University of Kentucky Research Foundation, 2300001002; Arcare, 2300001262; University of Louisville Research Foundation, 2300001357.

DEPARTMENT OF AGRICULTURE

Farm and Garden Market Cooperative Association, Inc., 2300001323.

DEPARTMENT OF EDUCATION

Council On Postsecondary Education, 2300000171; Fairview Independent School District, 2300000506; Frankfort Independent School District, 2300000510; Owensboro Independent School District, 2300000569; Marshall County Board of Education, 2300001092; University of Kentucky Research Foundation, 2300001164; Cognia, Inc., 2300001233; Madison County Board of Education, 2300001247; Letcher County Board of Education, 2300001335; Barren County Board of Education, 2300001336; Berea Independent Board of Education, 2300001407; Calloway County Board of Education, 2300001409; Greenup County Board of Education, 2300001414; Woodford County Board of Education, 2300001415; Larue County Board of Education, 2300001426; Morehead State University, 2300001484.

DEPARTMENT OF INSURANCE

University of Kentucky, 2300000718.

DEPARTMENT OF JUVENILE JUSTICE

Youth Advocate Programs, Inc., 2300001301; Youth Advocate Programs, Inc., 2300001302; Youth Advocate Programs, Inc., 2300001303.

DEPARTMENT OF MILITARY AFFAIRS

Central US Earthquake Consortium, 2300001171.

DEPARTMENT OF TRAVEL

Bowling Green Area Convention & Visitors Bureau, 2300001429; Cave City Tourism & Convention Commission, 2300001432; City of Corbin Tourist and Convention Commission, Inc., 2300001435; Elizabethtown Tourism and Convention Bureau, 2300001436; Greater Lexington Convention and Visitors Bureau, 2300001437; Hopkinsville Christian County Convention and Visitors Bureau, 2300001438; Lawrenceburg Anderson County Joint Tourism Comm, 2300001439; Louisville & Jefferson County Visitor & Convention Commission, 2300001441; Marshall County Tourist Commission, 2300001442; Northern Kentucky Convention and Visitor Commission, 2300001449; Owensboro Daviess County Convention and Visitors Bureau,

2300001450; Paducah Convention and Visitors Bureau, 2300001451; Shelbyville-Shelby County. Tourist & Conv Commission, 2300001452; Taylor County Tourist Commission, 2300001453.

JUSTICE - OFFICE OF THE SECRETARY

Trihealth, Inc., 2300001295.

OFFICE OF INSPECTOR GENERAL

University of Kentucky Research Foundation, 2300001212.

PUB PROTECTION - OFFICE OF THE SECRETARY

Housing Development Alliance, Inc., 2300001485.

THE FOLLOWING MEMORANDA OF AGREEMENT AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:

BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES

Multi, 2200000028; Oxford House, Inc., 2200001629; Federation of Appalachian Housing Enterprises, Inc., 2200001630; Recovery Cafe Lexington, Inc., 2200001767; Department of Corrections, 2200002429; Shepherd's House, Inc., 2200002476; University of Kentucky Research Foundation, 2200002707; Eastern Kentucky CEP, Inc., 2200002715; Kentucky Hospital Research & Education Foundation, Inc., 2200002719; University of Kentucky Research Foundation, 2200002891; Western Kentucky Regional Mental Health & Retardation Advisory Board, 2200003022; Pennyroyal Regional Mental Health Mental Retardation Board, 2200003023; Green River Regional MHMR Board, Inc., 2200003033; Lifeskills, Inc., 2200003051; Communicare, Inc., 2200003064; Seven Counties Services, Inc., 2200003066; Northkey Community Care, 2200003068; Comprehend, Inc., 2200003070; Pathways, Inc., 2200003078; Mountain Comprehensive Care Center, 2200003079; Kentucky River Community Care, Inc., 2200003081; Cumberland River Behavioral Health, Inc., 2200003150; Lake Cumberland Mental Health Mental Retardation Board, 2200003154; New Vista of the Bluegrass, Inc., 2200003157; Pennyroyal Regional Mental Health Mental Retardation Board, 2200003473; Young People In Recovery, 2200004182.

COMMISSION FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

Patient Services, Inc., 2200003419.

DEPARTMENT FOR COMMUNITY BASED SERVICES

Central Kentucky CAC, Inc., 2200001861; Louisville Jefferson County Metro Government, 2200002036; Seven Counties Services, Inc., 2200002905; Child Care Council of Kentucky, 2200002975; Kentucky Housing Corporation, 2200003096; Community Action Kentucky, Inc., 2200003098; Community Action Lexington Fayette, 2200003124.

DEPARTMENT FOR LOCAL GOVERNMENT

City of Winchester, 1900002774; City of Brooksville, 1900003707; Estill County Fiscal Court, 1900003725; Hickman County Fiscal Court, 1900003974; City of Hazard, 2000000621; Hopkins County, 2000001479; City of Whitesville, 2000002033; City of Tompkinsville, 2000002301; City of Lewisburg City Treasurer, 2000002311; Harlan County Fiscal Court, 2000003284; Edmonson County Fiscal Court, 2000003495; City of Muldraugh, 2100001125; Hancock County Fiscal Court, 2100001794; Lee County, 2100002188; City of Louisa, 2200000233; Green County, 2200000290; City of Elkhorn City, 2200001045; Hickman County Fiscal Court, 2200002737.

DEPARTMENT FOR PUBLIC HEALTH

University of Kentucky Research Foundation, 2200001780; Park Duvalle Neighborhood Health Center, 2200001874; Cincinnati Children's Hospital Medical Center, 2200003307; University of Kentucky Research Foundation, 2200003979.

DEPARTMENT FOR WORKFORCE INVESTMENT

Kentucky Community and Technical College System, 2200004223; Kentucky Community and Technical College System, 2200004225; Kentucky Community and Technical College System, 2200004271; Kentucky Community and Technical College System, 2200004275; Kentucky Community and Technical College System, 2200004276; Kentucky Educational Development Corporation, 2200004277; Laurel County Literacy, Inc., 2200004280; Newport Independent School District, 2200004284.

DEPARTMENT OF AGRICULTURE

Multi, 2100001484; Multi, 2300000037.

DEPARTMENT OF REVENUE

Bluegrass Area Development District, 2200002408.

STATE TREASURER

University of Kentucky Research Foundation, 2200003381.

THE FOLLOWING KENTUCKY ENTERTAINMENT INCENTIVE PROGRAM AGREEMENTS WERE REVIEWED WITHOUT OBJECTION:

ECON DEV - OFFICE OF THE SECRETARY

Technology Trippin Movie, LLC, 2300001381; Togetherness, LLC, 2300001382; Echos, LLC, 2300001383; Thrilling Thrillers, LLC, 2300001384; Hd3, LLC, 2300001390; HDFS, LLC, 2300001391; A Very Bavarian Christmas, LLC, 2300001392; Pinball, LLC, 2300001393.

THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE SELECTED FOR FURTHER REVIEW:

COUNCIL ON POSTSECONDARY EDUCATION

Damour Systems PBC, 2300000746. Leslie

Brown and Dr. Melissa Bell discussed the contract with the committee. A motion was made by Senator Yates to consider the contract as reviewed. The motion failed due to the lack of a second. Contract moves forward.

DEPARTMENT OF CRIMINAL JUSTICE TRAINING

Janna P. Vice, 2300001368. Chip White, Kevin Rader, and Nathan Goins discussed the contract with the committee. A motion was made by Senator Yates to consider the contract as reviewed. The motion failed due to the lack of a second. A motion was made by Senator Meredith to defer the contract to the February 2023 committee meeting. Senator Douglas seconded the motion, which passed, with Senator Yates voting no.

OFFICE OF THE CONTROLLER

Molina Healthcare of Kentucky, 2000000677; Unitedhealthcare of Kentucky, Ltd., 2000000678; Wellcare Health Insurance Company of Kentucky, Inc., 2000000679; Aetna Better Health of Kentucky Assignee for Coventry Health & Life, 2000000680; Humana Health Plan, Inc., 2000000681; Anthem Kentucky Managed Care Plan, Inc., 2000000682. Eric Friedlander, Veronica Judy-Cecil, and Wes Duke discussed the contracts with the committee. A motion was made by Senator Yates to consider the contracts as reviewed. Representative Chester-Burton seconded the motion with Senator Boswell, Senator Douglas, Representative McCool, Representative Pollock, Senator Meredith, and Representative Hart voting no. Contracts move forward.

PERSONNEL - OFFICE OF THE SECRETARY

Healthplan Data Solutions, Inc., 2300001183. Sharron Burton discussed the contract with the committee. A motion was made by Senator Meredith to consider the contract as reviewed. Senator Yates seconded the motion, which passed.

UNIVERSITY OF KENTUCKY

Deloitte Consulting, LLP, K23-201. Bart Hardin and Barry Swanson discussed the contract with the committee. A motion was made by Senator Boswell to consider the contract as reviewed. Senator Meredith seconded the motion, which passed.

THE FOLLOWING PERSONAL SERVICE AMENDMENTS WERE SELECTED FOR FURTHER REVIEW:

ATTORNEY GENERAL

Gess Mattingly and Atchison, 2200002501. Blake Christopher and Stacy Woodrum discussed the contract with the committee. A motion was made by Senator Douglas to defer the contract to the February 2023 committee meeting. Representative Chester-Burton seconded the motion, which passed.

KENTUCKY EMPLOYERS MUTUAL INSURANCE

Horizon Commercial Realty, LLC, 23-HCR-001. Tim Feld discussed the contract with the committee. A motion was made by Senator Meredith to consider

the contract as reviewed. Senator Douglas seconded the motion, which passed.

THE FOLLOWING PERSONAL SERVICE CONTRACT FOR \$10K AND UNDER WERE SELECTED FOR FURTHER REVIEW:

DEPARTMENT OF CRIMINAL JUSTICE TRAINING

Kennaria Brown, 2300001369. Chip White, Kevin Rader, and Nathan Goins discussed the contract with the committee. A motion was made by Senator Meredith to defer the contract to the February 2023 committee meeting. Senator Douglas seconded the motion, which passed with Senator Yates voting no.

KENTUCKY EMPLOYERS MUTUAL INSURANCE

Horizon Commercial Realty, LLC, 23-HCR-001. Tim Feld discussed the contract with the committee. A motion was made by Senator Meredith to consider the contract as reviewed. Representative Pollock seconded the motion, which passed.

THE FOLLOWING MEMORANDA OF AGREEMENTS WERE SELECTED FOR FURTHER REVIEW:

DEPARTMENT OF EDUCATION

Central Kentucky Educational Cooperative, 2300001339; Marion County Board of Education, 2300001487. Karen Wirth, David Cook, and Carol Morrison discussed the contracts with the committee. A motion was made by Senator Yates to consider the contracts as reviewed. Senator Meredith seconded the motion, which passed.

THE FOLLOWING MEMORANDA OF AGREEMENT AMENDMENTS WERE SELECTED FOR FURTHER REVIEW:

PUB PROTECTION - OFFICE OF THE SECRETARY

Kentucky Habitat for Humanity, 2200004377; Mayfield/Graves County Fuller Center for Housing, 2200004402. DJ Wasson discussed the contracts with the committee. A motion was made by Senator Meredith to consider the contracts as reviewed. Senator Douglas seconded the motion, which passed.

THE FOLLOWING MEMORANDA OF AGREEMENTS FOR \$50K AND UNDER WERE SELECTED FOR FURTHER REVIEW:

CHFS - DEPARTMENT FOR AGING AND INDEPENDENT LIVING

Services and Advocacy for Gay, Lesbian, Bisexual and Trans., 2300000630. Victoria Elridge, Amy Metzger, and Marnie Mountjoy discussed the contract with the committee. A motion was made by Senator Meredith to defer the contract to the February 2023 committee meeting. Senator Douglas seconded the motion, which passed with Senator Yates voting no.

EXEMPTION REQUEST:

CABINET FOR HEALTH AND FAMILY SERVICES:

The Division of Procurement and Grant Oversight (DPGO), on behalf of the Kentucky Department for Medicaid Services (DMS) requested an exemption from the GCRC Policy Statement #99-4 Multiyear Government Contracts that require contracts to be entered into and concluded in the same biennium for Managed Care Organization Contracts. A motion was made by Senator Meredith to grant the request to December 31, 2024. Senator Boswell seconded the motion, which passed without objection.

There being no further business, the meeting adjourned at 10:54 AM.

GOVERNMENT CONTRACT REVIEW COMMITTEE

Committee Minutes

February 14, 2023

Call to Order and Roll Call

The Government Contract Review Committee met on Tuesday, February 14, 2023, at 4:00 PM, in Room 131 of the Capitol Annex. Senator Stephen Meredith, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen Meredith, Co-Chair; Representative Mark Hart, Co-Chair; Senators Gary Boswell, and Donald Douglas; Representatives Beverly Chester-Burton, Bobby McCool, and Michael Sarge Pollock.

Guests: Chip White, Nathan Goens, Frank Kubala, Stacy Woodrum, Blake Christopher, Victoria Elridge, Amy Metzger, Marnie Mountjoy, Jay Hartz, Lorrان Hart Ferguson, Bart Hardin, and Barry Swanson.

LRC Staff: Kim Eisner, Jarrod Schmidt, and Kim Smith.

A motion was made by Representative Chester-Burton to approve the minutes of the January 2023, meeting of the committee. Representative Hart seconded the motion, which passed without objection.

JANUARY DEFERRED ITEMS:

DEPARTMENT OF CRIMINAL JUSTICE TRAINING

Janna P. Vice, 2300001368. Chip White, Frank Kubala, and Nathan Goens discussed the contract with the committee. A motion was made by Representative Chester-Burton to consider the contract as reviewed. The motion failed due to the lack of a second. Contract moves forward approved as reviewed.

ATTORNEY GENERAL

Gess Mattingly and Atchison, 2200002501. Blake Christopher and Stacy Woodrum discussed the contract with the committee. A motion was made by Representative Hart to approve the contract as reviewed. Representative Pollock seconded the motion, which passed.

DEPARTMENT OF CRIMINAL JUSTICE TRAINING

Kennaria Brown, 2300001369. Chip White, Frank Kubala, and Nathan Goens discussed the contract with the committee. No motion was made. Contract moves forward approved as reviewed.

CHFS - DEPARTMENT FOR AGING AND INDEPENDENT LIVING

Services and Advocacy for Gay, Lesbian, Bisexual and Trans., 2300000630. Victoria Elridge, Amy Metzger, and Marnie Mountjoy discussed the contract with the committee. A motion was made by Senator Boswell to disapprove the contract. Representative Hart seconded the motion, which passed with Representative Chester-Burton voting no.

A motion was made by Senator Douglas to consider as reviewed the Personal Service Contract List, with exception of those items selected for further review by members of the committee. Senator Boswell seconded the motion, which passed without objection.

A motion was made by Senator Douglas to consider as reviewed the Personal Service Contract Amendment List, with exception of those items selected for further review by members of the committee. Senator Boswell seconded the motion, which passed without objection.

A motion was made by Senator Douglas to consider as reviewed the Memoranda of Agreement List, with exception of those items selected for further review by members of the committee. Senator Boswell seconded the motion, which passed without objection.

A motion was made by Senator Douglas to consider as reviewed the Memoranda of Agreement Amendment List, with exception of those items selected for further review by members of the committee. Senator Boswell seconded the motion, which passed without objection.

A motion was made by Senator Douglas to consider as reviewed the Kentucky Entertainment Incentive Program Agreements List, with exception of those items selected for further review by members of the committee. Senator Boswell seconded the motion, which passed without objection.

A motion was made by Senator Douglas to consider as reviewed the Correction List. Senator Boswell seconded the motion, which passed without objection.

THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE REVIEWED WITHOUT OBJECTION:

COUNCIL ON POSTSECONDARY EDUCATION
Gray Associates, Inc., 2300001472.

DEPARTMENT OF EDUCATION

Tilford Dobbins & Schmidt, PLLC, 2300001364.

DEPARTMENT OF HIGHWAYS

Stantec Consulting Services, Inc., 2000004478-1; Stantec Consulting Services, Inc., 2200004769-1; Stantec Consulting Services, Inc., 2300001598; Burgess and Niple, Inc., 2300001676; H.W. Lochner,

Inc., 2300001683; Palmer Engineering Company, 2300001686; Aecom Technical Services, Inc., 2300001715; WSP USA, Inc., 2300001716; QK4, Inc., 2300001732; Stantec Consulting Services, Inc., 2300001744.

DEPARTMENT OF MILITARY AFFAIRS

Teresa Lavon Scott, 2300001604.

EASTERN KENTUCKY UNIVERSITY

Facility Commissioning Group, 1859-2023; Palmer Engineering Company, 1866-2023; K. Norman Berry Associates Architects, PLLC, 1873-2023.

FACILITIES & SUPPORT SERVICES

Hafer PSC, 2300001205; Marcum Engineering, LLC, 2300001527; Biagi Chance Cummins London Titzer, Inc., 2300001530; John A. Newman Consulting Engineers, 2300001532; Peck Flannery Gream Warren, Inc., 2300001623.

KENTUCKY STATE POLICE

William Allen Rein, 2300001543; Everett Earl Whitaker, 2300001545; David L. Banks, 2300001714.

KENTUCKY STATE UNIVERSITY

Lisa K. Lang, 23-017.

LEGISLATIVE RESEARCH COMMISSION

Hanna Resource Group, 22/23-44.

MURRAY STATE UNIVERSITY

Ross-Tarrant Architects, 025-23; Ross-Tarrant Architects, 026-23.

TRANSPORTATION - OFFICE OF THE SECRETARY

Crown Services, Inc., 2300000059; DSS Holdings, LLC, 2300000060; Eight Eleven Group, LLC, 2300000061; Calloway & Associates, Inc., 2300000062.

UNIVERSITY OF KENTUCKY

Research Triangle Institute d/b/a RTI International, K23-207; Mashni Law, PLLC, K23-208.

UNIVERSITY OF LOUISVILLE

Gene McLean, 23-096; BCCLT Consulting Engineers, 23-106; CMTA, Inc., 23-111; BCCLT Consultant Engineers, 23-112.

WESTERN KENTUCKY UNIVERSITY

C2 Strategic Communications, LLC, 222348; Ruffalo Noel Levitz, 222435.

THE FOLLOWING PERSONAL SERVICE AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:

BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES

Martine Turns PSYD, PLLC, 2200001351.

BOARD OF MEDICAL LICENSURE

Multi, 2200000053.

BOARD OF VETERINARY EXAMINERS

Kentucky Veterinary Medical Association, 2200001353.

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Stantec Consulting Services, Inc., 2300000721.

DEPARTMENT OF AGRICULTURE

McBrayer, PLLC, 2200002338.

DEPARTMENT OF HIGHWAYS

QK4, Inc., 1800000899; Palmer Engineering Company, 1800000900; Leslie M. Haney & Albert W. Gross Partner, 1900003654; Gresham Smith, 2000000178; HDR Engineering, Inc., 2000000569; Palmer Engineering Company, 2000000836; Stantec Consulting Services, Inc., 2000000842; HDR Engineering, Inc., 2000001344; WSP USA, Inc., 2100001757; GRW Engineers, Inc., 2300001580; Palmer Engineering County, C-00049871.

FACILITIES & SUPPORT SERVICES

Biagi Chance Cummins London Titzer, Inc., 1300001446; Third Rock Consultants, LLC, 1900002766; GRW Engineers, Inc., 2000000343; Vertical Structures, Inc., 2200003355.

KENTUCKY EMPLOYERS MUTUAL INSURANCE

Randy Walker Electrical and Communications Contractors, 23-RWE-001.

KENTUCKY FISH AND WILDLIFE RESOURCES

Sustainable Streams, LLC, 16FW000034; Riverine Systems, LLC, 20FW000378.

KENTUCKY PUBLIC PENSIONS AUTHORITY

Haystackid, LLC, 2200004082.

KY COMMUNITY TECHNICAL COLLEGE SYSTEM

Sutherland & Associates, 895.

MURRAY STATE UNIVERSITY

Ray Pinner, 102-23.

OFFICE OF INSPECTOR GENERAL

Certisurv, LLC, 2200004588.

OFFICE OF THE CONTROLLER

Maxim Healthcare Services, Inc., 2200000187.

WESTERN KENTUCKY UNIVERSITY

Sublime Media Group, 222329; codelab303, 222330.

THE FOLLOWING MEMORANDA OF AGREEMENTS WERE REVIEWED WITHOUT OBJECTION:

BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES

University of Louisville Physicians, Inc., 2300000041; University of Louisville Research Foundation, 2300001458; University of Kentucky Research Foundation, 2300001503.

CHFS - DEPARTMENT FOR AGING AND INDEPENDENT LIVING

Legal Aid of the Bluegrass, 2300001268.

CHFS - OFFICE OF THE SECRETARY

Kentuckiana Regional Planning & Development Agency, 2200004811-1.

DEPARTMENT FOR COMMUNITY BASED SERVICES

Kentucky Center for Education and Workforce Statistics, 2300001419.

DEPARTMENT FOR LIBRARIES & ARCHIVES

Oldham County Public Library, 2300001546; The Dollywood Foundation, 2300001584; Lincoln County Public Library, 2300001614; Boyle County Public Library, 2300001620; William B. Harlan Memorial Library, 2300001671; Russell County Public Library, 2300001672.

DEPARTMENT FOR LOCAL GOVERNMENT

Pike County Fiscal Court, 2300001522; Pike County Fiscal Court, 2300001523; Pike County Fiscal Court, 2300001578; Pike County Fiscal Court, 2300001579; Logan Industrial Development Authority, Inc., 2300001581; Cadiz-Trigg County Industrial Development Authority, 2300001627; City of Booneville, 2300001635; Pike County Fiscal Court, 2300001641.

DEPARTMENT FOR PUBLIC HEALTH

National Foundation for the Centers for Disease Control, 2300001257; Christian County Health Department, 2300001505.

DEPARTMENT OF AGRICULTURE

University of Louisville Research Foundation, 2300001402; Adair County Fair Association, Inc., 2300001612; Bourbon County Fair & Horse Show, 2300001613; Marion County Fair, 2300001615; Western Kentucky State Fair, Inc., 2300001616; Whitley County Tourism Board, 2300001617.

DEPARTMENT OF EDUCATION

Martin County Board of Education, 2300001159; Crittenden County Board of Education, 2300001412; Graves County Board of Education, 2300001413; University of Louisville Research Foundation, 2300001517; Council On Postsecondary Education, 2300001540; Ohio Valley Educational Cooperative, 2300001542; Green River Regional Educational, 2300001569; Butler County Board of Education, 2300001586; Harlan Independent School District, 2300001587; Lawrence County Board of Education, 2300001588; Pike County Board of Education, 2300001589; Todd County Board of Education, 2300001590.

DEPARTMENT OF MILITARY AFFAIRS

Multi, 2300000069.

DEPARTMENT OF TRAVEL

Shepherdsville-Bullitt County Tourist & Convention Commission, 2300001498; Henderson County Tourist Commission, 2300001634; Ashland Tourism & Convention Commission, 2300001638; Hopkinsville Christian County Convention and Visitors Bureau, 2300001642; Hopkinsville Christian County Convention and Visitors Bureau, 2300001643; Hopkinsville Christian County Convention and Visitors Bureau, 2300001645; Hopkinsville Christian County Convention and Visitors Bureau, 2300001646; Hopkinsville Christian County Convention and Visitors Bureau, 2300001647; Louisville & Jefferson County Visitor & Convention Commission, 2300001648; Marshall County Tourist Commission, 2300001649; Marshall County Tourist Commission, 2300001650; Shelbyville-Shelby County Tourist & Convention Commission, 2300001654; Taylor County Tourist Commission, 2300001655; Northern Kentucky Convention and Visitor Commission, 2300001656; Bluegrass Tourism Region, Inc., 2300001657; City of Corbin Tourist and Convention Commission, Inc., 2300001658; Somerset Pulaski Convention and Visitors Bureau, 2300001659; City of Pikeville, 2300001660; Bowling Green Area Convention & Visitors Bureau, 2300001661; Bowling Green Area Convention & Visitors Bureau, 2300001662; Bowling Green Area Convention & Visitors Bureau, 2300001663; Munfordville Tourism Commission, 2300001664.

ECON DEV - OFFICE OF THE SECRETARY

The Foundation for Kentucky Industry, Inc., 2300001653.

EDUCATION AND LABOR CABINET

Learning Grove, 2300001582.

HORSE RACING COMMISSION

University of Kentucky Research Foundation, 2300001611.

JUSTICE - OFFICE OF THE SECRETARY

Kentucky Medical Services Foundation, Inc., 2200003073-1.

KENTUCKY STATE POLICE

Bluegrass Community and Technical College, 2300001307.

PUB PROTECTION - OFFICE OF THE SECRETARY

Housing Oriented Ministries Established for Services, Inc., 2300001633.

TOURISM - OFFICE OF THE SECRETARY

Department of Local Government, 2300001388.

THE FOLLOWING MEMORANDA OF AGREEMENT AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:

BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES

People Advocating Recovery, 2200001755; Mercy Health - Marcum & Wallace Hospital, LLC,

2200001900; Baptist Health Foundation Richmond, Inc., 2200002161; Voices of Hope - Lexington, Inc., 2200002471; Life Learning Center, Inc., 2200002578; University of Kentucky Research Foundation, 2200002665; Memorial Hospital, Inc., 2200002712; Department of Corrections, 2200002717; Kentucky Administrative Office of the Courts, 2200002721; Kentucky Alliance of Boys & Girls Clubs, Inc., 2200002754; University of Kentucky Research Foundation, 2200002825; Appalachian Regional Healthcare, Inc., 2200002877; Kentucky Primary Care Association, Inc., 2200002880; Norton Healthcare, 2200002884; University of Kentucky Research Foundation, 2200002912; University of Louisville, 2200003002; Unlawful Narcotics Investigations Treatment and Education, 2200003003.

CHFS - DEPARTMENT FOR AGING AND INDEPENDENT LIVING

Multi, 2200000039.

CHFS - OFFICE OF THE SECRETARY

Jefferson County Kipda, 2200004811.

COMMISSION FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

Hands & Voices of Kentucky, 2200002879.

DEPARTMENT FOR COMMUNITY BASED SERVICES

Middle Kentucky Community Action Partnership, Inc., 2200002038.

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Laurel County Board of Education, 2100002968.

DEPARTMENT FOR FAMILY RESOURCE CENTERS & VOLUNTEER SERVICES

Multi, 2200000022.

DEPARTMENT FOR LOCAL GOVERNMENT

Green County Treasurer, 2300000734.

DEPARTMENT FOR PUBLIC HEALTH

National Jewish Health, 2200001542; University of Louisville Research Foundation, 2200002617; National Rural Recruitment and Retention Network, Inc., 2200003001; University of Kentucky Research Foundation, 2200003935; University of Kentucky Research Foundation, 2200003976.

DEPARTMENT OF AGRICULTURE

Multi, 2300000037.

DEPARTMENT OF EDUCATION

Wayne County Board of Education, 2200004413; Central Kentucky Educational Cooperative, 2300001339.

EDUCATION AND LABOR CABINET

Kentucky Chamber Foundation, Inc., 2300000031.

JUSTICE - OFFICE OF THE SECRETARY

University of Kentucky, 2200003073.

THE FOLLOWING KENTUCKY ENTERTAINMENT INCENTIVE PROGRAM AGREEMENTS WERE REVIEWED WITHOUT OBJECTION:

ECON DEV - OFFICE OF THE SECRETARY

Metaframe Media, LLC, 2300001689; Amish Movie 23, LLC, 2300001690; Interstate 35 the Movie, LLC, 2300001691; A Royal Christmas Surprise, LLC, 2300001692; Leader Films, LLC, 2300001693.

THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE SELECTED FOR FURTHER REVIEW:

LEGISLATIVE RESEARCH COMMISSION

CGI Technologies & Solutions, Inc., 2300001637; CGI Technologies & Solutions, Inc., 2300001639. Jay Hartz discussed the contracts with the committee. No motion was made. Both contracts move forward approved as reviewed.

STATE TREASURER

Bryant Law Center, 2200004559. Lorrان Hart Ferguson discussed the contract with the committee. A motion was made by Representative Pollock to consider the contract as reviewed. Senator Boswell seconded the motion, which passed.

THE FOLLOWING PERSONAL SERVICE CONTRACT FOR \$10K AND UNDER WERE SELECTED FOR FURTHER REVIEW:

UNIVERSITY OF KENTUCKY

Adrienn Borsika Rabin, 23-041. Bart Hardin and Barry Swanson discussed the contract with the committee. A motion was made by Representative Hart to consider the contract as reviewed. Senator Boswell seconded the motion, which passed.

EXEMPTION REQUESTS:

ENERGY AND ENVIRONMENT CABINET:

The Office of Kentucky Nature Preserves requested an exemption from the current two-year budgeting biennial contracting restrictions for the Building a Conservation Workforce Grant which is part of the Office of Kentucky Nature Preserves recently awarded National Fish and Wildlife Grant. A motion was made by Senator Boswell to grant the request to December 31, 2024. Representative Hart seconded the motion, which passed without objection.

ENERGY AND ENVIRONMENT CABINET:

The Office of Energy Policy requested an exemption from the current two-year budgeting biennial contracting restrictions for the Building Resilient Infrastructure and Communities Award through the Kentucky Emergency Management Agency from the Federal Emergency Management Agency. A motion was made by Senator Boswell to grant the request to September 30, 2024. Representative Hart seconded the motion, which passed without objection.

There being no further business, the meeting adjourned at 5:07 PM.

GOVERNMENT CONTRACT REVIEW COMMITTEE

Committee Minutes

March 14, 2023

Call to Order and Roll Call

The Government Contract Review Committee met on Tuesday, March 14, 2023, at 8:10 PM, in Room 131 of the Capitol Annex. Representative Mark Hart, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Stephen Meredith, Co-Chair; Representative Mark Hart, Co-Chair; Senators Gary Boswell, and Donald Douglas; Representative Michael Sarge Pollock.

Guests: Lisa Cox, Melissa Trent, Jenny Gilbert, William Codell, James Van Buren, Shannon Ricketts, Angela Curry, and Sally Molsberger.

LRC Staff: Kim Eisner, Jarrod Schmidt, and Kim Smith.

A motion was made by Senator Meredith to approve Minutes of the February 2023, meeting of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Personal Service Contract List, with exception of those items selected for further review by members of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Personal Service Contract Amendment List, with exception of those items selected for further review by members of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Memoranda of Agreement List, with exception of those items selected for further review by members of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Memoranda of Agreement Amendment List, with exception of those items selected for further review by members of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Kentucky Entertainment Incentive Program Agreements List, with exception of those items selected for further review by members of the committee. Senator Douglas seconded the motion, which passed without objection.

A motion was made by Senator Meredith to consider as reviewed the Correction List. Senator Douglas seconded the motion, which passed without objection.

THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE REVIEWED WITHOUT OBJECTION:

ADMINISTRATIVE OFFICE OF THE COURTS

Marcum Engineering, LLC, 2300001995.

BOARD OF EXAMINERS OF SOCIAL WORK

Mark R. Brengelman Attorney At Law, PLLC, 2300001577.

BOARD OF PROFESSIONAL COUNSELORS

Marisa Neal, 2300001712.

CHFS - OFFICE OF THE SECRETARY

Susan Gormley Tipton, 2300001396.

DEPARTMENT FOR MEDICAID SERVICES

Berry Dunn McNeil and Parker, 2300001787.

DEPARTMENT OF EDUCATION

Curriculum Associates, LLC, 2300001759.

DEPARTMENT OF HIGHWAYS

Stantec Consulting Services, Inc., 2300001834; Strand Associates, Inc., 2300001835; Haworth Meyer Boleyn, Inc., 2300001838; Stantec Consulting Services, Inc., 2300001882; Aecom Technical Services, Inc., 2300001932.

DEPARTMENT OF JUVENILE JUSTICE

Berger and Burrow Enterprises, Inc., 2300001585.

EASTERN KENTUCKY UNIVERSITY

Clotfelter Samokar PSC, 1905-2023.

FACILITIES & SUPPORT SERVICES

Stengel Hill Architecture, Inc., 2300001117; Clotfelter/Samokar, PSC, 2300001619; Kesler Simpson Architects, LLC, 2300001632; Brandstetter Carroll, Inc., 2300001680; Kersey and Kersey, Inc., 2300001750; Patrick D. Murphy Company, Inc., 2300001753; Patrick D. Murphy Company, Inc., 2300001754; Patrick D. Murphy Company, Inc., 2300001755; Bacon Farmer Workman Engineering & Testing, Inc., 2300001756; Hafer PSC, 2300001763; Alt32 PSC, 2300001795; EOP Architects PSC, 2300001911; Kesler Simpson Architects, LLC, 2300001917.

GENERAL ASSEMBLY

Geotel Corporation, 2300001877.

KENTUCKY LOTTERY CORPORATION

Smartplay International, Inc., 23-12-011; Gaming Laboratories International, LLC, 23-22-020.

KENTUCKY PUBLIC PENSIONS AUTHORITY

Kevin Andrew Groseclose, 2300001601.

KY COMMUNITY TECHNICAL COLLEGE SYSTEM

Logsdon Endeavors, LLC d/b/a ASL Interpreting Services, 899.

KY HOUSING CORPORATION

Caine Mitter & Associates, 2024-5; Regulatory

Solutions, LLC, 2024-9.

MURRAY STATE UNIVERSITY
Evergreen Solutions, LLC, 027-23.

NORTHERN KENTUCKY UNIVERSITY
Right Management, 2024-128; Witt Kieffer, Inc., 2024-130.

OFFICE OF INSPECTOR GENERAL
Proactive Medical Review and Consulting, LLC, 2300001243.

PERSONNEL - OFFICE OF THE SECRETARY
Premise Health Employer Solutions, LLC, 2300001181.

UNIVERSITY OF KENTUCKY
CMTA Inc., A231190.

UNIVERSITY OF LOUISVILLE
Work Architecture + Design, 23-113; Kerr-Greulich Engineers, Inc., 23-115; KFI Engineers, 23-118; Brown & Kubican Structural Engineers, 23-123.

WESTERN KENTUCKY UNIVERSITY
Multi, 222350.

THE FOLLOWING PERSONAL SERVICE AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:

BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES
John D. Ranseen, 2200001350; The Chyron Group, LLC, 2200001468; Susan Brittain-Seitz, 2200001826.

BOARD OF MEDICAL LICENSURE
Multi, 2200000053.

DEPARTMENT FOR COMMUNITY BASED SERVICES
KVC Behavioral Health Care/Croney & Clark, 2200002255; KVC Behavioral Health Care/Croney & Clark, 2200002263; KVC Behavioral Health Care/Croney & Clark, 2200002265.

DEPARTMENT OF HIGHWAYS
GRW Engineers, Inc., 1100001198; HMB Professional Engineers, Inc., 1100001265; HDR Engineering, Inc., 1200001709; HMB Professional Engineers, Inc., 1400000565; QK4, 1500001028; Palmer Engineering County, 1500001283; Leslie M. Haney & Albert W. Gross Partners, 1900003981; QK4, Inc., 2000000295; H. W. Lochner, Inc., 2000001751; Haworth Meyer Boleyn, Inc., 2000001753; HDR Engineering, Inc., 2100001942; Gresham Smith, 2200000427; Palmer Engineering Company, 2200000668; HMB Engineers, Inc., 2200001937; Cultural Resource Analysts, Inc., 2200004768; Stantec Consulting Services, Inc., 2300001831.

FACILITIES & SUPPORT SERVICES
CMTA, Inc., 2300001347.

MURRAY STATE UNIVERSITY
Multi, 001-23; Multi, 010-23; Interpreting Services of the Commonwealth, LLC, 021-23.

UNIVERSITY OF KENTUCKY
Baxter Hodell Donnelly Preston, Inc. d/b/a BHDP Architecture, A231150.

UNIVERSITY OF LOUISVILLE
VB Consulting, 23-016; V-Soft Consulting Group, Inc., 23-017.

THE FOLLOWING MEMORANDA OF AGREEMENTS WERE REVIEWED WITHOUT OBJECTION:

BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES
Fletcher Group, Inc., 2300001789.

BOARD OF ELECTIONS
Carter County Fiscal Court, 2300001739.

DEPARTMENT FOR COMMUNITY BASED SERVICES
Kentucky Housing Corporation, 2300001688; Blue Grass Community Action Partnership, 2300001752; Big Sandy Area Cap, Inc., 2300001784; Bell Whitley Community Action Agency, Inc., 2300001791; Comm Action Lexington/Fayette, 2300001800; Community Action of Southern Kentucky, Inc., 2300001801; KCEOC Community Action Partnership, 2300001819.

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
University of Louisville Research Foundation, 2300001261; Hopkinsville Surface & Storm Utility, 2300001430.

DEPARTMENT FOR LOCAL GOVERNMENT
Muhlenberg County Fiscal Court, 2300000591; Uspiritus, Inc., 2300001231; City of Frenchburg, 2300001298; The Methodist Home of Kentucky, Inc., 2300001444; Metcalfe County Fiscal Court, 2300001666; Metcalfe County Fiscal Court, 2300001667; Elliott County, 2300001709; Glasgow/Barren County Industrial Development Economic Authority, 2300001713; City of Lancaster, 2300001725; Kentucky Mountain Regional Recreation Authority, 2300001742; Webster County Fiscal Court, 2300001746; Ohio County Fiscal Court, 2300001769; McCracken County Fiscal Court, 2300001770; Marion County Treasurer, 2300001775; Grant County Fiscal Court, 2300001776; Henderson County, 2300001777; Pike County Fiscal Court, 2300001853; Montgomery County Treasurer, 2300001855; Marshall County Clerk, 2300001870; Laurel County Treasurer, 2300001873.

DEPARTMENT OF AGRICULTURE
Feeding Kentucky, Inc., 2300001681.

DEPARTMENT OF CORRECTIONS
University of Kentucky, 2300001594.

DEPARTMENT OF EDUCATION
Simpson County Board of Education, 2300000162; Pulaski County Board of Education, 2300000704; Central Kentucky Educational Cooperative, 2300001538; Anderson County Board of Education, 2300001547; Ashland Board of Education, 2300001552; Calloway County Board of Education, 2300001553; Kentucky Science Teachers Association, 2300001554; Simpson County Board of Education, 2300001555; Kentucky Valley Education, 2300001556; West Kentucky Educational Cooperative, 2300001557; Kentucky Educational Development Corporation, 2300001570; Kentucky Valley Education, 2300001571; Northern Kentucky Cooperative for Educational Services, Inc., 2300001572; Southeast/Southcentral Educational Cooperative, 2300001574; Williamsburg Independent School District, 2300001591; Ohio Valley Educational Cooperative, 2300001798; Ballard County Board of Education, 2300001814; Burgin Board of Education, 2300001815; Carter County Board of Education, 2300001816; Hickman County Board of Education, 2300001817; Johnson County Board of Education, 2300001818; Owensboro Independent School District, 2300001820; Owsley County Board of Education, 2300001821.

DEPARTMENT OF MILITARY AFFAIRS
Multi-Vendor, 2300000072; University of Kentucky Research Foundation, 2300001561.

DEPARTMENT OF TRAVEL
Simpson County Tourism Commission, 2300001717; City of Stanton, 2300001718; Hart County Tourist Commission, 2300001719; Glasgow-Barren County Tourist & Convention Commission, 2300001731.

EDUCATION AND LABOR CABINET
The Ohio State University, 2300000726.

JUSTICE - OFFICE OF THE SECRETARY
Kentucky Pharmacy Education and Research Foundation, Inc., 2300001723.

KENTUCKY HORSE PARK
Blackburn Correctional Complex, 2300001443.

OFFICE OF KY NATURE PRESERVES
Eastern Kentucky University, 2300001204.

STATE TREASURER
Department for Public Health, 2300001518.

TRANSPORTATION - OFFICE OF THE SECRETARY
Buffalo Trace Covered Wooden Bridge Authority, 2300001573.

THE FOLLOWING MEMORANDA OF AGREEMENT AMENDMENTS WERE REVIEWED WITHOUT OBJECTION:

BEHAVIORAL HEALTH, DEVELOPMENTAL & INTELLECTUAL DISABILITIES
Wellspring, Inc., 2200001739; New Beginnings

Bluegrass, Inc., 2200001750; People Advocating Recovery, 2200001755; Baptist Health Care System, Inc., 2200002046; Kenton County Fiscal Court, 2200002160; Volunteers of America Mid-States, Inc., 2200002552; Metro Louisville Harm Reduction Task Force, 2200002710; Ashland Hospital Corporation, 2200002711; Kentucky Pharmacy Education and Research Foundation, Inc., 2200002716; Lexington Fayette Urban County Government, 2200002723; Seeds of New Leaf, Inc., 2200002726; Hazelden Betty Ford Foundation, 2200002890; Green River Regional MHMR Board, Inc., 2200003033; Pathways, Inc., 2200003078; Mountain Comprehensive Care Center, 2200003079.

DEPARTMENT FOR COMMUNITY BASED SERVICES

Central Kentucky CAC, Inc., 2200001861; Northkey Community Care, 2200002904.

DEPARTMENT FOR LOCAL GOVERNMENT

Menifee County Fiscal Court, 2200002910.

DEPARTMENT FOR PUBLIC HEALTH

Kentucky Pharmacy Education and Research Foundation, Inc., 2200002829; University of Kentucky Healthcare / Kentucky Medical Services, 2200002871; Kentucky Mountain Health Alliance, Inc., 2200003171; University of Kentucky Research Foundation, 2200003719; University of Kentucky Research Foundation, 2200003935.

DEPARTMENT FOR WORKFORCE INVESTMENT

The Council of State Governments, 2200004324.

DEPARTMENT OF EDUCATION

Kentucky School Board Association Educational Foundation, Inc., 2200003750; Casey County Board of Education, 2200003758; Kentucky Educational Development Corporation, 2200003969; Kentucky Educational Development Corporation, 2200003984; Kentucky Educational Development Corporation, 2200003986; Kentucky Educational Development Corporation, 2200003988; Kentucky Educational Development Corporation, 2200003993; Clark County Board of Education, 2200004416; Woodford County Board of Education, 2200004506; University of Kentucky Research Foundation, 2300001052; Hardin County Board of Education, 2300001259.

JUSTICE - OFFICE OF THE SECRETARY

Eastern Kentucky CEP, Inc., 2200003684.

TRANSPORTATION - OFFICE OF THE SECRETARY

City of Cadiz, 2200002101; Kentucky Community and Technical College System, 2200002112; Students Against Destructive Decisions, 2300000287.

THE FOLLOWING KENTUCKY ENTERTAINMENT INCENTIVE PROGRAM AGREEMENTS WERE REVIEWED WITHOUT OBJECTION:

ECON DEV - OFFICE OF THE SECRETARY

CF Touring, LLC, 2300001947; Night Lily Movie 23, LLC, 2300001948; Dreams, LLC, 2300001949; Sparks Movie 23, LLC, 2300001950.

THE FOLLOWING PERSONAL SERVICE CONTRACTS WERE SELECTED FOR FURTHER REVIEW:

UNIVERSITY OF LOUISVILLE

Dinsmore & Shohl, LLP, 23-125. Shannon Ricketts, Angela Curry, and Sally Molsberger discussed the contract with the committee. A motion was made by Senator Meredith to consider the contract as reviewed. Senator Douglas seconded the motion, which passed.

THE FOLLOWING PERSONAL SERVICE AMENDMENTS WERE SELECTED FOR FURTHER REVIEW:

DEPARTMENT OF JUVENILE JUSTICE

Worldwide Travel Staffing Limited, 2300000123. William Codell and James Van Buren discussed the contract with the committee. A motion was made by Senator Meredith to consider the contract as reviewed. Representative Pollock seconded the motion, which passed.

KENTUCKY FISH AND WILDLIFE RESOURCES

Third Rock Consultants, LLC, 18FW000968; Riverine Systems, LLC, 22FW000324. Jenny Gilbert, Lisa Cox, and Melissa Trent discussed the contracts with the committee. A motion was made by Senator Meredith to consider the contracts as reviewed. Representative Pollock seconded the motion, which passed.

Senator Meredith requested that the committee send a letter to the Attorney General's office requesting that they investigate as to whether the Kentucky Fish and Wildlife Resources Agency is being discriminated against by the Finance and Administration Cabinet. A motion was made by Senator Meredith to submit the letter. Senator Douglas seconded the motion, which passed.

There being no further business, the meeting adjourned at 8:45 PM.

PUBLIC PENSION OVERSIGHT BOARD

Minutes of the 10th Meeting

of the 2022 Interim

December 19, 2022

Call to Order and Roll Call

The 10th meeting of the Public Pension Oversight Board was held on Monday, December 19, 2022, at 1:00 PM, in Room 154 of the Capitol Annex. Representative James Tipton, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Jimmy Higdon, Co-Chair; Representative James Tipton, Co-Chair; Senators

Robby Mills, Gerald A. Neal, Michael J. Nemes, Damon Thayer, and Mike Wilson; Representatives Jim DuPlessis, Ken Fleming, Derrick Graham, Jerry T. Miller, Jason Petrie, Phillip Pratt, Russell Webber, and Buddy Wheatley; Mike Harmon, John Hicks, and Victor Maddox.

Guests: Bo Cracraft, Executive Director, Judicial Form Retirement System; Joe Gilbert, Portfolio Manager, Public Equity, Erin Surratt, Executive Director, Office of Benefits, and Carrie Bass, Staff Attorney Supervisor, Kentucky Public Pensions Authority, and Beau Barnes, Deputy Executive Secretary and General Counsel, Teachers' Retirement System.

LRC Staff: Brad Gross, Jennifer Black Hans, Michael Clancy, and Angela Rhodes.

Approval of Minutes

Senator Higdon moved that the minutes of the November 15, 2022 meeting be approved. Representative Graham seconded the motion, and the minutes were approved without objection.

Representative Tipton and Senator Higdon presented resolutions and recognized the following members upon their end of service to the General Assembly. Senator Parrett, Representative Miller, Representative DuPlessis, and Representative Wheatley. Representative Graham moved that the resolutions be adopted. Representative Pratt seconded the motion, and the resolutions were adopted without objection.

Representative Tipton congratulated Representative Graham on his new role as the Minority Floor Leader.

Update on Cryptocurrency/META Holdings – Judicial Form Retirement System

Bo Cracraft, Executive Director, Judicial Form Retirement System (JFRS), stated that JFRS has no holdings with cryptocurrency. JFRS does have holdings with META (aka Facebook) platforms in both the Judicial Retirement Plan (JRP) and the Legislative Retirement Plan (LRP) that total about 80 basis points or 0.8 percent of total holdings. The total dollar amount for JRP is just over \$4.2 million with 36,222 shares, and for LRP, the total dollar amount is about \$1.2 million with a little over 10,000 shares.

In response to a question from Senator Higdon, Mr. Cracraft stated that the META platforms are not net successful and are down since the initial purchase.

Update on Cryptocurrency/META Holdings – Kentucky Public Pensions Authority

Joe Gilbert, Portfolio Manager, Public Equity, Kentucky Public Pensions Authority (KPPA), stated that no plan administered by KPPA has any direct exposure to cryptocurrency or to any cryptocurrency exchanges. KPPA plans do have exposure to META platforms of just under 270,000 shares with a market value of \$31.9 million that represents 0.14 percent of the total assets under management at KPPA.

In response to a question from Senator Higdon regarding the losses from the investment, Mr. Gilbert stated that, as of today, the investment has a cost basis of \$44.8 million, which is down \$12.9 million.

In response to questions from Representative Tipton, Mr. Gilbert stated that the high for the META holdings value was in December 2021 of just over 346,000 shares with a market value of \$116.4 million and an unrealized gain of \$48.9 million. In response to a follow-up question regarding in what direction the trajectory is going, Mr. Gilbert stated that anything that was a growth-related stock in the end of 2021 got hit really hard in 2022 as the central bank ratcheted up rates. Facebook/META got hit particularly hard because they moved away from their core competency of social media.

In response to a question from Representative Petrie, Mr. Gilbert stated that the indirect level of exposure to cryptocurrency or cryptocurrency exchanges poses no appreciable risks.

In response to a question from Senator Higdon regarding internal versus external investment management, Mr. Gilbert explained that KPPA spends its risk dollars in markets that are the least efficient. So, there is no real active management in the U.S. markets, because the U.S. markets are the most efficient. The result is that for investments in U.S. markets the management is about 70 percent internal and 30 percent external. For less efficient foreign markets, there is an inverse balance where about 30 percent is in external management and 70 percent is actively managed.

Update on Cryptocurrency/META Holdings – Teachers’ Retirement System

Beau Barnes, Deputy Executive Secretary and General Counsel, Teachers’ Retirement System (TRS) stated that TRS does not own or have any direct exposure in any cryptocurrency or any cryptocurrency exchanges. TRS does have investments in META holdings of about \$48 million with about \$25 million of that in an index fund, which represents a little less than 2/100 of 1 percentage point of TRS assets under management.

In response to a question from Representative DuPlessis, Mr. Barnes stated that when federal interest rates rise, there is a greater return on fixed income. However, rising interest rates can lead to inflation, which is often bad for the markets.

Legislative Proposal for Consideration – BR 196

Representative Tipton, Erin Surratt, Executive Director, Office of Benefits, and Carrie Bass, Staff Attorney Supervisor, KPPA discussed several key points in the KPPA housekeeping bill, including new definitions, changes to the process of examining employment and medical records for disability determinations, changes to codify existing administrative policy or conform to federal law, and other technical changes.

In response to a question from Representative DuPlessis, Ms. Bass stated that volunteer employment was included in the definition of “gainful employment” specifically in the context of required reporting for individuals receiving a disability retirement benefit in order to review the volunteer work to ensure it is not at odds with the basis for the person’s disability.

Representative Petrie commented that KPPA may want to make sure that the vocational expert definition does not exclude those professionals who already

exist within the context of social security disability determinations.

In response to a question from Mr. Hicks regarding redundancy in some of the new language added to Section 15 of the draft bill, Ms. Bass stated that generally KPPA prefers to clarify anything that may be ambiguous and to have it codified rather than implied.

In response to a question from Representative Petrie regarding the new language in Section 15, Ms. Bass stated that KPPA decided to add the new language to make sure it was sufficiently clear regarding the internal management of assets.

In response to a question from Representative Graham, Ms. Surratt stated there is no time factor in Section 16 regarding the three medical evaluations for the disability retirement benefits.

In response to a question from Mr. Hicks, Ms. Surratt stated the last time the medical evaluation process was reviewed, it was taking roughly four weeks between the time the member files the disability claim to when the medical examiner receives the claim.

In response to a question from Representative Graham regarding the new medical examination process as proposed, Ms. Surratt stated that if the first medical examiner denies a claim, the second medical examiner is not aware of the first denial. Each medical examiner gives an independent review.

In response to a question from Senator Neal, Ms. Surratt stated that each medical examiner is paid independently. Therefore, disability claims are independently sent to one medical examiner at a time.

In response to a question from Representative Fleming, Ms. Surratt stated that the last timeframe review for a disability claim was about four weeks. If the claim was sent to a second medical examiner it would be another one to two weeks. Previously, it took about three times longer to get a review back from the medical examiner. With the new process, it would take approximately six to eight weeks to go through all three reviews. In response to a follow-up question, Ms. Surratt stated that she does not believe the contract specifies the amount of time for completion, but could make modifications.

In response to a question from Senator Neal, Ms. Surratt stated that “expedited” is not in the language for disability claims. Ms. Bass and Ms. Surratt both agreed the contract would need to be modified. Senator Neal suggested that the language be put into the legislation.

In response to a question from Representative Miller, Ms. Surratt stated that KPPA has no actuarial analysis of BR 196 and that most changes made are technical and should not have an actuarial impact. She advised that the bill has already been sent to the KPPA’s actuaries for review.

Legislative Proposal for Consideration – BR 435

Representative Tipton discussed BR 435, which is a legislative proposal to close LRP to new members and transfer Tier III hybrid cash balance members to the Kentucky Employees Retirement System (KERS).

Representative Miller commented that he regrets that he will not be in attendance to vote for this legislation, but will speak highly of it to his successor.

Representative DuPlessis commented that he agrees with this legislation but wonders about the actuarial benefit of eliminating a smaller, healthy fund that is able to invest aggressively, since the General Assembly is not currently funding the LRP, and instead diverting those funds to KPPA. Representative Tipton stated that the bill provides that there will be no funding provided to the LRP until the funding level is the same or less than KERS. While the transfer of Tier III members in LRP to KERS may have a minimal actuarial impact, the benefits are essentially the same and legislative members often join KERS anyway.

Senator Thayer commented that he would need some convincing in order to support BR 435 but would be more inclined to do so if the SB 151 provision that would eliminate pension spiking for legislators in Tier I and Tier II was incorporated. Representative Tipton commented that he had the provision in a previous version but was told that it was a violation of the inviolable contract.

In response to a question from Senator Higdon, Representative Tipton stated that he believes that under current law, the judicial members in Tier III have the option to go into KERS.

Senator Higdon called upon KPPA staff for comments regarding the lawsuit against KPPA by their former employee Stephen Herbert. Ms. Bass stated that the complaint filed by former employee Stephen Herbert contains false allegations. KPPA regrets that it will be forced to spend resources to defend against Mr. Herbert’s lawsuit, but KPPA is confident in its defense of the claims that Mr. Herbert has asserted. Any inquiries concerning the complaint should be forwarded to the KPPA communication team. Beyond this comment, KPPA cannot respond any further.

Representative Tipton along with Senator Higdon and incoming co-chair, Representative Johnson, recommended to the Public Pension Oversight Board (PPOB) that a letter be addressed to the co-chairs of the Oversight and Investigations Committee and ask them to work with PPOB together or independently to review the allegations.

In response to a question from Representative Fleming, Representative Tipton stated that the article read that there was a former employee of KPPA with alleged allegations in the lawsuit that assert that there was mismanagement of funds and a reference of embezzlement of funds.

Senator Higdon moved that the proposal that PPOB address a letter to the Oversight and Investigations Committee be approved. Representative DuPlessis seconded the motion, and the motion was approved without objection.

Legislative Proposal for Consideration – BR 276

Representative Wheatley discussed BR 276, which is a legislative proposal for inflation assistance payments for KPPA retirees. Representative Wheatley explained that the legislation would provide a one-time, non-compounding “13th check” to KPPA retirees in fiscal years 2023 and 2024 to be adjusted based on the retiree’s annual retirement allowance.

Representative Tipton commented that the bill calls for two separate payments one in July of 2023 and one in June of 2024, both occurring in the same fiscal year. Representative Wheatley stated that it

should read that the payments are within two fiscal years.

Representative Graham commented that he hopes BR 276 is a possibility in order to show retirees appreciation for their hard work and training of current staff. Representative Graham also reaffirmed the increased cost of living and that it has been a long time since retirees have received a cost-of-living adjustment (COLA).

Representative Miller commented that he believes BR 276 is a good idea, but clearly the General Assembly cannot do it without pre-funding. Representative Wheatley responded that BR 276 is not part of a COLA and not compounding but a one-time amount.

Senator Higdon commented that retired state employees have not received a COLA since 2012 with some of those retirees not receiving social security either. With the likelihood of an ad-hoc COLA for the KERS coming from the General Fund, the question of how to fund a COLA for the County Employees Retirement Systems (CERS) needs to be discussed. Representative Wheatley responded that there have been discussions regarding how to fund the CERS payments.

Representative DuPlessis commented that he agrees with a COLA for the KPPA retirees and asked how much of a debt impact would a one-time COLA payment be. Representative Wheatley responded that it would be about \$326 million. Representative DuPlessis discussed the possibility of a COLA for members with an extensive length of service.

Representative Tipton commented that in the 2022 budget there was an additional \$215 million appropriated into the State Police Retirement System. Prior to the appropriation, every dollar paid in was costing \$1.46 and now it is about dollar to dollar. There was about \$400 million additional dollars appropriated to KERS; however the total impact on this fund is minimal based on the size of the unfunded liability.

Senator Thayer commented that the budget will not be opened up in 2023.

With no further business, the meeting was adjourned.

TOBACCO SETTLEMENT AGREEMENT FUND OVERSIGHT COMMITTEE

Minutes of the 7th Meeting

of the 2022 Interim

December 19, 2022

Call to Order and Roll Call

The 7th meeting of the Tobacco Settlement Agreement Fund Oversight Committee was held on Monday, December 19, 2022, at 1:00 PM, in Room 129 of the Capitol Annex. Representative Myron Dossett, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Myron Dossett, Co-Chair; Senators Dennis Parrett and Robin L. Webb; Representatives George Brown Jr., Brandon Reed,

and Rachel Roberts.

Guests: Bill McCloskey, Deputy Executive Director, Kentucky Office of Agricultural Policy (KOAP); Brian Lacefield, Executive Director, KOAP; Jason Chesney, M.D., Ph.D., Director, University of Louisville James Graham Brown Cancer Center; and B. Mark Evers, M.D., Director, University of Kentucky Markey Cancer Center.

LRC Staff: Stefan Kasacavage, Hillary Abbott, Kelly Ludwig, and Rachel Hartley.

The minutes from the meeting of November 10, 2022, were approved by voice vote.

Representative Dossett acknowledged Senator Parrett's last committee meeting as a member of the General Assembly. Senator Parrett stated appreciation for all his colleagues and that he was proud to have served his constituents.

Utilization of Tobacco Settlement Funds for Cancer Research

B. Mark Evers, M.D., stated the mission of the University of Kentucky Markey Cancer Center (MCC) is to reduce cancer mortality through research, treatment, education, and community engagement. Kentucky ranks first in cancer mortality and cancer incidence.

MCC was awarded an initial designation by the National Cancer Institute (NCI) in 2013. MCC applied for comprehensive status on October 3, 2022, which is the highest designation by the NCI.

MCC directly or indirectly cared for approximately 47 percent of all new cancer cases in Kentucky. There are 19 MCC affiliate sites throughout the state. Patients were from all 120 counties in Kentucky. Individuals from 98 different counties in Kentucky are enrolled in clinical trials.

Kentucky's lung cancer screening rate is second in the country. There has been a decrease in the rate of late-stage lung cancer.

Kentucky's colorectal cancer screening rate is 17th in the country. The mortality rate has decreased 34 percent and the incident rate has decreased 30 percent since 2000.

There are several programs for cervical cancer prevention. Almost all cervical cancers are caused by the human papillomavirus (HPV). MCC has increased cervical cancer screenings and vaccinations for HPV.

The opioid epidemic has contributed to an increase in the hepatitis C virus. Kentucky has the fifth highest rate of new infections in the country. Through a collaboration with NCI, National Institutes of Health, and Gilead Sciences there is a program to provide free medication.

MCC has assisted Martin County with concerns over safe drinking water. There were approximately 300 million gallons of coal slurry spilled into their water supply.

Education attainment in Appalachian Kentucky is much lower than the rest of the country. Taking ACTION (Appalachian Career Training in Oncology) is a program that offers the opportunity to gain cancer research, clinical, outreach, and education experiences to Appalachian Kentucky high school students and undergraduate students enrolled at the University of Kentucky.

The Master Tobacco Settlement Agreement has

provided critical funding for cancer screenings, new recruitment and retention of cancer investigators, pilot funding for new cancer research projects, and funding for new clinical trials.

Jason Chesney, M.D., Ph.D., stated the University of Louisville James Graham Brown Cancer Center (BCC) receives \$3.4 million annually from the Master Tobacco Settlement Agreement. The funding supports clinical trialists, research staff, drug development programs, and innovative cancer screening programs. There has been an increase in cancer incidence; however, mortality rates have decreased.

The Tumor Infiltrating Lymphocytes Program is a complex cellular immunotherapy, which was only available on the east and west coasts until BCC opened human trials in 2016. Once Food and Drug Administration-approved, BCC will be one of only ten sites in the world that is certified to offer the therapy.

Many common cancers can be detected with proven screening technologies, but there is low participation. BCC is working to increase cancer screening rates and to develop less invasive approaches to detect cancer.

Dr. Chesney spoke briefly about Dr. Jun Yan and his research within the Division of Immunotherapy.

In response to Representative Roberts, Dr. Chesney stated female cancer incidence rates are increasing due to better female participation in cancer screenings resulting in earlier detection, and the fact that we have a growing aging population.

Kentucky Office of Agricultural Policy Report

Brian Lacefield stated KOAP has launched a new grant program to assist veterinarians who want to expand into a large animal practice, buy into an existing large animal practice, or buy equipment specific to large animal practice.

Mr. Lacefield stated that an agricultural economist at the University of Kentucky College of Agriculture has projected \$8 billion in agriculture receipts in 2022. Agriculture receipts are the revenue received by farmers for their crops and livestock. Agriculture in Kentucky has diversified beyond producing tobacco. Tobacco is less than 3 percent of the total receipts.

Bill McCloskey described the Agricultural Development Board's projects under the program. Mr. McCloskey highlighted programs including the County Agricultural Investment Program (CAIP), Next Generation Farmer, Shared-Use Equipment Program, and the Youth Agriculture Incentives Program.

The projects discussed included:

The Kentucky Horticulture Council was approved for \$1,848,395 in state funds to expand technical assistance, education, research, and market analysis for Kentucky's horticulture industry.

Hampton Premier Meats was approved for \$3,750 in state funds for consultation fees for a Global Food Safety Initiative audit.

The Kentucky State Beekeepers Association was approved for \$106,000 in state and county funds to support Kentucky beekeepers.

The Kentucky Department of Agriculture was approved for \$2,876,000 in state funds to fund the Kentucky Proud Program.

Marion County Public Schools was approved

for \$8,592 in Marion County funds to update the greenhouse at Marion County High School.

In response to Senator Parrett, Mr. McCloskey stated the previous owner of Hampton Premier Meats was Ernie Hampton.

There being no further business, the meeting was adjourned.

2023 HOUSE COMMITTEE ON IMPEACHMENT

Minutes of the 1st Meeting

January 5, 2023

Call to Order and Roll Call

The 1st meeting of the 2023 House Committee on Impeachment was held on Thursday, January 5, 2023, upon adjournment, in Room 129 of the Capitol Annex. Representative Jason Nemes, Acting Chairman, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Jason Nemes, Acting Chair; Representatives Lindsey Burke, Jennifer Decker, Daniel Elliott, Kim King, Nima Kulkarni, and Suzanne Miles.

Guests:

LRC Staff: Roberta Kiser, Matt Trebelhorn, and Elishea Schweickart.

Adoption of Rules

Chairman Nemes began the meeting by asking for a motion to adopt the committee rules. These rules had been previously distributed to all the committee members for their review. Representative King made a motion to adopt the rules, seconded by Representative Decker, and the motion was adopted by voice-vote.

Responding to a question from Representative Kulkarni, Chair Nemes stated that the committee will make records they receive available to the public on the committee website, including the committee rules.

Executive Session

Chairman Nemes briefly explained that there have been two impeachment proceedings filed on two Commonwealth's attorneys; one from Eastern Kentucky and one from Western Kentucky. Representative Elliott made a motion for the committee to enter executive session, seconded by Representative Miles, and the motion was adopted by voice vote.

Communications and Announcements

Upon the committee's return from executive session, Chairman Nemes announced that the next Impeachment Committee meeting will be on January 17, 2023 at 9:00 AM. Chairman Nemes stated the committee website will be open to the public and documents will be uploaded to that website. Representative King made a motion to publish the Committee Rules, House Resolution 11, and House Resolution 13 to the website, seconded by Representative Elliott, and the motion was adopted by voice-vote. The committee announced the Chairman will reach out to the respondents for comments and potential responses to the resolutions against them.

Adjournment

With there being no further business, the committee was adjourned at 6:37 PM.

2023 HOUSE IMPEACHMENT COMMITTEE

Minutes of the 2nd Meeting

January 17, 2023

Call to Order and Roll Call

The 2nd meeting of the 2023 House Impeachment Committee was held on Tuesday, January 17, 2023, at 9:00 AM, in Room 129 of the Capitol Annex. Representative Daniel Elliott, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative Daniel Elliott, Chair; Representatives Lindsey Burke, Jennifer Decker, Kim King, Nima Kulkarni, Suzanne Miles, and Jason Nemes.

Guests:

LRC Staff: Roberta Kiser, Matt Trebelhorn, and Elishea Schweickart.

Adoption of the Minutes

The minutes from the January 5, 2023 meeting were adopted.

Communications and Announcements

Chair Elliott stated that since the last committee meeting a letter had been sent to Mr. Ronnie Goldy outlining House Resolution 11 and explaining his opportunity to respond to the resolution within a certain time period. The committee also received notice of a retirement letter for Mr. Richard Boling, effective March 1st, that had also been reported in the media.

Executive Session

Representative Decker made a motion for the committee to enter executive session, seconded by Representative Kulkarni, and the motion was adopted by voice vote.

Communications and Announcements

Upon the committee's return from executive session, Chair Elliott stated that the committee will direct a letter to Mr. Boling allowing him to respond to House Resolution 13. Representative Nemes made a motion to publish Mr. Boling's retirement letter to the website, seconded by Representative Kulkarni, and the motion was adopted by voice-vote. Representative Burke then made a motion to publish the letter sent to Mr. Goldy to the website, seconded by Representative Miles, and the motion was adopted by voice-vote.

Chair Elliott stated that the committee will continue to review the records relating to both respondents and the next committee meeting will be on January 25, 2023 at 2 PM.

Adjournment

With there being no further business, the committee was adjourned at 11:17 AM.

INTERIM JOINT COMMITTEE ON JUDICIARY

Minutes of the 7th Meeting

of the 2022 Interim

December 15, 2022

Call to Order and Roll Call

The 7th meeting of the Interim Joint Committee on Judiciary was held on Thursday, December 15, 2022, at 11:00 AM, in Room 149 of the Capitol Annex. Senator Whitney Westerfield, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Whitney Westerfield, Co-Chair; Senators Danny Carroll, Alice Forgy Kerr, Gerald A. Neal, Wil Schroder, Johnnie Turner, Stephen West, and Phillip Wheeler; Representatives Kim Banta, John Blanton, Kevin D. Bratcher, McKenzie Cantrell, Jennifer Decker, Joseph M. Fischer, Patrick Flannery, Samara Heavrin, Nima Kulkarni, Derek Lewis, Patti Minter, Jason Nemes, and Pamela Stevenson.

Guests:

Cabinet for Health and Family Services, Secretary Eric Friedlander; Department for Community Based Services, Commissioner Marta Miranda-Straub; Department for Community Based Services, Deputy Commissioner Lesa Dennis; Office of Legislative and Intergovernmental Services, with the Justice and Public Safety Cabinet, Natalie Burikhanov; Criminal Justice Statistical Analysis Center, Justice and Public Safety Cabinet, Elzie Burgher; Justice and Public Safety Cabinet, Secretary Kerry Harvey; Department of Juvenile Justice, Commissioner Vicki Reed; House District 20, Representative Patti Minter; House District 75, Representative-Elect Lindsey Burke; KY Mental Health Coalition, Executive Director Dr. Sheila A. Schuster.

LRC Staff: Roberta Kiser, Matt Trebelhorn, Randall Roof, Michelle Spears, Lexington Souers, Stacy Byrns Taulbee, and Chelsea Fallis.

Approval of the November 3, 2022, Minutes

Senator Schroder made a motion to approve the November 3, 2022, minutes, seconded by Representative Minter, and passed by voice vote.

Report on 22 RS SB 271

Natalie Burikhanov stated that Kentucky has the second highest rates of domestic violence in the United States. Senate Bill 271 sponsored by Senator Westerfield will provide connected data on domestic and interpersonal violence that will be analyzed on a state level and across private sectors. Quality data allows service providers to better target programming, increase critical funding opportunities, and fill gaps and services, while also enhancing training for first responders, and determining the efficacy of criminal justice processes.

Elzie Burgher stated that the Criminal Justice Statistical Analysis Center (CJSAC) is working with other agencies to provide evidence-based and collaborative research on domestic violence in Kentucky. CJSAC is also working with the Kentucky

State Police and with the Kentucky Coalition Against Domestic Violence to update the JC-3 form to meet the requirements of Senate Bill 271.

In response to Senator Westerfield, Mr. Burgher stated that all law enforcement officers uniformly use the JC-3 form both electronically and on paper, and he would provide Senator Westerfield with the number of agencies who are reluctant to use electronic JC-3 forms.

Mr. Burgher stated that the results for the annual report for Senate Bill 271 will be available July 1, 2023.

Senator Westerfield requested that the Criminal Justice Statistical Analysis Center report to the General Assembly any changes that could be made legislatively.

Conservatorship Advocacy to Remove Exploitation (C.A.R.E) Act

Representative Minter explained that the Conservatorship Advocacy to Remove Exploitation (C.A.R.E) Act she has proposed would update Kentucky's conservatorship laws to provide protection and self-determination for an individual with a disability.

Representative Minter read a supporting statement from a District 20 constituent, Attorney Ashley Shepherd.

Dr. Sheila A. Schuster stated that the Kentucky Mental Health Coalition is in support of the proposed legislation due to the level of protection it provides an individual who is disabled or partially disabled.

Representative-Elect Lindsey Burke stated that she is in support of the legislation.

Investigative Policies of Complaints Involving Neglect and Abuse

Secretary Eric Friedlander stated when there is a child fatality, the Department for Community Based Services (DCBS) has likely been involved with the family or the child.

In response to Senator Westerfield, Secretary Friedlander stated updates are being made to how DCBS investigates allegations, and research is being conducted on prevention services.

In response to Senator Westerfield, Secretary Friedlander stated that DCBS social workers are trained to investigate abuse and neglect cases. The Office of the Inspector General investigates a facility's licensure and compliance with the law on training, staffing, and staff supervision.

In response to Senator Westerfield, Secretary Friedlander stated that the investigators did not see a pattern of excessive force at the Bellewood and Brooklawn child and family services facility but the facility received a statement of deficiencies. Commissioner Marta Miranda-Straub stated that children are no longer being placed in the Bellwood and Brooklawn family services facility, and 10 children have been removed since the investigation began. She stated that all Bellwood and Brooklawn employees are required to be certified and licensed. The training at the facility is being evaluated as a part of the investigative process.

In response to Senator Westerfield, Deputy Commissioner Lesa Dennis stated that there are



approximately 8,600 children in out-of-home care, and approximately 600 to 800 children in residential care.

In response to Representative Nemes, Secretary Friedlander stated that the Louisville Metro Police Department is involved in the investigation, and private employees that were allegedly involved in the case have been terminated.

In response to Senator Schroder, Secretary Friedlander stated that in the Evansville, Indiana child death case, DCBS had initial investigations, much like most multi-state child death cases.

In response to Senator Westerfield, Deputy Commissioner Dennis stated that in an active neglect claim, the DCBS policy states that a social worker is to make a face-to-face unscheduled contact visit.

In response to Senator Turner, Secretary Friedlander stated that there are statutes, regulations, and policies in place for when a contact visit is to be made.

Senator Westerfield requested a follow up meeting when the internal investigation is complete.

Senator Carroll explained the functionality of the fatality and near fatality review panel.

In response to Senator Westerfield, Deputy Commissioner Dennis stated that in 2021 there were 209 fatalities or near fatalities. The data for 2022 is not complete.

Juvenile Justice Facilities

Commissioner Vicki Reed stated that 48 percent of the male population in juvenile detention facilities are charged with capital murder offenses and Class A, B, and C felonies. Twenty-seven percent are convicted for Class D felonies, and 25 percent for misdemeanors

and status offenses. The juvenile detention centers house youth that have been arrested of a crime, before conviction or sentencing. Youth development centers are residential treatment centers for youth who have been committed or sentenced to the Department of Juvenile Justice (DJJ) as a final disposition, and are processed based on their risk score. In 2023, the DJJ will house youth based on their offense level and security considerations.

In response to Senator Westerfield, Secretary Kerry Harvey stated that juveniles within the detention centers are openly involved in gangs and gang related violence. He stated that his knowledge on the Jefferson Regional Juvenile Detention Center's construction condition is limited.

In response to Senator Westerfield, Commissioner Vicki Reed stated that monthly reports are an American Counseling Association requirement.

In response to Senator Westerfield, Secretary Harvey stated that retaining adequate staffing for the Department of Corrections and Department of Juvenile Justice has been problematic and financial resources have been exhausted. He stated that the average pay for correctional staffing in 2022 is approximately \$23 per hour.

In response to Senator Westerfield, Secretary Harvey stated that the Department of Corrections will not be opening a correctional facility in Campbell County. The male juveniles housed there will be relocated and segregated based upon gender.

In response to Senator Wheeler, Commissioner Reed stated that the juveniles involved in an incident in the Adair County Juvenile Detention Center had higher classifications. Secretary Harvey added that juveniles of all classifications were being housed in

together during the time of the incident.

In response to Senator Wheeler, Secretary Harvey stated that there have been discussions with Governor Beshear on enhancing security measures and separating the juveniles based on the severity of their offense and behavior. Secretary Harvey stated that the juvenile officers are not currently equipped with self-defense equipment which is under review.

In response to Senator Wheeler, Secretary Harvey stated before the current system, juveniles were housed in the county where they resided. Commissioner Reed stated when DJJ was formed there were two juvenile justice centers in operation, and juveniles that were not being housed in a juvenile facility were housed in an adult correctional facility.

In response to Senator Westerfield, Commissioner Reed stated that as of December 14, 2022, there were 151 juveniles in residential care that were post adjudication, and 192 in a juvenile detention facility. She stated that the Adair County Juvenile Detention Center does not have sufficient staffing.

Representative Blanton voiced his concern on the recruitment wages for newly hired employees versus the wages of senior employees at the juvenile centers.

In response to Representative Bratcher, Commissioner Reed stated that there are states with private contract facilities.

Senator Carroll stated that the Investigative Oversight Committee has been researching and visiting juvenile correctional facilities to collect data on the staffing shortage.

Senator Turner expressed his concern over the housing of juveniles.

Representative Nemes stated that the response from a records request by the General Assembly was inadequate and that a subpoena will be issued.

Heather Bryant Spoon, an Adair County resident, provided statistics on the Adair County Regional Jail and a proposal for the facility’s maintenance and occupancy.

There being no further business the meeting adjourned at 1:44 P.M.



2023 Interim
**LEGISLATIVE
RECORD**

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2023 Interim
**LEGISLATIVE
RECORD**
KENTUCKY GENERAL ASSEMBLY

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