

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Epidemiology and Health Planning
(Amended After Comments)

901 KAR 5:140. Permit to transport fetal remains.

RELATES TO: KRS 213.098, 213.991, 311.732

STATUTORY AUTHORITY: KRS 194A.050(1), 213.098(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 213.098(3) requires the cabinet to design the form to document the age of the parent or parents of the fetal remains, the status of the fetal remains resulting from an abortion for the purpose of cremation that meet the requirements for a birth-death, provisional death, or death certificate for transport or cremation, the designation of how the fetal remains shall be disposed and who shall be responsible for final disposition, any additional information required by the cabinet, and to incorporate the form in an administrative regulation. This administrative regulation establishes the process to request a permit to transport fetal remains and incorporates by reference the permit request form.

Section 1. Definition. (1) "Fetal remains" is defined by KRS 213.098(1).

Section 2. Transport of Fetal Remains.

(1)

(a) A healthcare facility or abortion clinic shall notify the parent or parents of their right to determine the final disposition of the fetal remains resulting from an abortion or a miscarriage in accordance with KRS 213.098(2).

(b) The healthcare facility or abortion clinic shall document the parent's or parents' choice in the medical record.

(2) If the parent or parents elect to retain guardianship of the fetal remains, the parent or parents shall be provided a Permit to Transport Fetal Remains, VS-922.

(3) The parent or parents who take responsibility for fetal remains may contact the coroner of their county of residence to assist with the final disposition or may transport the fetal remains to a funeral home of their choice.

(4) The coroner who assists with the disposition of fetal remains shall complete the Permit to Transport Fetal Remains and submit a copy directly to the Office of Vital Statistics.

(5) A funeral home that receives fetal remains directly from the parent or parents shall request a copy of the Permit to Transport Fetal Remains and submit a copy directly to the Office of Vital Statistics.

(6) A healthcare facility or abortion clinic responsible for the final disposition of fetal remains shall follow their established protocols for disposition of human remains.

(7) Failure to obtain a permit to transport fetal remains may result in a penalty under KRS 213.991(3)(b).

(8) The VS-922 shall not substitute for the Report of Abortion, VS-913, incorporated by reference in 901 KAR 5:120.

(9) All personally identifiable information recorded on the VS-922 shall be redacted prior to release in response to an open records request.

Section 3. Incorporation by Reference.

(1) "Permit to Transport Fetal Remains", VS-922, 10/2022, is incorporated by reference.

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(49 Ky.R. 1308; eff. 1-12-2023.)

STEVEN J. STACK, MD, MBA, Commissioner

ERIC C. FRIEDLANDER, Secretary

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CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.