

ADMINISTRATIVE REGISTER OF KENTUCKY



LEGISLATIVE RESEARCH COMMISSION
Frankfort, Kentucky

VOLUME 40, NUMBER 10
TUESDAY, APRIL 1, 2014

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, March 14, 2014.

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MEETING NOTICE: ARRS

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet April 14, 2014 at 10:00 a.m. in room 149 Capitol Annex. See **tentative agenda** on pages 2247-2249 of this Administrative Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 2013 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

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KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title		Chapter	Regulation
806	KAR	50:	155
Cabinet, Department, Board, or Agency		Office, Division, Board, or Major Function	Specific Regulation

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA, APRIL 14, 2014, at 10:00 a.m., Room 149 Capitol Annex

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student and Administrative Services

Authority

11 KAR 4:080. Student aid applications. (Deferred from March)

OFFICE OF THE GOVERNOR
Department for Local Government

County Budget

109 KAR 15:020. County Budget Preparation and State Local Finance Officer Policy Manual.

Special Purpose Governmental Entities

109 KAR 16:010 & E. Special purpose governmental entities. ("E" expires 6/16/14) (Not Amended After Comments)

GENERAL GOVERNMENT
Board of Barbering

Board

201 KAR 14:015. Retaking of examination. (Deferred from March)
201 KAR 14:030. Five (5) year expiration of license. (Deferred from March)
201 KAR 14:040. Inspection of shops and schools. (Deferred from March)
201 KAR 14:050. Probationary license; qualifications. (Deferred from March)
201 KAR 14:052. Repeal of 201 KAR 14:051, 201 KAR 14:080, and 201 KAR 14:170. (Deferred from March)
201 KAR 14:060. Licensing requirements for qualified nonresidents. (Deferred from March)
201 KAR 14:065. Place of business requirements. (Deferred from March)
201 KAR 14:085. Sanitation requirements. (Deferred from March)
201 KAR 14:090. School curriculum.
201 KAR 14:115. Examinations; school and board. (Deferred from March)
201 KAR 14:150. School records. (Deferred from March)
201 KAR 14:180. License fees, examination fees, renewal fees, and expiration fees. (Deferred from March)

Board of Nursing

Board

201 KAR 20:470. Dialysis technician credentialing requirements and training program standards. (Deferred from March)

Board of Physical Therapy

Board

201 KAR 22:001. Definitions for 201 KAR Chapter 22.
201 KAR 22:020. Eligibility and credentialing procedure.
201 KAR 22:160. Telehealth and telephysical therapy.

Board of Licensure and Certification for Dietitians and Nutritionists

Board

201 KAR 33:015. Application; approved programs.
201 KAR 33:070. Telehealth and telepractice.

Board of Licensure for Massage Therapy

Board

201 KAR 42:035 Application process, exam, and curriculum requirements.
201 KAR 42:040. Renewal.
201 KAR 42:060. Code of ethics and standards of practice for massage therapists.
201 KAR 42:080. Programs of massage therapy instruction.
201 KAR 42:110. Continuing education requirements.

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

Fish

301 KAR 1:155. Commercial fishing requirements. (Not Amended After Comments)

Game

301 KAR 2:049. Small game and furbearer hunting and trapping on public and other federally owned areas.
301 KAR 2:126. Repeal of 301 KAR 2:125.
301 KAR 2:251. Hunting and trapping seasons and limits for furbearers.

JUSTICE AND PUBLIC SAFETY
Department of State Police
Driver Testing Branch

Breath Analysis Operators

500 KAR 8:030. Administration of breath alcohol tests and chemical analysis tests.

Department of Corrections

Office of the Secretary

501 KAR 6:170. Green River Correctional Complex.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education

School Administration and Finance

702 KAR 3:300. Approval for school district lease and retirement incentive annuity agreements.

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Office of Learning Support Services

704 KAR 7:151. Repeal of 704 KAR 7:150. (Deferred from December)

**KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Kentucky Fire Commission**

Commission on Fire Protection Personnel Standards and Education

739 KAR 2:090. Candidate Physical Ability Test.

**LABOR CABINET
Department of Workers' Claims**

Workers' Claims

803 KAR 25:089. Workers' compensation medical fee schedule for physicians. (Amended After Comments)

Kentucky Occupational Safety and Health Review Commission

Commission

803 KAR 50:010. Hearings; Procedure, Disposition. (Deferred from February)

**PUBLIC PROTECTION CABINET
Kentucky Horse Racing Commission**

Thoroughbred Racing

810 KAR 1:040. Drug, medication, and substance classification schedule and withdrawal guidelines. (Deferred from March)

Harness Racing

811 KAR 1:090. Medication; testing procedures; prohibited practices. (Deferred from March)

811 KAR 1:093. Drug, medication, and substance classification schedule and withdrawal guidelines. (Deferred from March)

811 KAR 1:095. Disciplinary measures and penalties. (Deferred from March)

Quarter Horse, Appaloosa and Arabian Racing

811 KAR 2:093. Drug, medication, and substance classification schedule and withdrawal guidelines. (Deferred from March)

**CABINET FOR HEALTH AND FAMILY SERVICES
Office of the Kentucky Health Benefit Exchange**

Kentucky Health Benefit Exchange

900 KAR 10:100 & E. Appeals of Eligibility Determinations for KHBE Participation and Insurance Affordability Programs. ("E" expires 6/15/2014) (Deferred from March)

**Department for Public Health
Division of Maternal and Child Health**

Maternal and Child Health

902 KAR 4:030. Newborn Screening Program. (Not Amended After Comments)

Department for Medicaid Services

Hospital Service Coverage and Reimbursement

907 KAR 10:825. Diagnosis-related group (DRG) inpatient hospital reimbursement. (Amended After Comments)

Supports for Community Living Waiver

907 KAR 12:020E. Reimbursement for new Supports for Community Living waiver services. ("E" expires 8/5/2014)

**Department for Behavioral Health, Developmental and Intellectual Disabilities
Division for Behavioral Health**

Mental Health

908 KAR 2:240 & E. Kentucky Youth Peer Support Specialist. ("E" expires 8/5/2014)

908 KAR 2:250 & E. Community support associate; eligibility criteria and training. ("E" expires 8/5/2014)

**REMOVED FROM APRIL 2014 AGENDA
GENERAL GOVERNMENT CABINET
Board of Nursing**

Board

~~201 KAR 20:405. Delegation of the administration of insulin and glucagon in a school setting. (Not Amended After Comments)(Withdrawn by Agency 3/21/2014)~~

**TRANSPORTATION CABINET
Kentucky Bicycle and Bikeways Commission**

Motorcycle and Bicycle Safety

601 KAR 14:020. Bicycle Safety standards. (Comments Received)

**Department of Highways
Division of Maintenance**

Billboards

603 KAR 10:001. Definitions. (Comments Received, SOC ext.)

603 KAR 10:010. Static advertising devices. (Comments Received, SOC ext.)

603 KAR 10:020. Electronic advertising devices. (Comments Received, SOC ext.)

603 KAR 10:030. Removal of vegetation related to advertising devices. (Comments Received, SOC ext.)

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

Medicaid Services

907 KAR 1:019 & E. Outpatient Pharmacy Program. ("E" expires 7/30/14) (Comments Received; SOC ext.)

907 KAR 1:030 & E. Home health agency services. ("E" expires 7/26/14) (Comments Received; SOC ext.)

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907 KAR 1:038 & E. Hearing Program coverage provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 1:039 & E. Hearing Program reimbursement provisions and requirements. ("E" expires 6/24/14) (Deferred from March)

907 KAR 1:044 & E. Coverage provisions and requirements regarding community mental health center services. ("E" expires 7/30/14) (Comments Received; SOC ext.)

907 KAR 1:045 & E. Reimbursement provisions and requirements regarding community mental health center services. ("E" expires 7/30/14) (Comments Received; SOC ext.)

907 KAR 1:054 & E. Coverage provisions and requirements regarding federally-qualified health center services, federally-qualified health center look-alike services, and primary care center services. ("E" expires 7/30/14) (Comments Received; SOC ext.)

907 KAR 1:082 & E. Coverage provisions and requirements regarding rural health clinic services. ("E" expires 7/30/14) (Comments Received; SOC ext.)

907 KAR 1:604 & E. Recipient cost-sharing. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 1:631 & E. Vision Program reimbursement provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 1:632 & E. Vision Program coverage provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

Payments and Services

907 KAR 3:005 & E. Coverage of physicians' services. ("E" expires 7/26/14) (Comments Received; SOC ext.)

Occupational, Physical, and Speech Therapy

907 KAR 8:005 & E. Definitions for 907 KAR Chapter 8. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 8:010 & E. Independent occupational therapy service coverage provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 8:015 & E. Independent occupation therapy service reimbursement provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 8:020 & E. Independent physical therapy service coverage provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 8:025 & E. Physical therapy service reimbursement provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 8:030 & E. Independent speech pathology service coverage provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 8:035 & E. Speech language pathology service reimbursement provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

Hospital Service Coverage and Reimbursement

907 KAR 10:014 & E. Outpatient hospital service coverage provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

Private Duty Nursing

907 KAR 13:005 & E. Definitions for 907 KAR Chapter 13. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 13:010 & E. Private duty nursing service coverage provisions and requirements. ("E" expires 7/26/14) (Comments Received; SOC ext.)

907 KAR 13:015 & E. Private duty nursing service reimbursement provisions and requirements. ("E" expires 6/24/14) (Deferred from March)

Behavioral Health

907 KAR 15:005 & E. Definitions for 907 KAR Chapter 15. ("E" expires 7/30/14) (Comments Received; SOC ext.)

907 KAR 15:010 & E. Coverage provisions and requirements regarding behavioral health services provided by independent providers. ("E" expires 7/30/14) (Comments Received; SOC ext.)

907 KAR 15:015 & E. Reimbursement provisions and requirements for behavioral health services provided by independent providers. ("E" expires 7/30/14) (Comments Received; SOC ext.)

ADMINISTRATIVE REGULATION REVIEW PROCEDURE - OVERVIEW
(See KRS Chapter 13A for specific provisions)

Filing and Publication

Administrative bodies shall file with the Regulations Compiler all proposed administrative regulations, public hearing and comment period information, regulatory impact analysis and tiering statement, fiscal note, federal mandate comparison, and incorporated material information. Those administrative regulations received by the deadline established in KRS 13A.050 shall be published in the Administrative Register.

Public Hearing and Public Comment Period

The administrative body shall schedule a public hearing on proposed administrative regulations which shall not be held before the 21st day or later than the last workday of the month of publication. Written comments shall also be accepted until the end of the calendar month in which the administrative regulation was published.

The administrative regulation shall include: the place, time, and date of the hearing; the manner in which persons may submit notification to attend the hearing and written comments; that notification to attend the hearing shall be sent no later than 5 workdays prior to the hearing date; the deadline for submitting written comments; and the name, position, address, and telephone and fax numbers of the person to whom notification and written comments shall be sent.

The administrative body shall notify the Compiler, by phone and letter, whether the hearing was held or cancelled and whether written comments were received. If the hearing was held or written comments were received, the administrative body shall file a statement of consideration with the Compiler by the fifteenth day of the calendar month following the month of publication.

A transcript of the hearing is not required unless a written request for a transcript is made, and the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript.

Review Procedure

After the public hearing and public comment period processes are completed, the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the administrative regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the appropriate jurisdictional committee meets or 30 days after being referred by LRC, whichever occurs first.

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EMERGENCY ADMINISTRATIVE REGULATIONS

NONE

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

PERSONNEL BOARD
(As Amended at ARRS, March 10, 2014)

101 KAR 1:325. Probationary periods.

RELATES TO: KRS 18A.005, 18A.0751(1)(e), (4)(e), 18A.111
STATUTORY AUTHORITY: KRS 18A.005, 18A.075(1),
18A.0751(1)(e), (4)(e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.075(1) requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 to 18A.200. KRS 18A.0751(1)(e) requires the Personnel Board to promulgate comprehensive administrative regulations for the classified service governing probation. KRS 18A.0751(4)(e) authorizes the Personnel Board to promulgate administrative regulations to establish an initial probationary period in excess of six (6) months for specific job classifications. KRS 18A.111 establishes requirements governing initial and promotional probationary periods for classified service. This administrative regulation establishes the requirements relating to probationary periods.

Section 1. Initial Probationary Period. (1) The initial probationary period shall be computed from the effective date of appointment to the corresponding date in the sixth or final month, depending upon the length of initial probationary period, except as provided in KRS 18A.111.

(2) The following job classifications shall require an initial probationary period in excess of six (6) months:

Title Code	Job Classification	Length of Initial Probationary Period
1555	Resort Park Manager I	12 months
1556	Resort Park Manager II	12 months
1557	Resort Park Manager III	12 months
1580	Park Business Manager I	12 months
1581	Park Business Manager II	12 months
1585	Park Manager I/Historic Site Manager	12 months
1586	Park Manager II	12 months
[1585]	Park Manager I/Historic Site Manager	12 months
4586	Park Manager II	12 months
1588	Park Manager III	12 months
2001	Conservation Officer Recruit	12 months
2201	Correctional Officer	8 months
2308	Facilities Security Sergeant	12 months
2309	Facilities Security Lieutenant	12 months
2313	State Park Ranger Recruit	12 months
2322	Facilities Security Officer II	12 months
2350	Mounted Patrol Officer Recruit	12 months
2401	Police Telecommunicator I	12 months
2403	Police Telecommunicator II	12 months
2404	Police Telecommunications Shift Supervisor	12 months
2405	Police Telecommunications Supervisor	12 months
2408	CVE Inspector I	12 months
2410	CJIS (Criminal Justice Information System) Compliance Specialist I	12 months
2411	CJIS Compliance Specialist II	12 months
2412	CJIS Compliance Specialist III	12 months
2413	CJIS Compliance Supervisor	12 months
2415	Transportation Operations Center Specialist I	12 months
2433	Polygraph Examiner II	12 months

2434	Polygraph Examiner I	12 months
2460	Driver's Test Administrator	12 months
2468	Fish and Wildlife Telecommunicator I	12 months
3254	Boiler Inspector I	12 months
3268	Fire Protection Systems Inspector	12 months
3416	Financial Institutions Examiner I	12 months
3417	Financial Institutions Examiner II	12 months
3432	Financial Institutions Examiner III	12 months
3433	Financial Institutions Examiner IV	12 months
3434	Financial Institutions Examiner Specialist	12 months
3551	Insurance Fraud Investigator II	12 months
3552	Insurance Fraud Investigator III	12 months
3553	Insurance Fraud Investigator Supervisor	12 months
4056	Forensic Firearms and Toolmark Examiner I	12 months
4058	Forensic Chemist I	12 months
4059	Forensic Chemist II	12 months
4061	Forensic Biologist I	12 months
4062	Forensic Biologist II	12 months
4125	Therapy Program Assistant	9 months
4140	Houseparent I	12 months
4141	Houseparent II	12 months
4143	Audiologist I	12 months
4301	Patient Aide I	9 months
4550	Medical Investigator I	12 months
4551	Medical Investigator II	12 months
5120	Student Development Associate	12 months
5121	Student Development Assistant	12 months
5362	KSB/KSD (Kentucky School for the Blind/Kentucky School for the Deaf) Administrator I	12 months
5364	KSB/KSD Administrator III	12 months
5365	KSB/KSD Administrator IV	12 months
5366	KSB/KSD Administrator V	12 months
5367	KSB/KSD Administrator VI	12 months
6215	Disability Adjudicator I	12 months
6248	Juvenile Facility Superintendent I	12 months
6249	Juvenile Facility Superintendent III	12 months
6250	Facilities Regional Administrator	12 months
6251	Youth Services Program Supervisor	12 months
6252	Juvenile Facility Superintendent II	12 months
6267	Human Rights Specialist	12 months
6290	Administrative Hearing Officer I	12 months
6292	Human Rights Enforcement Branch Manager	12 months
6296	Human Rights Research/Information Compliance Supervisor	12 months
6297	Human Rights Housing Compliance Supervisor	12 months
6298	Human Rights Employment/Public Accommodations Compliance Supervisor	12 months
6299	Human Rights Compliance Enforcement Officer II	12 months
6301	Probation and Parole Officer I	12 months
6401	Youth Worker I	12 months
6404	Youth Worker Supervisor	12 months
6410	Juvenile Services District Supervisor	12 months
7213	Forestry District Equipment Supervisor	12 months
7215	Nursery Foreman	12 months
7217	Nursery Superintendent	12 months

7222	Forester	12 months
7224	Forester Chief	12 months
7226	Forester District	12 months
7231	Rural Fire Suppression Technical Advisor	12 months
7232	Forestry Program Specialist	12 months
7235	Forestry Program Manager	12 months
7236	Forestry Program Supervisor	12 months
7250	Forest Ranger Technician I	12 months
7251	Forest Ranger Technician II	12 months
7252	Forest Ranger Technician III	12 months
7253	Forest Ranger Technician District	12 months
8326	Right-of-way Agent I	12 months
9635	Criminal Intelligence Analyst I	12 months
9636	Criminal Intelligence Analyst II	12 months
9816	Public Advocate Investigator I	12 months
9859	Environmental Administrative Hearing Officer	12 months
9866	Mitigation Specialist I	12 months
9885	Investigator I	12 months

(3) If the length of the initial probationary period for a job classification is changed, an employee serving an initial probationary period on the effective date of the change shall serve the shorter of the initial probationary periods. When the employee is appointed, the employee's appointing authority shall advise the employee of the period of his initial probation.

Section 2. Promotional Probationary Period. (1) An employee who satisfactorily completes the promotional probationary period shall be granted status in the position to which he has been promoted. Unless an employee receives notice prior to the end of his promotional probationary period that he has failed to satisfactorily complete the promotional probationary period and that he is being reverted, the employee shall be deemed to have served satisfactorily and shall acquire status in the position to which he has been promoted.

(2) An employee who fails to satisfactorily complete a promotional probationary period shall be reverted to his former position or to a position in the same job classification as his former position. A written notification shall be sent to the employee to advise the employee of the effective date of reversion. A copy of the notice of reversion shall be forwarded to the Secretary of Personnel on the same date notice is delivered to the employee.

(3) The promotional probationary period shall be computed from the effective date of promotion to the corresponding date in the appropriate month following promotion, as required by KRS 18A.005(27), except as provided in KRS 18A.111.

(4) The promotional probationary period shall be the same length as the initial probationary period for each job classification.

Section 3. Probationary Period Upon Reinstatement. (1) An employee who is reinstated, except an employee ordered reinstated pursuant to KRS 18A.111(3), to a position in the classified service no later than twelve (12) months after the beginning of a break in the classified service shall be reinstated with status.

(2) An employee who is reinstated to the classified service more than twelve (12) months after a break in service, except an employee ordered reinstated pursuant to KRS 18A.111(3), shall serve an initial probationary period.

MARK A. SIPEK, Executive Director

APPROVED BY AGENCY: January 15, 2014

FILED WITH LRC: January 15, 2014 at 9 a.m.

CONTACT PERSON: Boyce A. Crocker, General Counsel, Personnel Board, 28 Fountain Place, Frankfort, Kentucky 40601, phone (502) 564-7830, fax (502) 564-1693.

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(As Amended at ARRS, March 10, 2014)

103 KAR 3:010. General Administrative Forms Manual.

RELATES TO: KRS 42.470, 61.870-61.884, 64.012, 131.010(9), 131.020, 131.030, 131.041, 131.051, 131.061, 131.081, ~~[131.081(2), (9), (15),]~~ 131.110, 131.130, ~~[131.130(3), (10), (11),]~~ 131.150, 131.155, 131.170, 131.181, 131.183, 131.190, ~~[131.190(1),]~~ 131.240, 131.340, 131.500, ~~[131.500(1), (2), (3), (9), (10),]~~ 131.510(1), (2)(a), (2)(b), 131.530, 131.540, 132.020, 132.130-132.160, 132.180, 132.190, 132.200, 132.220, 132.227, 132.230, 132.260, 132.270, 132.290, 132.310, 132.320, 132.450, 132.487, 132.510, 132.820, 132.990, 133.045, 133.110, 133.120, 133.130, 133.240, ~~[134.020, 134.390,]~~ 134.420, ~~[134.430, 134.440, 134.500,]~~ 134.580(4), 134.590, 134.800, 134.805, 134.810, 134.815, 134.820, 134.825, 134.830, 135.010, 135.020, 135.050, 136.020, 136.050, 136.070, 136.071, 136.074, 136.090, 136.100, 136.115-136.180, 136.1873, 136.310, 136.320, 136.330, 136.335, 136.377, 136.392, 136.545, 136.575, 136.600-136.660, 137.130, 137.160, 138.448, 138.885, 139.185, 139.200, 139.240, 139.330, 139.390, 139.550, 141.0401(5), ~~[141.0401(6),]~~ 141.050(4), 141.210, 141.235, 141.340(2), 142.010, 142.050, 142.321, 142.327, 142.357, 143.030(1), 143.037, 143.040, 143.050, 143.060(1), 143.085, 143.990, 143A.010, 143A.030, 143A.035, 143A.037, 143A.080, 143A.090, 143A.100(1), 143A.991, 154.22-050, 154.22-060, 154.22-070, 154.23-010, 154.24-110, 154.24-130, 154.26-090, 154.28-090, 154.34-010, 155.170, 160.613-160.617, 160.6154(3), 205.745, 209.160, ~~224.1-310(1)[224.01-310(1)],~~ 234.321, 234.370, 243.710, 243.720, 243.730, 243.850, 243.884, 248.756(2), 299.530, 304.4-030, 304.11-050, 304.49-220, 351.175, 395.470(3), 413.120.

STATUTORY AUTHORITY: KRS 131.130(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required Revenue Forms used in the general administration of taxes by the Department of Revenue and not limited to a specific tax.

Section 1. Administrative - Required Forms. (1) Revenue Form 10A001, "Request to Inspect Public Records", shall be completed by the public to request access to public records specified on the form.

(2) Revenue Form 10A020, "Waiver of Appeal Rights", shall be completed by a taxpayer to reopen an audit that has become final if the taxpayer has failed to timely file a protest with the Department of Revenue.

(3) Revenue Form 10A070, "Authorization Agreement for Electronic Funds Transfer", shall be completed by taxpayers to authorize the Department of Revenue to move funds by electronic means from taxpayer accounts to the Department of Revenue as payment for taxes.

(4) Revenue Form 10A071, "EFT Bank Change", shall be completed by taxpayers who are registered as EFT ACH Debit filers to notify the department of a bank account change.

(5) Revenue Form 10A100(P), "Kentucky Tax Registration Application and Instructions", shall:

(a) Be used by taxpayers to voluntarily apply for tax registration of the following accounts:

1. Employer's Kentucky withholding tax;
2. Corporation income tax;
3. Sales and use tax;
4. Consumer's use tax;
5. Motor vehicle tire fee;
6. Transient room tax;
7. Limited liability entity tax;
8. Utility Gross Receipts License tax;
9. Telecommunications tax;
10. Coal severance and processing tax; or

11. Coal Seller/Purchaser Certificate ID Number; and

(b) Provide the department the necessary information to properly register the taxpayer for all applicable tax accounts, including the legal business name, federal employer identification number (FEIN), address and other demographic information for the business, and each responsible party's information including full name, social security number, and residential address.

(6) Revenue Form 10A100-CS(P), "Kentucky Tax Registration Application and Instructions", shall:

(a) Be sent by the department's Division of Registration and Data Integrity to non-compliant taxpayers for the taxpayers to apply for tax registration of the following accounts:

1. Employer's Kentucky withholding tax;
2. Corporation income tax;
3. Sales and use tax;
4. Consumer's use tax;
5. Motor vehicle tire fee;
6. Transient room tax;
7. Limited liability entity tax;
8. Utility Gross Receipts License tax;
9. Telecommunications tax;
10. Coal severance and processing tax; or
11. Coal Seller/Purchaser Certificate ID Number; and

(b) Provide the department the necessary information to properly register the taxpayer for all applicable tax accounts, including the legal business name, federal employer identification number (FEIN), address and other demographic information for the business, and each responsible party's information including full name, social security number, and residential address.

(7) Revenue Form 10A104, "Update or Cancellation of Kentucky Tax Account(s)", shall:

(a) Be used by the taxpayer to update business information or to cancel accounts for the following taxes:

1. Employer's Kentucky withholding tax;
2. Corporation income tax;
3. Sales and use tax;
4. Consumer's use tax;
5. Motor vehicle tire fee;
6. Transient room tax;
7. Limited liability entity tax;
8. Utility Gross Receipts License tax;
9. Telecommunications tax; or
10. Coal severance and processing tax; and

(b) Provide the department the necessary information to properly update and maintain demographic information of the business for all applicable tax accounts, including the legal business name, federal employer identification number (FEIN), address and other demographic information for the business, and each responsible party's information including full name, social security number, and residential address.

(8) Revenue Form 10A104-I, "Instructions Update or Cancellation of Kentucky Tax Account(s)", shall provide instructions for the proper completion of Revenue Form 10A104.

(9) Revenue Form 10A106, "Appointment of Taxpayer Administrator and Authorized Users for Kentucky Online Tax", shall be used to establish a taxpayer administrator and authorized users for use of the Kentucky Online Tax System.

(10) Revenue Form 10A2000, "Request for Return/Information", shall be used to request information from the disclosure office as an inter-agency request or as a request from an outside agency.

(11) Revenue Form 10F060, "Electronic Funds Transfer Program: ACH Credit Guide", shall provide information on the specific requirements of the Department of Revenue's Credit Method of tax remittance for the Electronic Funds Transfer Program.

(12) Revenue Form 10F061, "Electronic Funds Transfer Program: Debit Guide", shall provide instructions to the taxpayer on how to authorize the Department of Revenue to electronically debit a taxpayer controlled account in an Automated Clearing House participating financial institution for the amount which the taxpayer reports to the state's data collection service.

(13) Revenue Form 10F100, "Your Rights As a Kentucky

Taxpayer", shall provide the public with information describing taxpayer rights provided by KRS Chapters 131, 133, and 134.

(14) Revenue Form 12A012, "Receipt of Seized Property", shall be presented for execution to the taxpayer receiving returned property from the Kentucky Department of Revenue that was previously seized for failure to pay taxes in order to establish documentation that the property was returned to the taxpayer.

(15) Revenue Form 12A018, "Kentucky Department of Revenue Offer in Settlement Application", shall be presented for execution to persons requesting to settle their tax liabilities for less than the delinquent tax liability based upon doubt as to collectability or doubt as to liability.

(16) Revenue Form 12A104, "Notice of Seizure", shall be presented to the owner or officer of the entity from which the Kentucky Department of Revenue is seizing property for failure to pay taxes owed to the Commonwealth.

(17) Revenue Form 12A107, "Notice of Sale", shall be presented to the owner of seized property, published in the newspaper with the highest circulation for that area, and posted at the courthouse, at three (3) other public places within the county, and where the seizure was made, for the purpose of notifying the property owner, and advertising to the public the sale of the seized property.

(18) Revenue Form 12A109-1, "Release of Bank Levy", shall be presented to the bank on which the levy was served for the purpose of releasing the seized property.

(19) Revenue Form 12A109-2, "Release of Levy", shall be presented to the party on which the levy was served for the purpose of releasing the seized property.

(20) Revenue Form 12A109-3, "Release of Levy", shall be presented to the party on which the levy was served for the purpose of releasing the seized property related to child support.

(21) Revenue Form 12A110, "Release of Levy on Wages, Salary, and Other Income", shall be presented to an employer for the purpose of releasing a wage levy.

(22) Revenue Form 12A110-1, "Release of Levy on Wages, Salary, and Other Income", shall be presented to an employer for the purpose of releasing a wage levy related to child support.

(23) Revenue Form 12A500, "Certificate of Partial Discharge of Tax Lien", shall be presented to anyone who makes a proper application for a lien release on a specific piece of property if the Department of Revenue's lien attaches no equity or if the equity that the lien encumbers is paid to the Department of Revenue.

(24) Revenue Form 12A501, "Certificate of Subordination of Kentucky Finance and Administration Tax Lien", shall be presented to anyone who makes proper application requesting that the Department of Revenue subordinate its lien position to a new mortgage and demonstrates that the subordination is in the Commonwealth's best interest.

(25) Revenue Form 12A502, "Application for Certificate of Subordination of Kentucky Tax Lien", shall be presented to anyone who requests to have the Department of Revenue subordinate its lien position to a new mortgage.

(26) Revenue Form 12A503, "Application for Specific Lien Release", shall be presented to anyone who requests that the Department of Revenue release its tax lien so that a specific piece of property may[can] be sold.

(27) Revenue Form 12A504, "Personal Assessment of Corporate Officer or LLC Manager", shall be presented to a corporate officer for the purpose of establishing responsibility of payment of trust taxes owed to the Commonwealth.

(28) Revenue Form 12A505, "Waiver Extending Statutory Period of Assessment of Corporate Officer or LLC Manager", shall be presented to the corporate officers or LLC managers for the purpose of entering into a payment agreement to pay the trust taxes owed to the Commonwealth, and the terms of the payment agreement shall extend past the statutory period for assessing responsible corporate officers or LLC managers.

(29) Revenue Form 12A506, "Waiver Extending Statutory Period for Collection", shall be presented to the taxpayer for the purpose of extending the period in which the liability may[can] be collected.

(30) Revenue Form 12A507, "Table for Figuring the Amount

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Exempt From Levy on Wages, Salary, and Other Income", shall be presented to employers with a wage levy on an employee for the purpose of calculating the dollar amount of wages due to the employee.

(31) Revenue Form 12A508-1, "Notice of Tax Due", shall be presented for the purpose of assessing an officer of a corporation who is personally liable for trust taxes owed to the Commonwealth.

(32) Revenue Form 12A508-2, "Notice of Tax Due", shall be presented for the purpose of assessing an officer of a corporation who is personally liable for Gasoline and Special Fuels taxes owed to the Commonwealth.

(33) Revenue Form 12A508-3, "Notice of Tax Due", shall be presented for the purpose of assessing a manager or partner of a limited liability company who is personally liable for trust taxes owed to the Commonwealth.

(34) Revenue Form 12A508-4, "Notice of Tax Due", shall be presented for the purpose of assessing a manager or partner of a limited liability company who is personally liable for Gasoline and Special Fuels taxes owed to the Commonwealth.

(35) Revenue Form 12A514, "Questionnaire for Persons Relative to a Notice of Assessment", shall be presented to an officer of a corporation for the purpose of resolving responsibility of the trust taxes owed to the Commonwealth.

(36) Revenue Form 12A517, "Notice of Lien", shall be presented to the county clerk for appropriate recording and to the taxpayer against whom the lien is filed for the purpose of filing and recording the tax lien in the county clerk's office and giving notification to the taxpayer.

(37) Revenue Form 12A517-1, "Notice of Child Support Lien", shall be presented to the county clerk for appropriate recording and to the taxpayer against whom the lien is filed for the purpose of filing and recording the tax lien in the county clerk's office and giving notification to the taxpayer.

(38) Revenue Form 12A518, "Certificate of Release of Lien", shall be presented to the county clerk and to the taxpayer against whom the tax lien is filed for the purpose of releasing the lien and notifying the taxpayer of the release.

(39) Revenue Form 12A518-1, "Certificate of Release of Child Support Lien", shall be presented to the county clerk and to the taxpayer against whom the child support lien is filed for the purpose of releasing the lien and notifying the obligor of the release.

(40) Revenue Form 12A638, "Statement of Financial Condition for Individuals", shall be presented to individuals requesting to make payments or settle their tax liability to the Commonwealth for the purpose of establishing the financial ability to make payments or settle.

(41) Revenue Form 12A638(I), "Instructions for Completing Statement of Financial Condition for Individuals", shall provide instructions for completing Revenue Form 12A638.

(42) Revenue Form 12A639, "Statement of Financial Condition for Businesses", shall be presented to business owners requesting to make payments or settle a tax liability to the Commonwealth for the purpose of establishing the financial ability to make payments or settle.

(43) Revenue Form 12A639(I), "Instructions for Completing Statement of Financial Condition for Businesses", shall provide instructions for completing Revenue Form 12A639.

(44) Revenue Form 12B019, "Notice of Levy on Wages, Salary, and Other Income", shall be presented to employers for the purpose of levying wages from an employee who owes taxes to the Kentucky Department of Revenue.

(45) Revenue Form 12B019-1, "Notice of Levy on Wages, Salary, and Other Income", shall be presented to employers for the purpose of levying wages from an employee who owes child support.

(46) Revenue Form 12B020, "Notice of Levy", shall be presented to banks for the purpose of levying bank accounts of taxpayers who owe taxes to the Kentucky Department of Revenue.

(47) Revenue Form 12B020-2, "Notice of Levy", shall be presented to banks for the purpose of levying bank accounts of obligors who owe child support.

(48) Revenue Form 21A020, "Request for Copy of Tax Refund

Check", shall be completed and submitted to the Department of Revenue in order to obtain a copy of a cashed refund check.

(49) Revenue Form 30A005, "Temporary Vendor's Sales Tax Permit", shall be presented to temporary and transient vendors who do not have a permanent place of business for the purpose of remitting tax on a non-permit basis, as required by 103 KAR 25:060.

(50) Revenue Form 30A006, "Temporary Vendor Sales and Use Tax Return/Processing Document", shall be used to register temporary vendors who do business in the Commonwealth of Kentucky.

(51) Revenue Form 30A872, "Record of Money Receipt Issued", shall be used by Department of Revenue Field personnel to provide written documentation of acceptance of cash payments.

(52) Revenue Form 31A001, "Vendor Contact Authorization", shall be used by a Department of Revenue representative to obtain permission from a taxpayer to contact his or her vendors concerning the issuance of exemption certificates.

(53) Revenue Form 31A004, "Auditor Record of Money Receipt Issued", shall be used by the auditor to acknowledge payment from taxpayers of taxes **found[determined]** to be tentatively due **when there is[at the time of]** an audit.

(54) Revenue Form 31A011-ASH, "Taxpayer Data Questionnaire", shall be used by auditors at the Ashland Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(55) Revenue Form 31A011-BG, "Taxpayer Data Questionnaire", shall be used by auditors at the Bowling Green Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(56) Revenue Form 31A011-CKY, "Taxpayer Data Questionnaire", shall be used by auditors at the Central Kentucky Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(57) Revenue Form 31A011-COR, "Taxpayer Data Questionnaire", shall be used by auditors at the Corbin Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(58) Revenue Form 31A011-HOP, "Taxpayer Data Questionnaire", shall be used by auditors at the Hopkinsville Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(59) Revenue Form 31A011-LOU, "Taxpayer Data Questionnaire", shall be used by auditors at the Louisville Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(60) Revenue Form 31A011-NKY, "Taxpayer Data Questionnaire", shall be used by auditors at the Northern Kentucky Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(61) Revenue Form 31A011-OWEN, "Taxpayer Data Questionnaire", shall be used by auditors at the Owensboro Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(62) Revenue Form 31A011-PAD, "Taxpayer Data Questionnaire", shall be used by auditors at the Paducah Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(63) Revenue Form 31A011-PIKE, "Taxpayer Data Questionnaire", shall be used by auditors at the Pikeville Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(64) Revenue Form 31A012, "Interstate Sales/Income Tax

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Questionnaire", shall be used to establish possible taxing jurisdiction for sales and use tax and income tax for the states of Ohio and Indiana.

(65) Revenue Form 31A014, "SEATA - Southeastern Association of Tax Administrators Nexus Questionnaire", shall be used to establish possible taxing jurisdiction for sales and use tax and income tax for the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Virginia and West Virginia.

(66) Revenue Form 31A020, "Office of Field Operations Request for Copy of Tax Return(s)", shall be used by Department of Revenue representatives to obtain permission from a taxpayer to release tax returns.

(67) Revenue Form 31A050, "Electronic Transmittal Authorization", shall be used by auditors to seek permission from a taxpayer to transmit audit results electronically.

(68) Revenue Form 31A110, "Office of Field Operations Estimated/Jeopardy Assessment", shall be used for Taxpayer Service Centers to request approval to submit estimated/jeopardy assessments.

(69) Revenue Form 31A114, "Property Audit Request", shall be used by PVAs to submit audit requests for property tax.

(70) Revenue Form 31A115, "Agreement Fixing Test Periods", shall be used by auditors to establish certain test periods when conducting an audit.

(71) Revenue Form 31A149, "Agreement Fixing Period of Limitation Upon Assessment of Sales, Use or Severance Tax", shall be completed by a taxpayer and a representative of the Kentucky Department of Revenue whereby both parties consent and agree that certain sales, use or severance tax deficiencies or overpayments for specific periods may be assessed or refunded beyond the normal four (4) year statute of limitations.

(72) Revenue Form 31A150, "Agreement Fixing Period of Limitation Upon Assessment of Utility Gross Receipts License Tax", shall be used by auditors to establish taxable periods to be held open for audit and date of assessment.

(73) Revenue Form 31A151, "Agreement Fixing Period of Limitation Upon Assessment of Sales or Use for Authorized EDP Holders", shall be used to document an agreement fixing a period of audit for sales or use tax field audits for EDP holders.

(74) Revenue Form 31A200, "Reporting Agreement", shall be used to document an agreement between the Department of Revenue and taxpayer regarding sales tax.

~~(75)~~(74) Revenue Form 31A685, "Authorization to Examine Bank Records", shall be used by the Department of Revenue to obtain permission from a taxpayer to examine records in connection with transactions at the taxpayer's bank.

~~(76)~~(75) Revenue Form 31A800, "IIT Review History Document", shall be used to record interaction with the taxpayer during an individual income tax review conducted by compliance officers.

~~(77)~~(76) Revenue Form 31A725, "Statute of Limitations Agreement", shall be completed by a taxpayer and a representative of the Kentucky Department of Revenue whereby both parties consent and agree that certain income tax deficiencies or overpayments for specific periods may be assessed or refunded beyond the normal four (4) year statute of limitations.

~~(78)~~(77) Revenue Form 31F006, "Southeastern States Information Exchange Program", shall be used to provide information to taxpayers concerning the information exchange program between the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Virginia, and West Virginia.

~~(79)~~(78) Revenue Form 31F010, "Kentucky's Computer Assisted Audit Program", shall be the brochure used as instructions for taxpayers who submit tax records in an electronic format.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Revenue Form 10A001, "Request to Inspect Public Records", February 1997;

(b) Revenue Form 10A020, "Waiver of Appeal Rights", January

2001;

(c) Revenue Form 10A070, "Authorization Agreement for Electronic Funds Transfer", January 2008;

(d) Revenue Form 10A071, "EFT Bank Change", June 2009;

(e) Revenue Form 10A100(P), "Kentucky Tax Registration Application and Instructions", ~~July 2013~~[August 2012];

(f) Revenue Form 10A100-CS(P), "Kentucky Tax Registration Application and Instructions", ~~July 2013~~[August 2012];

(g) Revenue Form 10A104, "Update or Cancellation of Kentucky Tax Account(s)", June 2011;

(h) Revenue Form 10A104-I, "Instructions Update or Cancellation of Kentucky Tax Account(s)", June 2011;

(i) Revenue Form 10A106, "Appointment of Taxpayer Administrator and Authorized Users for Kentucky Online Tax", May 2010;

(j) Revenue Form 10A2000, "Request for Return/Information", October 2011;

(k) Revenue Form 10F060, "Electronic Funds Transfer Program: ACH Credit Guide", April 2006;

(l) Revenue Form 10F061, "Electronic Funds Transfer Program: Debit Guide", December 2008;

(m) Revenue Form 10F100, "Your Rights as a Kentucky Taxpayer", ~~July 2013~~[October 2010];

(n) Revenue Form 12A012, "Receipt of Seized Property", November 2006;

(o) Revenue Form 12A018, "Kentucky Department of Revenue Offer in Settlement Application", ~~August 2012~~[June 2014];

(p) Revenue Form 12A104, "Notice of Seizure", October 1982;

(q) Revenue Form 12A107, "Notice of Sale", January 2000;

(r) Revenue Form 12A109-1, "Release of Bank Levy", September 2004;

(s) Revenue Form 12A109-2, "Release of Levy", January 2000;

(t) Revenue Form 12A109-3, "Release of Levy", January 2008;

(u) Revenue Form 12A110, "Release of Levy on Wages, Salary, and Other Income", September 2004;

(v) Revenue Form 12A110-1, "Release of Levy on Wages, Salary, and Other Income", January 2008;

(w) Revenue Form 12A500, "Certificate of Partial Discharge of Tax Lien", June 2006;

(x) Revenue Form 12A501, "Certificate of Subordination of Kentucky Finance and Administration Tax Lien", June 2006;

(y) Revenue Form 12A502, "Application for Certificate of Subordination of Kentucky Tax Lien", October 2006;

(z) Revenue Form 12A503, "Application for Specific Lien Release", October 2006;

(aa) Revenue Form 12A504, "Personal Assessment of Corporate Officer or LLC Manager", June 2003;

(bb) Revenue Form 12A505, "Waiver Extending Statutory Period of Assessment of Corporate Officer or LLC Manager", June 2003;

(cc) Revenue Form 12A506, "Waiver Extending Statutory Period for Collection", June 2003;

(dd) Revenue Form 12A507, "Table for Figuring the Amount Exempt from Levy on Wages, Salary, and Other Income", November 2006;

(ee) Revenue Form 12A508-1, "Notice of Tax Due", January 2008;

(ff) Revenue Form 12A508-2, "Notice of Tax Due", January 2008;

(gg) Revenue Form 12A508-3, "Notice of Tax Due", November 2008;

(hh) Revenue Form 12A508-4, "Notice of Tax Due", November 2008;

(ii) Revenue Form 12A514, "Questionnaire for Persons Relative to a Notice of Assessment", August, 1996;

(jj) Revenue Form 12A517, "Notice of Lien", November 2011;

(kk) Revenue Form 12A517-1, "Notice of Child Support Lien", November 2008;

(ll) Revenue Form 12A518, "Certificate of Release of Lien", November 2008;

(mm) Revenue Form 12A518-1, "Certificate of Release of Child Support Lien", January 2008;

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(nn) Revenue Form 12A638, "Statement of Financial Condition for Individuals", July 2004;

(oo) Revenue Form 12A638(l), Instructions for Completing Statement of Financial Condition for Individuals", August 2004;

(pp) Revenue Form 12A639, "Statement of Financial Condition for Businesses", August 2004;

(qq) Revenue Form 12A639(l), "Instructions for Completing Statement of Financial Condition for Businesses", August 2004;

(rr) Revenue Form 12B019, "Notice of Levy on Wages, Salary, and Other Income", September 2004;

(ss) Revenue Form 12B019-1, "Notice of Levy on Wages, Salary, and Other Income", September 2011;

(tt) Revenue Form 12B020, "Notice of Levy", September 2004;

(uu) Revenue Form 12B020-2, "Notice of Levy", January 2008;

(vv) Revenue Form 21A020, "Request for Copy of Tax Refund Check", November 2011~~October 2006~~;

(ww) Revenue Form 30A005, "Temporary Vendor's Sales Tax Permit", September 1998;

(xx) Revenue Form 30A006, "Temporary Vendor Sales and Use Tax Return/Processing Document", December 2006;

(yy) Revenue Form 30A872, "Record of Money Receipt Issued", October 2000;

(zz) Revenue Form 31A001, "Vendor Contact Authorization", July 2006;

(aaa) Revenue Form 31A004, "Auditor Record of Money Receipt Issued", July 2006;

(bbb) Revenue Form 31A011-ASH, "Taxpayer Data Questionnaire", December 2011;

(ccc) Revenue Form 31A011-BG, "Taxpayer Data Questionnaire", December 2011;

(ddd) Revenue Form 31A011-CKY, "Taxpayer Data Questionnaire", December 2011;

(eee) Revenue Form 31A011-COR, "Taxpayer Data Questionnaire", December 2011;

(fff) Revenue Form 31A011-HOP, "Taxpayer Data Questionnaire", December 2011;

(ggg) Revenue Form 31A011-LOU, "Taxpayer Data Questionnaire", December 2011;

(hhh) Revenue Form 31A011-NKY, "Taxpayer Data Questionnaire", December 2011;

(iii) Revenue Form 31A011-OWEN, "Taxpayer Data Questionnaire", December 2011;

(jjj) Revenue Form 31A011-PAD, "Taxpayer Data Questionnaire", December 2011;

(kkk) Revenue Form 31A011-PIKE, "Taxpayer Data Questionnaire", December 2011;

(lll) Revenue Form 31A012, "Interstate Sales/Income Tax Questionnaire", July 2006;

(mmm) Revenue Form 31A014, "SEATA - Southeastern Association of Tax Administrators Nexus Questionnaire", July 2006;

(nnn) Revenue Form 31A020, "Office of Field Operations Request for Copy of Tax Return(s)", July 2006;

(ooo) Revenue Form 31A050, "Electronic Transmittal Authorization", March 2011;

(ppp) Revenue Form 31A110, "Office of Field Operations Estimated/Jeopardy Assessment", June 2012;

(qqq) Revenue Form 31A114, "Property Audit Request", November 2011;

(rrr) Revenue Form 31A115, "Agreement Fixing Test Periods", April 2008;

(sss) Revenue Form 31A149, "Agreement Fixing Period of Limitation Upon Assessment of Sales, Use or Severance Tax", July 2006;

(ttt) Revenue Form 31A150, "Agreement Fixing Period of Limitation Upon Assessment of Utility Gross Receipts License Tax", May 2008;

(uuu) Revenue Form 31A151, "Agreement Fixing Period of Limitation Upon Assessment of Sales or Use for Authorized EDP Holders", June 2013;

(vvv) Revenue Form 31A200, "Reporting Agreement", November 2011;

(www)~~({vvv})~~ Revenue Form 31A685, "Authorization to

Examine Bank Records", May 1985;

~~(xxx)~~~~(www)~~ Revenue Form 31A800, "IIT Review History Document", November 2011;

~~(yyv)~~~~(xxx)~~ Revenue Form 31A725, "Statute of Limitations Agreement", July 2006;

~~(zzz)~~~~(yyy)~~ Revenue Form 31F006, "Southeastern States Information Exchange Program", March 2012; and

~~(aaa)~~~~(zzz)~~ Revenue Form 31F010, "Kentucky's Computer Assisted Audit Program", May 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40620, or at any Kentucky Department of Revenue Taxpayer Service Center, Monday through Friday, 8 a.m. to 5 p.m.

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: December 23, 2013

FILED WITH LRC: December 27, 2013 at 4 p.m.

CONTACT PERSON: Lisa Swiger, Staff Assistant, Department of Revenue, Finance and Administration Cabinet, 501 High Street, Frankfort, Kentucky 40601, phone (502) 564-9826, fax (502) 564-2541.

FINANCE AND ADMINISTRATION CABINET Department of Revenue Office of Sales and Excise Taxes (As Amended at ARRS, March 10, 2014)

103 KAR 3:020. Sales and Telecommunications Forms Manual.

RELATES TO: KRS 61.870-61.884, 131.010-131.130, 131.150-131.240, 134.580, 136.600-136.660, 139.010-139.795, 144.132, 144.137, 154.20-206, 160.613-160.617, 224.1-310~~[224.01-310]~~, 247.920

STATUTORY AUTHORITY: KRS 131.130(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required Revenue Forms used in the administration of Sales and Use Taxes and Telecommunications Excise and Gross Revenues Tax by the Department of Revenue.

Section 1. Sales and Use Tax - Required Forms. (1) Revenue Form 51A101(a), Sales and Use Tax Permit, shall be conspicuously displayed by the sales and use tax permit holder at the location for which the permit was issued.

(2) Revenue Form 51A101(b), Sales and Use Tax Permit Update, shall be issued by the Department of Revenue to update the Sales and Use Tax Permit with business name and address change information.

(3) Revenue Form 51A101(c)(1), Kentucky Streamlined Sales and Use Tax (SST) Filing Permit, shall be issued to Model 1 Streamlined Sales and Use Tax filers registered in Kentucky and shall be conspicuously displayed by the SST permit holder at the location for which the permit was issued.

(4) Revenue Form 51A101(c)(2), Kentucky Streamlined Sales and Use Tax (SST) Filing Permit, shall be issued to Model 2 Streamlined Sales and Use Tax filers registered in Kentucky and shall be conspicuously displayed by the SST permit holder at the location for which the permit was issued.

(5) Revenue Form 51A101(c)(4), Kentucky Streamlined Sales and Use Tax (SST) Filing Permit, shall be issued to Model 4 Streamlined Sales and Use Tax filers registered in Kentucky and shall be conspicuously displayed by the SST permit holder at the location for which the permit was issued.

(6) Revenue Form 51A101(d), Sales and Use Tax Permit Update (SST), shall be issued by the Department of Revenue to update the Kentucky Streamlined Sales and Use Tax (SST) Filing Permit with business name and address change information.

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(7) Revenue Form 51A102, Kentucky Sales and Use Tax Worksheet, shall be submitted to the Department of Revenue by a Kentucky sales and use tax permit holder to report total receipts, itemized deductions, amount subject to Kentucky use tax and total amount of Kentucky sales and use tax due for a particular reporting period.

(8) Revenue Form 51A102E, Kentucky Sales and Use Tax Worksheet - Electronic Funds Transfer, shall be submitted to the Department of Revenue by a Kentucky sales and use tax permit holder who remits payment via electronic funds transfer to report total receipts, itemized deductions, amount subject to Kentucky use tax and total amount of Kentucky sales and use tax due for a particular reporting period.

(9) Revenue Form 51A103, Kentucky Accelerated Sales and Use Tax Worksheet, shall be completed by a Kentucky sales and use tax permit holder who has been designated as an accelerated filer to report total receipts, itemized deductions, amount subject to use tax, and total amount of sales and use tax due.

(10) Revenue Form 51A103E, Kentucky Accelerated Sales and Use Tax Worksheet - Electronic Funds Transfer, shall be submitted on a monthly basis by a Kentucky sales and use tax permit holder to report total receipts, itemized deductions, amount subject to use tax, and total amount of sales and use tax due on an accelerated basis and remitted via electronic funds transfer.

(11) Revenue Form 51A105, Resale Certificate, shall be presented to a seller by a Kentucky sales and use tax permit holder to claim that the tangible personal property or digital property purchased from the seller will be:

- (a) Resold in the regular course of business;
- (b) Leased or rented; or
- (c) Used as raw material, industrial supply or industrial tool.

(12) Revenue Form 51A109, Application for Energy Direct Pay Authorization (Sales and Use Tax and Utility Gross Receipts License Tax), shall be filed with the Department of Revenue by a manufacturer, processor, miner or refiner to apply for an energy direct pay authorization.

(13) Revenue Form 51A110, Direct Pay Authorization, shall be presented to a Kentucky sales and use tax permit holder by a company authorized to report and pay directly to the Department of Revenue the sales or use tax on all purchases of tangible personal property, or digital property excluding energy and energy-producing fuels.

(14) Revenue Form 51A111, Certificate of Exemption Machinery for New and Expanded Industry, shall be presented to a Kentucky sales and use tax permit holder by a manufacturer or production processor to claim exemption from sales and use tax.

(15) Revenue Form 51A112, Application for Direct Pay Authorization, shall be submitted by a registered sales and use tax permit holder wishing to obtain a direct pay authorization.

(16) Revenue Form 51A113, Kentucky Consumer's Use Tax Worksheet, shall be completed by a registered consumer's use tax permit holder and submitted to the Department of Revenue on a regular basis to report the amount of purchases of tangible personal property or digital property subject to Kentucky use tax.

(17) Revenue Form 51A113(O), Consumer's Use Tax Return, shall be completed by a person storing, using, or otherwise consuming tangible personal property or digital property in Kentucky who is not registered for a consumer's use tax permit number.

(18) Revenue Form 51A115, Order for Selected Sales and Use Tax Publications, shall be presented to the Department of Revenue by anyone who wishes to order selected sales and use tax forms and administrative regulations.

(19) Revenue Form 51A116, Use Tax Compliance Inquiry Worksheet, shall be completed by a purchaser of Watercraft, Aircraft, or other tangible or digital property to document if the purchase of the property is subject to the Kentucky Use Tax.

(20) Revenue Form 51A125, Application for Purchase Exemption Sales and Use Tax, shall be presented to the Department of Revenue by a resident 501C(3) charitable, educational, or religious institution; historical sites; and units of federal, state or local governments to apply for a sales and use tax exemption on purchases of tangible personal property, digital

property, or certain services to be utilized in the exempt entity's function.

(21) Revenue Form 51A126, Purchase Exemption Certificate, shall be presented to a retailer by a resident charitable, educational or religious institution or Kentucky historical site to claim exemption from sales and use tax on purchases of tangible personal property, digital property, or services.

(22) Revenue Form 51A127, Out-of-State Purchase Exemption Certificate, shall be presented to a retailer by an out-of-state agency or institution that is qualified for exemption in their state of residence.

(23) Revenue Form 51A128, Solid Waste Recycling Machinery Exemption Certificate, shall be presented to a retailer by a business or organization that claims exemption from sales and use tax on the purchase, lease or rental of machinery or equipment to be primarily used for recycling purposes to collect, source separate, compress, bale, shred or otherwise handle waste material.

(24) Revenue Form 51A129, Kentucky Sales and Use Tax Energy Exemption Annual Return, shall be submitted to the Department of Revenue by an energy direct pay holder to reconcile the actual amount of sales and use tax due on purchases of energy and energy-producing fuels to the total amount of sales and use tax paid based upon previous estimates of tax due.

(25) Revenue Form 51A130, Kentucky Sales and Use Tax Monthly Aviation Fuel Tax Credit Schedule of Qualified Certificated Air Carriers, shall be completed by a qualified certificated air carrier on a monthly basis to claim an aviation fuel tax credit against the company's sales and use tax liability for the month.

(26) Revenue Form 51A131, Kentucky Sales and Use Tax Monthly Aviation Fuel Dealer Supplementary Schedule, shall be completed by aviation fuel dealers selling aviation fuel in order to find/determine the sales and use tax collected and remitted on the sale of aviation fuel, including jet fuel.

(27) Revenue Form 51A132, Kentucky Sales and Use Tax Equine Breeders Supplementary Schedule, shall be completed by an equine breeder to report taxable receipts from equine breeding fees.

(28) Revenue Form 51A135, Kentucky Sales Tax Motor Vehicle Sales Supplementary Schedule, shall be completed by motor vehicle dealers who collect Kentucky sales tax on the sale of motor vehicles to residents of states who subject Kentucky residents to sales upon the purchase of motor vehicles in their states.

(29) Revenue Form 51A143, Purchase Exemption Certificate - Watercraft Industry, shall be presented to a retailer by a purchaser to claim exemption from sales and use tax on the purchase of tangible personal property that will be used for the direct operation of watercraft in the activity of transporting property or in conveying persons for hire.

(30) Revenue Form 51A149, Certificate of Exemption for Pollution Control Facilities, shall be presented to a retailer by a holder of a pollution control tax exemption certificate or jointly by a contractor and the holder of a pollution control tax exemption certificate to claim exemption from sales and use tax on the purchase of materials and equipment that will become part of a certified pollution control facility.

(31) Revenue Form 51A150, Aircraft Exemption Certificate, shall be presented to a retailer by a purchaser to claim exemption from sales and use tax on the purchase of aircraft, repair and replacement parts for the aircraft, and supplies that will be used for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property or passengers for hire.

(32) Revenue Form 51A154, Certificate of Exemption Out-of-State Delivery for Aircraft, All Terrain Vehicle (ATV), Mobile/Manufactured Homes, Campers, Boats, Motors or Trailers, shall be completed in triplicate by the seller and buyer if/when the sale of the tangible personal property occurs and the seller makes delivery of the tangible personal property out of state, and false completes the affidavit portion of the form within two (2) days of the time of delivery to claim that the property was purchased exempt from sales tax and delivered immediately out of state not to return to Kentucky for use.

(33) Revenue Form 51A157, Certificate of Exemption - Water Used in Raising Equine, shall be presented to a retailer by a person regularly engaged in raising equine as a business to claim exemption for the purchase of water used to raise equine.

(34) Revenue Form 51A158, Farm Exemption Certificate, shall be presented to a retailer by a person regularly engaged in the occupation of tilling and cultivating the soil for the production of crops, raising and feeding livestock or poultry; or raising and feeding llamas, alpacas, ratites, buffalo, aquatic organisms, or cervids to claim exemption from sales and use tax on the purchase of certain tangible personal property.

(35) Revenue Form 51A159, On-Farm Facilities Certificate of Exemption for Materials, Machinery and Equipment, shall be presented to a retailer by a farmer or jointly by a farmer and a contractor to claim exemption from sales and use tax on the purchase of materials, machinery and equipment which will be incorporated into the construction, repair, or renovation of on-farm facilities exempt under the provisions of KRS 139.480.

(36) Revenue Form 51A160, Application for Truck Part Direct Pay Authorization, shall be filed with the Department of Revenue by the owner of a motor vehicle, including a towed unit, qualifying for the repair and replacement part exemption provided under KRS 139.480(32)(a) to apply for the truck part direct pay authorization.

(37) Revenue Form 51A161, Truck Part Direct Pay Authorization, shall be issued by the Department of Revenue to authorize motor carriers to report and pay directly to the department the sales and use tax on all purchases of repair and replacement parts for motor vehicles and to authorize retailers to sell motor vehicle repair and replacement parts directly to the authorized motor carrier without receipt of sales and use tax.

(38) Revenue Form 51A163, Application for Charter Bus Part Direct Pay Authorization, shall be filed with the Department of Revenue by the owner of a charter bus qualifying for the repair and replacement part exemption provided under KRS 139.480(32)(b) to apply for a charter bus direct pay authorization.

(39) Revenue Form 51A164, Charter Bus Direct Pay Authorization, shall be issued by the Department of Revenue to authorize charter bus carriers to report and pay directly to the Department the sales and use tax on all purchases of repair and replacement parts for charter buses, and to authorize retailers to sell charter bus repair and replacement parts directly to the charter bus carriers without receipt of sales and use tax.

(40) Revenue Form 51A200, Application for Kentucky Enterprise Initiative Act (KEIA) Tax Refund Program, shall be used by qualified businesses to apply for a refund of sales and use tax paid on purchases of materials used in an approved project.

(41) Revenue Form 51A205, Kentucky Sales and Use Tax Instructions, shall be used by Kentucky sales and use tax permit holders as a guide in filing their sales and use tax returns and maintaining permit account information.

(42) Revenue Form 51A209, Sales and Use Tax Refund Application, shall be completed by a Kentucky sales and use tax permit holder and submitted to the Department of Revenue within four (4) years from the date the tax was paid to apply for a refund of sales and use tax previously paid by the permit holder.

(43) Revenue Form 51A216, Application for Pollution Control Tax Exemption Certificate, shall be completed by a business, governmental unit or institution to apply for a sales and use tax exemption on purchases of tangible personal property used to control or abate pollution.

(44) Revenue Form 51A222, Certificate of Exemption for Alcohol Production Facilities, shall be presented to a retailer by a holder of an alcohol production tax exemption certificate or jointly by a contractor and the holder of an alcohol production tax exemption certificate to claim exemption from sales and use tax on materials and equipment that will become a part of an alcohol production facility as provided by KRS Chapter 247.

(45) Revenue Form 51A223, Application for Alcohol Production Facility Tax Exemption Certificate, shall be completed by a business seeking exemption from sales and use tax on the purchase of materials and equipment that will become a part of an alcohol production facility as provided by KRS Chapter 247.

(46) Revenue Form 51A226, Pollution Control Tax Exemption

Certificate, shall be issued by the Department of Revenue to a business who has qualified for certain sales and use tax, corporation income, corporation license, and property tax benefits.

(47) Revenue Form 51A227, Certificate of Resale (Schools), shall be issued to a retailer by an exempt nonprofit elementary or secondary school or the organizations they sponsor or that are affiliated with them to claim an exemption from sales and use tax on the purchase of tangible personal property or digital property that will be resold if the proceeds from the resale of the property is used solely for the benefit of the elementary or secondary schools or their students.

(48) Revenue Form 51A228, Application for Fluidized Bed Combustion Technology Tax Exemption Certificate, shall be completed by a business, governmental unit or organization and submitted to the Department of Revenue to apply for a sales and use tax exemption on the purchase of equipment and materials used in fluidized bed combustion technology.

(49) Revenue Form 51A229, Fluidized Bed Combustion Technology Tax Exemption Certificate, shall be issued by the Department of Revenue to a business, governmental unit or organization to advise that they qualify for corporation license tax, property tax, and sales and use tax benefits.

(50) Revenue Form 51A241, Registration for the Kentucky Sales and Use Tax Refund for Motion Picture and Television Production Companies, shall be completed by a motion picture production company and submitted to the Department of Revenue to register for a sales and use tax refund.

(51) Revenue Form 51A242, Application for Sales and Use Tax Refund for Motion Picture Production Company, shall be completed by a registered motion picture production company and submitted to the Department of Revenue within sixty (60) days after completion of the filming or production of the motion picture in Kentucky to request a refund of the Kentucky sales and use tax paid on purchases of tangible personal property or digital property made in connection with filming and producing motion pictures in Kentucky.

(52) Revenue Form 51A250, Application for Transient Merchant Permit, shall be completed by a transient merchant and filed with the clerk in the county in which the business is to be conducted, or if an urban county government, with the officer of the government who has responsibility for the issuance of business permits and licenses to obtain a permit before conducting any business in Kentucky.

(53) Revenue Form 51A260, Streamlined Sales and Use Tax Agreement-Certificate of Exemption, shall be presented to a seller by a purchaser to claim that tangible personal property, digital property, or certain services purchased from the seller qualifies for exemption.

(54) Revenue Form 51A270, Certificate of Sales Tax Paid on the Purchase of a Motor Vehicle, shall be issued by motor vehicle dealers to a non-resident purchaser of a motor vehicle on which the Kentucky sales tax has been paid.

(55) Revenue Form 51A280, Out-Of-State Purchase-Use Tax Affidavit, shall be submitted to the county clerk by a taxpayer purchasing tangible personal property from out-of-state for title or first-time registration.

(56) Revenue Form 51A290, Information Sharing and Assignment Agreement for Designated Refund Claims, shall be submitted by an approved company or agency and its vendors and contractors who agree to share documentation with the Department of Revenue for refund claim under the Kentucky Enterprise Initiative Act, Signature Project, or Alternative Fuel, Gasification or Renewable Energy Facility.

(57) Revenue Form 51A291, Application for Kentucky Signature Project Sales and Use Tax Refund, shall be completed by an approved company or agency in the construction of an approved Signature Project submitted to the Department of Revenue annually during the twelve (12) years the project grant agreement is in effect.

(58) Revenue Form 51A292, Expenditure Report for Signature Project Refunds, shall be submitted by a refund applicant to document expenditures and taxes paid on property and materials used in the construction of an approved Signature Project.

(59) Revenue Form 51A300, Application for Preapproval for Energy Efficiency Machinery or Equipment, shall be submitted by a person engaged in manufacturing for preapproval for purchase of new or replacement machinery or equipment that reduces the consumption of energy or energy producing fuels by at least fifteen (15) percent.

(60) Revenue Form 51A301, Application for Kentucky Alternative Fuel, Gasification, and Renewable Energy Facility Sales and Use Tax Refund, shall be submitted by a refund applicant to request refund of sales and use tax paid on purchases of building and construction materials purchased and used in the construction of an approved Alternative Fuel, Gasification, or Renewable Facility.

(61) Revenue Form 51A302, Expenditure Report for Alternative Fuel, Gasification, & Renewable Energy Facility Refunds, shall be submitted by a refund applicant to document expenditures and taxes paid on property and materials used in the construction of an approved Alternative Fuel, Gasification, or Renewable Energy Facility.

(62) Revenue Form 51A350, Information Sharing and Assignment Agreement for Energy Efficiency Project Incentive, shall be submitted by an approved company or agency and its vendors and contractors who agree to share documentation with the Department of Revenue for refund claims on construction of an approved Alternative Fuel, Gasification, or Renewable Energy Facility.

(63) Revenue Form 51A351, Application for Energy Efficiency Machinery or Equipment Sales and Use Tax Incentive, shall be submitted by a refund applicant to request refund of sales and use tax paid on purchases of approved energy-efficiency machinery or equipment used at a manufacturing plant.

(64) Revenue Form 51A400, Governmental Public Facility Sales Tax Rebate Registration, shall be completed by the public facility to evaluate[determine] eligibility for the sales tax rebate under KRS 139.533.

(65) Revenue Form 51A401, Governmental Public Facility Application for Sales Tax Rebate, shall be completed by the public facility to request a sales tax rebate. It includes a list of vendors and tax amounts claimed in the rebate request as well as banking information if an electronic fund transfer is requested by the public facility

(66) Revenue Form 51A402, Vendor Assignment Agreement for Sales at a Qualifying Public Facility, shall be properly executed for any seller, other than the qualifying governmental entity whose receipts are included in the rebate request.

(67) Revenue Form 51A600, Application for Kentucky Disaster Relief[,] Sales and Use Tax Refund, shall be completed by the legal building owner to request a sales and use tax refund.

(68) Revenue Form 51A601, Information Sharing and Assignment Agreement for Disaster Relief Refund Claims, shall be completed by the legal building owner and other related parties to ensure compliance with taxpayer confidentiality laws (KRS 131.190, 131.081(15), 131.990).

(69) Revenue Form 51A602, Expenditure Report for Building Materials Disaster Relief Refunds[Funds], shall be completed by the legal building owner detailing all building materials purchased to repair or replace a building in a disaster area and the total corresponding Kentucky sales and use tax paid and submitted to the Department of Revenue.

(70) Revenue Form 51F008, Federal Government Exemption from Kentucky Sales and Use Tax, shall be issued by the Department of Revenue to a federal government unit which in turn is presented to a retailer by the federal government unit to claim exemption from sales and use tax on purchases of property to be used in the exempt governmental function.

(71)[(68)] Revenue Form 51F009, Purchase Exemption Notification, shall be issued by the Department of Revenue to a resident nonprofit charitable, educational or religious institution to advise the entity of the assigned purchase exemption number and additional information concerning the exemption from sales and use tax.

(72)[(69)] Revenue Form 51F010, Energy Direct Pay Authorization, shall be issued by the Department of Revenue to

advise a Kentucky sales and use tax permit holder that it ~~may[has been authorized to]~~ purchase energy and energy-producing fuels without paying or reimbursing the vendor for the sales and use tax and that ~~the permit holder shall[they are required to]~~ report and pay directly to the Department of Revenue the sales and use tax on that portion of the cost price which is subject to tax pursuant to KRS 139.480(3).

(73)[(70)] Revenue Form 51F010(a), Utility Gross Receipts License Tax (UGRLT) Exemption Authorization, shall be issued by the Department of Revenue to advise a Kentucky sales and use tax permit holder that it ~~may[has been authorized to]~~ purchase energy and energy-producing fuels without paying or reimbursing the vendor for the utility gross receipts license tax and that ~~the permit holder shall[they are required to]~~ report and pay directly to the Department of Revenue the utility gross receipts license tax on that portion of the purchase price which is subject to tax.

(74)[(74)] Revenue Form 51F010(b), Energy Direct Pay - Utility Gross Receipts License Tax Exemption Authorization, shall be issued by the Department of Revenue to advise a Kentucky sales and use tax permit holder that it ~~may[has been authorized to]~~ purchase energy and energy-producing fuels without paying or reimbursing the vendor for either the sales and use tax or the utility gross receipts license tax and that ~~the permit holder shall[they are required to]~~ report and pay directly to the Department of Revenue the sales and use tax and the utility gross receipts license tax on that portion of the purchase price which is subject to tax.

Section 2. Telecommunications Provider Tax - Required Forms. (1) Revenue Form 75A001, Telecommunications Tax Receipts Certification Form, shall be used by city and county taxing jurisdictions to certify tax receipts for ~~the~~ prior fiscal year if applicable.

(2) Revenue Form 75A002, Telecommunications Provider Tax Return, shall be used by telecommunications providers to report gross revenues subject to the excise tax and gross revenues tax, and by consumers to report retail purchases of multi-channel video programming services to report the tax due.

(3) Revenue Form 75A002 (I), Instructions for Telecommunications Provider Tax Return, shall be used by telecommunications providers as a guide in filing their telecommunications provider tax return.

(4) Revenue Form 75A005, Telecommunications Tax Complaint Form[~~"],~~ shall be submitted to the Department of Revenue by local taxing authorities who express disagreement with the distribution of telecommunications tax to their jurisdiction.

(5) Revenue Form 75A900, Telecommunications Tax Application, shall be used by telecommunications providers to register with the Department of Revenue.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) Sales and use tax - referenced material:
 1. Revenue Form 51A101(a), "Sales and Use Tax Permit", August 2011;
 2. Revenue Form 51A101(b), "Sales and Use Tax Permit Update", August 2011;
 3. Revenue Form 51A101(c)(1), "Kentucky Streamlined Sales and Use Tax (SST) Filing Permit", August 2008;
 4. Revenue Form 51A101(c)(2), "Kentucky Streamlined Sales and Use Tax (SST) Filing Permit", August 2008;
 5. Revenue Form 51A101(c)(4), "Kentucky Streamlined Sales and Use Tax (SST) Filing Permit", August 2008;
 6. Revenue Form 51A101(d), "Sales and Use Tax Permit Update (SST)", August 2011;
 7. Revenue Form 51A102, "Kentucky Sales and Use Tax Worksheet", ~~July 2013[January 2012]~~[2010];
 8. Revenue Form 51A102E, "Kentucky Sales and Use Tax Worksheet - Electronic Funds Transfer", ~~July 2013[January 2012]~~[2010];
 9. Revenue Form 51A103, "Kentucky Accelerated Sales and Use Tax Worksheet", ~~July 2013[January 2012]~~[2010];
 10. Revenue Form 51A103E, "Kentucky Accelerated Sales and

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Use Tax Worksheet - Electronic Funds Transfer", July 2013~~January 2010~~;

11. Revenue Form 51A105, "Resale Certificate", December 2009;
12. Revenue Form 51A109, "Application for Energy Direct Pay Authorization (Sales and Use Tax and Utility Gross Receipts License Tax)", February 2011;
13. Revenue Form 51A110, "Direct Pay Authorization", April 2011;
14. Revenue Form 51A111, "Certificate of Exemption Machinery for New and Expanded Industry", August 2011;
15. Revenue Form 51A112, "Application for Direct Pay Authorization", December 2009;
16. Revenue Form 51A113, "Kentucky Consumer's Use Tax Worksheet", January 2010;
17. Revenue Form 51A113(O), "Consumer's Use Tax Return", December 2009;
18. Revenue Form 51A115, "Order for Selected Sales and Use Tax Publications", April 2011;
19. Revenue Form 51A116, "Use Tax Compliance Inquiry Worksheet", March 2008;
20. Revenue Form 51A125, "Application for Purchase Exemption Sales and Use Tax", December 2009;
21. Revenue Form 51A126, "Purchase Exemption Certificate", December 2009;
22. Revenue Form 51A127, "Out-of-State Purchase Exemption Certificate", December 2009;
23. Revenue Form 51A128, "Solid Waste Recycling Machinery Exemption Certificate", March 2005;
24. Revenue Form 51A129, "Kentucky Sales and Use Tax Energy Exemption Annual Return", February 2011;
25. Revenue Form 51A130, "Kentucky Sales and Use Tax Monthly Aviation Fuel Tax Credit Schedule of Qualified Certificated Air Carriers", August 2005;
26. Revenue Form 51A131, "Kentucky Sales and Use Tax Monthly Aviation Fuel Dealer Supplementary Schedule", August 2008;
27. Revenue Form 51A132, "Kentucky Sales and Use Tax Equine Breeders Supplementary Schedule", June 2005;
28. Revenue Form 51A135, "Kentucky Sales Tax Motor Vehicle Sales Supplementary Schedule", August 2006;
29. Revenue Form 51A143, "Purchase Exemption Certificate - Watercraft Industry", March 2005;
30. Revenue Form 51A149, "Certificate of Exemption for Pollution Control Facilities", January 2007;
31. Revenue Form 51A150, "Aircraft Exemption Certificate", January 2005;
32. Revenue Form 51A154, "Certificate of Exemption Out-of-State Delivery for Aircraft, All Terrain Vehicle (ATV), Mobile/Manufactured Homes, Campers, Boats, Motors or Trailers", January 2005;
33. Revenue Form 51A157, "Certificate of Exemption - Water Used in Raising Equine", July 2005;
34. Revenue Form 51A158, "Farm Exemption Certificate", July 2008;
35. Revenue Form 51A159, "On-Farm Facilities Certificate of Exemption for Materials, Machinery and Equipment", July 2008;
36. Revenue Form 51A160, "Application for Truck Part Direct Pay Authorization", March 2005;
37. Revenue Form 51A161, "Truck Part Direct Pay Authorization", December 2006;
38. Revenue Form 51A163, "Application for Charter Bus Part Direct Pay Authorization", June 2005;
39. Revenue Form 51A164, "Charter Bus Direct Pay Authorization", August 2006;
40. Revenue Form 51A200, "Application for Kentucky Enterprise Initiative Act (KEIA) Tax Refund Program", March 2008;
41. Revenue Form 51A205, "Kentucky Sales and Use Tax Instructions", July 2008;
42. Revenue Form 51A209, "Sales and Use Tax Refund Application", May 2007;
43. Revenue Form 51A216, "Application for Pollution Control Tax Exemption Certificate", March 2005;

44. Revenue Form 51A222, "Certificate of Exemption for Alcohol Production Facilities", August 2011;
 45. Revenue Form 51A223, "Application for Alcohol Production Facility Tax Exemption Certificate", July 1980;
 46. Revenue Form 51A226, "Pollution Control Tax Exemption Certificate", March 2005;
 47. Revenue Form 51A227, "Certificate of Resale (Schools)", May 2007;
 48. Revenue Form 51A228, "Application for Fluidized Bed Combustion Technology Tax Exemption Certificate", May 2007;
 49. Revenue Form 51A229, "Fluidized Bed Combustion Technology Tax Exemption Certificate", August 2011;
 50. Revenue Form 51A241, "Registration for the Kentucky Sales and Use Tax Refund for Motion Picture and Television Production Companies", May 2007;
 51. Revenue Form 51A242, "Application for Sales and Use Tax Refund for Motion Picture Production Company", May 2007;
 52. Revenue Form 51A250, "Application for Transient Merchant Permit", April, 2005;
 53. Revenue Form 51A260, "Streamlined Sales and Use Tax Agreement - Certificate of Exemption", January 2012~~February 2010~~;
 54. Revenue Form 51A270, "Certificate of Sales Tax Paid on the Purchase of a Motor Vehicle", August 2006;
 55. Revenue Form 51A280, "Out-Of-State Purchase-Use Tax Affidavit", July 2009;
 56. Revenue Form 51A290, "Information Sharing and Assignment Agreement for Designated Refund Claims", October 2007;
 57. Revenue Form 51A291, "Application for Kentucky Signature Project Sales and Use Tax Refund", April 2011;
 58. Revenue Form 51A292, "Expenditure Report for Signature Project Refunds", October 2007;
 59. Revenue Form 51A300, "Application for Preapproval for Energy Efficiency Machinery or Equipment", June 2008;
 60. Revenue Form 51A301, "Application for Kentucky Alternative Fuel, Gasification, and Renewable Energy Facility Sales and Use Tax Refund", April 2011;
 61. Revenue Form 51A302, "Expenditure Report for Alternative Fuel, Gasification, & Renewable Energy Facility Refunds", December 2008;
 62. Revenue Form 51A350, "Information Sharing and Assignment Agreement for Energy Efficiency Project Incentive", June 2008;
 63. Revenue Form 51A351, "Application for Energy Efficiency Machinery or Equipment Sales and Use Tax Incentive", April 2011;
 64. Revenue Form 51A400, "Governmental Public Facility Sales Tax Rebate Registration", June 2010;
 65. Revenue Form 51A401, "Governmental Public Facility Application for Sales Tax Rebate", June 2010;
 66. Revenue Form 51A402, "Vendor Assignment Agreement for Sales at a Qualifying Public Facility", June 2010;
 67. Revenue Form 51A600, "Application for Kentucky Disaster Relief Sales and Use Tax Refund", August~~April~~ 2012;
 68. Revenue Form 51A601, "Information Sharing and Assignment Agreement for Disaster Relief Refund Claims", August~~April~~ 2012;
 69. Revenue Form 51A602, "Expenditure Report for Building Materials Disaster Relief Refunds", April 2012;
 70. Revenue Form 51F008, "Federal Government Exemption from Kentucky Sales and Use Tax", January 2008;
 - 71[68]. Revenue Form 51F009, "Purchase Exemption Notification", January 2008;
 - 72[69]. Revenue Form 51F010, "Energy Direct Pay Authorization", January 2008;
 - 73[70]. Revenue Form 51F010(a), "Utility Gross Receipts License Tax (UGRLT) Exemption Authorization", January 2008; and
 - 74[71]. Revenue Form 51F010(b), "Energy Direct Pay - Utility Gross Receipts License Tax Exemption Authorization", January 2008;
- (b) Telecommunications provider tax - referenced material:
1. Revenue Form 75A001, "Telecommunications Tax Receipts

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Certification Form", December 2005;

2. Revenue Form 75A002, "Telecommunications Provider Tax Return", March 2006;

3. Revenue Form 75A002(I), "Instructions for Telecommunications Provider Tax Return", July 2006;

4. Revenue Form 75A005, "Telecommunications Tax Complaint Form", April 2011; and

5. Revenue Form 75A900, "Telecommunications Tax Application", December 2005.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40620, or at any Kentucky Department of Revenue Taxpayer Service Center, Monday through Friday, 8 a.m. to 5 p.m.

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: December 23, 2013

FILED WITH LRC: December 27, 2013 at 4 p.m.

CONTACT PERSON: Lisa Swiger, Staff Assistant, Department of Revenue, Finance and Administration Cabinet, 501 High Street, Frankfort, Kentucky 40601, phone (502) 564-9826, fax (502) 564-2541.

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
Office of Property Valuation
(As Amended at ARRS, March 10, 2014)

103 KAR 3:030. Property and Severance Forms manual.

RELATES TO: KRS 42.470, 61.870-61.884, 131.020, 131.030, 131.041-131.081, ~~[131.081(2), (9), (15)]~~, 131.110, 131.130, ~~[131.130(3)]~~, 131.155, 131.181, 131.183, 131.190, 131.340, 131.500, ~~[131.500(1), (2), (3), (10)]~~, 131.510(1), (2)(a), 131.540, 132.020, 132.130-132.180, 132.190, 132.200, 132.220-132.270, 132.290, 132.310, 132.320, 132.360, 132.450, 132.487, 132.510, 132.820, 132.825, 132.990, 133.045, 133.110, 133.120, 133.130, 133.240, 134.015, 134.119, ~~[134.020]~~, 134.121, 134.122, ~~134.127~~, 134.128, 134.129, ~~[134.390]~~, 134.420, ~~[134.430, 134.440, 134.500]~~, 134.590, 134.800, 134.805, 134.810, 134.815, 134.820, 134.825, 134.830, 135.010, 135.020, 135.050, 136.020, 136.050, 136.115-136.180, 136.1802-136.1806, 136.1873, 136.188, 136.310, 136.320, 136.330, 136.335, 136.377, 136.545, 136.575, 136.600-136.660, 137.130, 137.160, 143.030(1), 143.037, 143.040, 143.050, 143.060(1), 143.085, 143.990, 143A.010, 143A.030, 143A.035, 143A.037, 143A.080, 143A.090, 143A.100(1), 143A.991, Ky. Const. Sec. 170

STATUTORY AUTHORITY: KRS 131.130(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required Revenue Forms used in the administration of Property and Severance Taxes by the Department of Revenue.

Section 1. Property Tax - Required Forms. (1) Revenue Form 61A200(P), "Property Tax Forms and Instructions for Public Service Companies 2014[2013]", shall be the packet of files and instructions relating to Revenue Form 61A200 for use by public service companies reporting company name, location, and other pertinent filing information with the Department of Revenue.

(2) Revenue Form 61A200, "Public Service Company Property Tax Return for Year Ending December 31, 2013[2012]", shall be filed by public service companies reporting company name, location, and other pertinent filing information with the Department of Revenue.

(3) Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", shall be filed by public service companies with the Department of Revenue, reporting the System and Kentucky original cost, total depreciation and depreciated cost for all operating and non-operating property types as of the end of

the taxable year.

(4) Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", shall be filed by public service companies with the Department of Revenue, reporting the assessed value of all Kentucky apportioned and regular licensed motor vehicles, railroad car lines and commercial watercraft as of the end of the year.

(5) Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", shall be filed by public service companies with the Department of Revenue, reporting a financial statement (balance sheet) as of December 31 for the system operating unit including Kentucky.

(6) Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", shall be filed by public service companies with the Department of Revenue, reporting a financial statement (income statement) for twelve (12) months ending December 31 for the system operating unit including Kentucky.

(7) Revenue Form 61A200(E), "Filing Extension Application", shall be used by public service companies to request an extension of time to file the public service company tax return.

(8) Revenue Form 61A200(G), "Report of Capital Stocks", shall be filed by public service companies with the Department of Revenue, reporting an analysis of their capital stocks as of the end of the taxable year.

(9) Revenue Form 61A200(H), "Report of Funded Debt", shall be filed by public service companies with the Department of Revenue reporting an analysis of their debt as of the end of the taxable year.

(10) Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue, reporting a summary of the business activity within each taxing district.

(11) Revenue Form 61A200(J), "Property Summary by Taxing Jurisdiction, Operating and Nonoperating Property", shall be filed by public service companies with the Department of Revenue reporting a summary of the amount of operating and nonoperating property owned or leased in this state, by each county, city and special district.

(12) Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue, reporting an inventory of the amount and kind of operating property, owned or leased, located in this state, for each county, city and special taxing district.

(13) Revenue Form 61A200(K2), "Nonoperating/Nonutility Property Listing by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue reporting an inventory of the amount and kind of nonoperating property owned or leased, located in this state, for each county, city and special taxing district.

(14) Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for All Interstate Companies", shall be filed by interstate, noncarrier, public service companies with the Department of Revenue, reporting property and business factors in total and for the state of Kentucky.

(15) Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", shall be filed by interstate railroad and sleeping car companies with the Department of Revenue, reporting property and business factors in total and for the state of Kentucky.

(16) Revenue Form 61A200(N1), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", shall be filed by public service companies with the Department of Revenue, reporting all leased real property and the terms of the lease by taxing district.

(17) Revenue Form 61A200(N2), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", shall be filed by public service companies with the Department of Revenue, reporting all leased personal property and the terms of the lease by taxing district.

(18) Revenue Form 61A200(N3), "Summary Report of System and Kentucky Operating Lease Payments", shall be filed by public service companies with the Department of Revenue reporting the annual operating lease payments paid during the calendar year.

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(19) Revenue Form 61A200(O), "Railroad Private Car Mileage Report", shall be filed by railroad car line companies with the Department of Revenue reporting the name and address of the company and the mileage in Kentucky.

(20) Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", shall be filed by landfills with the Department of Revenue, reporting historic, current, and projected operational information.

(21) Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", shall be filed by public service companies with the Department of Revenue, reporting certified pollution control equipment, the original cost, and the net book value.

(22) Revenue Form 61A200(U), "Industrial Revenue Bond Property", shall be filed by a public service company to list real and tangible personal property purchased with an industrial revenue bond.

(23) Revenue Form 61A202, "~~2014~~[2013] Public Service Company Property Tax Return for Railroad Car Line", shall be filed by railroad car line companies with the Department of Revenue, classifying the railcars by type and reporting cost, age, and mileage for each railcar.

(24) Revenue Form 61A206(P), "Public Service Company Property Tax Forms and Instructions for Commercial Air Passenger and Air Freight Carriers ~~2014~~[2013]", shall be the packet of files and instructions relating to Revenue Form 61A206 for use by commercial air passenger and air freight carriers reporting company name, location and other pertinent information with the Department of Revenue.

(25) Revenue Form 61A206, "Public Service Company Property Tax Return For Commercial Air Passenger and Air Freight Carriers", shall be filed by all commercial air passenger and air freight carriers reporting taxpayer name, location and other pertinent information with the Department of Revenue.

(26) Revenue Form 61A206(A), "Filing Extension Application for Public Service Company Property Tax Return", shall be used by commercial air passenger and air freight carriers to request an extension of time to file the commercial air passenger and air freight carriers tax return.

(27) Revenue Form 61A206(B), "Report of Kentucky Registered and Licensed Motor Vehicles", shall be filed by commercial air passenger and air freight carriers to report vehicles, both owned and leased, registered within the state of Kentucky as of December 31.

(28) Revenue Form 61A206(C), "Report of Financial Operations for Commercial Air Passenger and Air Freight Carriers", shall be used by all commercial, passenger or cargo airlines conducting business in Kentucky to provide the Department of Revenue with year-end financial statements, a complete annual report, and a complete 10K report (FCC annual report) for the twelve (12) month period ending December 31.

(29) Revenue Form 61A206(D-1), "Report of System Aircraft Fleet", shall be filed by commercial air passenger and air freight carriers providing a complete listing of fleet aircraft owned and capital-leased as of December 31.

(30) Revenue Form 61A206(D-2), "Report of System Aircraft Fleet", shall be filed by commercial air passenger and air freight carriers providing a complete listing of operating leased fleet aircraft.

(31) Revenue Form 61A206(D-3), "Report of System Aircraft Fleet", shall be filed by all commercial air passenger and air freight carriers providing a complete listing of all fleet managed aircraft and aircraft held for resale or nonoperating.

(32) Revenue Form 61A206(E), "Report of Kentucky Flight Statistics By Airport", shall be filed by all commercial air passenger and air freight carriers providing a listing of all arrivals, departures, and ground time at all Kentucky airports and heliports.

(33) Revenue Form 61A206(F), "Report of System and Kentucky Allocation Factors", shall be filed by all commercial air passenger and air freight carriers listing property factors and business factors.

(34) Revenue Form 61A206(G), "Report of Funded Debt", shall be filed by all commercial air passenger and air freight carriers

listing all debt obligations, both long term and short term, by class and obligation.

(35) Revenue Form 61A206(H), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all real property in Kentucky leased on an operating lease basis.

(36) Revenue Form 61A206(I), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all personal property in Kentucky leased on an operating lease basis.

(37) Revenue Form 61A206(J), "Summary Report of System and Kentucky Operating Lease Payments", shall be filed by all commercial air passenger and air freight carriers listing all annual operating lease payments.

(38) Revenue Form 61A206(K), "Report of Owned Real Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all real property owned in Kentucky.

(39) Revenue Form 61A206(L), "Report of Owned Personal Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all personal property owned in Kentucky.

(40) Revenue Form 61A206(M), "Summary Report of Total System and Kentucky Operations", shall be filed by all commercial air passenger and air freight carriers listing all real and personal property owned and leased, providing the original cost, depreciation and depreciated cost values.

(41) Revenue Form 61A206(N), "Industrial Revenue Bond Property", shall be filed by all commercial air passenger and air freight carriers listing real and tangible property purchased with an industrial revenue bond.

(42) Revenue Form 61A206(O), "Public Service Company Sales", shall be filed by commercial air passenger and air freight carriers listing any assets bought or sold during the year.

(43) Revenue Form 61A207(P), "Commercial Watercraft Personal Property Tax Return ~~2014~~[2013]", shall be the packet of files and instructions relating to Revenue Form 61A207 for use by commercial watercraft owners both resident and nonresident, reporting the watercraft's book value, original cost and total and Kentucky route mileage with the Department of Revenue.

(44) Revenue Form 61A207, "~~2014~~[2013] Commercial Watercraft Personal Property Tax Return", shall be filed by all commercial watercraft owners, both resident and nonresident, reporting the watercraft's book value, original cost, and total and Kentucky route mileage with the Department of Revenue.

(45) Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession", shall be filed with the Department of Revenue, reporting all owned vessels (both available and operating) in their fleet as of January 1, ~~2014~~[2013].

(46) Revenue Form 61A207(B), "Report of Owned Vessels - in Possession of Others", shall be filed with the Department of Revenue, reporting all owned vessels that are in possession of other persons, companies, corporations, operators, or charterers as of January 1, ~~2014~~[2013].

(47) Revenue Form 61A207(C), "Report of Nonowned Vessels in Your Possession", shall be filed with the Department of Revenue, reporting all nonowned vessels (both available and operating) in their fleet as of January 1, ~~2014~~[2013].

(48) Revenue Form 61A207(D), "Commercial Watercraft Valuation Worksheet", shall be filed with the Department of Revenue, reporting the original cost, cost of rebuilds and the cost of major improvements of all owned and nonowned vessels.

(49) Revenue Form 61A207(E), "Report of Kentucky Route Miles", shall be filed with the Department of Revenue reporting the system route miles traveled on Kentucky waterways.

(50) Revenue Form 61A207(F), "Report of System Route Miles", shall be filed with the Department of Revenue reporting the system route miles traveled on United States waterways.

(51) Revenue Form 61A209, "Public Service Company Sales", shall be filed by public service companies with the Department of Revenue, reporting any full or partial sale or purchase of assets of the public service company.

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(52) Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", shall be filed by public service companies with the Department of Revenue reporting all motor vehicles owned or leased within Kentucky.

(53) Revenue Form 61A211(I), "Instructions Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", shall provide instructions for completing Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs".

(54) Revenue Form 61A211(IP), "Instructions For Editing the Public Service Company Motor Vehicle Printout", shall provide instructions for editing the computer printout of previously reported licensed vehicles sent by the Department of Revenue to public service companies that have listed vehicles with the department in prior years.

(55) Revenue Form 61A230, "Notice of Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the final assessment of the public service company property.

(56)(55) Revenue Form 61A240, "Notice of Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him or her of a tentative assessment of the public service company property. This notice shall inform the taxpayer of the protest period.

(57)(56) Revenue Form 61A250, "Notice of Assessment", shall be sent by the Department of Revenue to the taxpayer notifying the taxpayer of his or her claim of assessed value on public service company property.

(58)(57) Revenue Form 61A255, "Public Service Company Property Tax Statement", shall be used by the counties, schools and special districts to bill public service companies for local property taxes.

(59)(58) Revenue Form 61A255(I), "Instructions for 61A255, Public Service Company Property Tax Statement", shall provide instructions for completing Revenue Form 61A255, "Public Service Company Property Tax Statement".

(60)(59) Revenue Form 61A500(P), "2014[2013] Personal Property Tax Forms and Instructions for Communications Service Providers and Multichannel Video Programming Service Providers", shall be the packet of files and instructions relating to Revenue Form 61A500 for use by telecommunication, satellite, and cable television companies, reporting all tangible personal property with the Department of Revenue.

(61)(60) Revenue Form 61A500, "2014[2013] Tangible Personal Property Tax Return for Communications Service Providers and Multichannel Video Programming Service Providers", shall be filed by telecommunication[telecommunications], satellite, and cable television companies, reporting all tangible personal property with the Department of Revenue.

(62)(61) Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky original cost, depreciation, and net book value of each class of tangible personal property.

(63)(62) Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky Original Cost by taxing jurisdiction.

(64)(63) Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky reported value by taxing jurisdiction.

(65)(64) Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite and cable television companies with the Department of Revenue and shall contain an inventory of the amount and kind of personal property owned and located in Kentucky by taxing jurisdiction.

(66)(65) Revenue Form 61A508, "Annual Report of Distilled

Spirits in Bonded Warehouse", shall be filed by distilleries with the Department of Revenue to report inventory as of January 1.

(67)(66) Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", shall be filed by distilleries with the Department of Revenue, reporting the average cost per gallon of production.

(68)(67) Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage Cost Schedule", shall be filed by distilleries with the Department of Revenue, reporting average per barrel storage cost.

(69)(68) Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", shall be filed by distilleries with the Department of Revenue, reporting the date of the sale or purchase, the number of barrels, age, and the price.

(70)(69) Revenue Form 61A508-S4, "Schedule 4", shall be filed by distilleries with the Department of Revenue, reporting the fair cash value of bulk inventory summarized on Form 61A508.

(71)(70) Revenue Form 61A508-S5, "Schedule 5", shall be filed by distilleries with the Department of Revenue, reporting the fair cash values of case goods summarized on Form 61A508.

(72) Revenue Form 61A508-S6, "Schedule 6 Industrial Revenue Bond Property", shall be filed with the Department of Revenue, reporting property purchased with an industrial revenue bond.

(73)(72) Revenue Form 61A509, "Distilled Spirits or Telecoms Property Tax Statement", shall be used by county clerks and local tax jurisdictions to bill assessments of distilled spirits and telecom personal property.

(74)(73) Revenue Form 61F007, "Notification Protesting Your Commercial Watercraft Assessment", shall inform taxpayers of the protest procedures on Commercial Watercraft assessments.

(75)(74) Revenue Form 61F008, "Notification Protesting Your Assessment", shall inform taxpayers of the protest procedures on Railroad Car Line assessments.

(76)(75) Revenue Form 61F009, "Notification Protesting Your Assessment", shall inform taxpayers of the protest procedures on Public Service Company Property Tax assessments.

(77)(76) Revenue Form 61F010, "Property Value Assessments for Public Service and Centrally Assessed Companies - Assessment of Distilled Spirits in Bonded Warehouses", shall inform taxpayers of the protest procedures on Distilled Spirits assessments.

(78)(77) Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice", shall be issued by the Department of Revenue to notify motor vehicle owners of their ad valorem property tax liabilities and registration renewal deadline.

(79)(78) Revenue Form 62A007S, "Motor Vehicle/Boat Property Tax Notice - Second Notice", shall be issued by the Department of Revenue to notify motor vehicle and boat owners of their delinquent ad valorem property tax liabilities.

(80)(79) Revenue Form 62A008, "Motor Vehicle Tax Notice", shall be issued by the Department of Revenue to notify motor vehicle owners of their ad valorem property tax liabilities.

(81)(80) Revenue Form 62A009, "Map Sales Invoice", shall be provided to the customer by the Department of Revenue as a receipt for payment of maps purchased.

(82)(81) Revenue Form 62A010, "Notice for Boat Transfer", shall be issued to January 1 owners of boats transferred during the calendar year informing them of the ad valorem tax due on the transferred boat.

(83)(82) Revenue Form 62A013, "Application for Assessment Moratorium Certificate", shall be filed by property owners seeking an assessment moratorium on qualifying existing property undergoing repair, rehabilitation or restoration. The form shall be filed with the proper administering agency of the county in which the property is located, thirty (30) days prior to restoration or repair.

(84)(83) Revenue Form 62A015, "2014[2013] Motor Vehicle and Watercraft Property Tax Rate Certification", shall be submitted annually to the Department of Revenue by motor vehicle and watercraft taxing jurisdictions to certify the rates established by the taxing jurisdiction for motor vehicles and watercraft.

(85)(84) Revenue Form 62A016, "Quietus", shall be issued by the Department of Revenue to certify that a county clerk is in good

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standing with regard to the conduct of ad valorem property tax collection duties.

~~(86)~~~~(84)~~ Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills", shall be completed by the Department of Revenue and county clerk to certify the total number of motor vehicle and boat accounts for a given county and ~~find~~~~determine~~ the county clerk's compensation for making tax bills.

~~(87)~~~~(85)~~ Revenue Form 62A020, "Intercountry Property Tax Collections", shall be completed by the Department of Revenue to list distributions of ad valorem property tax made to individual taxing jurisdictions.

~~(88)~~~~(86)~~ Revenue Form 62A023, "Application for Exemption from Property Taxation", shall be filed by organizations seeking a property tax exemption under Ky. Const. Sec. 170. This form shall be filed with the property valuation administrator of the county in which the property is located.

~~(89)~~~~(87)~~ Revenue Form 62A030, "Request for Reproduction of PVA Public Records and Contract for Commercial Users", shall be submitted to request copies of documents required to be retained by the PVA.

~~(90)~~~~(88)~~ Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat/Trailer Property Tax", shall be completed by the owner of a vehicle, boat, or trailer at the property valuation administrator's office in order to correct owner or vehicle, boat, or trailer information in the ad valorem tax computer system. The PVA shall present the form to the county clerk when a tax refund is authorized.

~~(91)~~~~(89)~~ Revenue Form 62A200(P), "~~2014~~~~[2013]~~ Unmined Coal Property Tax Information Return", shall be the packet of files and instructions relating to Revenue Form 62A200 for use by owners or lessees of unmined minerals, reporting filer information with the Department of Revenue.

~~(92)~~~~(90)~~ Revenue Form 62A200, "~~2014~~~~[2013]~~ Unmined Coal Property Tax Information Return", shall be filed by owners or lessees of unmined minerals, reporting filer information with the Department of Revenue.

~~(93)~~~~(91)~~ Revenue Form 62A200, "Schedule A Fee Property Ownership", shall be filed by owners or lessees of unmined minerals with the Department of Revenue, reporting ownership information for each parcel or royalty information for each leased parcel.

~~(94)~~~~(92)~~ Revenue Form 62A200, "Schedule B Leased Property", shall be filed by all lessees and sublessees with the Department of Revenue, reporting ownership information for each parcel or royalty information for each leased parcel.

~~(95)~~~~(93)~~ Revenue Form 62A200, "Schedule C Property or Stock Transfers", shall be filed by both purchasers and sellers of unmined mineral property, with the Department of Revenue, reporting details of the transaction.

~~(96)~~~~(94)~~ Revenue Form 62A200, "Schedule D Lease Terminations, Transfers or Assignments", shall be filed by lessors or lessees of unmined minerals, with the Department of Revenue, reporting the parcel number, the date the lease was terminated and the seams assigned.

~~(97)~~~~(95)~~ Revenue Form 62A200, "Schedule E Farm Exception to Unmined Minerals Tax", shall be filed by surface owners, who own the mineral rights in their entirety and are engaged primarily in farming, to be excepted from the unmined minerals tax.

~~(98)~~~~(96)~~ Revenue Form 62A200, "Schedule F Geological Information by County", shall be filed by owners or lessees of unmined minerals, with the Department of Revenue, reporting exploration and analytical information.

~~(99)~~~~(97)~~ Revenue Form 62A301-S, "Omitted Real Estate Property Tax Bill" shall be used by the sheriff to inform taxpayers of an omitted real estate property tax liability.

~~(100)~~~~(98)~~ Revenue Form 62A302, "Request for Information for Local Board of Tax Appeals", shall be filed by taxpayers with the property valuation administrator, if appealing their assessment on real property.

~~(101)~~~~(99)~~ Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", shall be

filed by the property valuation administrator by the first Monday in April, showing a recapitulation of property assessments by type of property and by taxing district. This form shall also be known as "first recap".

~~(102)~~~~(100)~~ Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes (Since Recapitulation)", shall be filed by the property valuation administrator within six (6) days of the conclusion of the real property tax roll inspection period, showing all changes made since the submission of Revenue Form 62A304. This form shall also be known as "final recap" or "second recap".

~~(103)~~~~(101)~~ Revenue Form 62A307, "Property Owner Conference Record", shall be used by the property valuation administrator to document a property owner's appeal conference. The property owner or his or her representative shall be asked to sign the record and shall be given a copy of the record.

~~(104)~~~~(102)~~ Revenue Form 62A323, "Record of Additions and Deletions", shall be used by the PVA to report all real property additions and deletions for a particular assessment year.

~~(105)~~~~(103)~~ Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", shall be filed by life insurance companies doing business in Kentucky, with the Department of Revenue, reporting the fair cash value of the company's intangible property, both taxable and exempt, and the aggregate amount.

~~(106)~~~~(104)~~ Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", shall be filed by property owners seeking an exemption from property taxes under Ky. Const. Sec. 170. This application shall be filed with the property valuation administrator of the county in which the residential unit is located.

~~(107)~~~~(105)~~ Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", shall be mailed to the property owner by the property valuation administrator notifying him or her of the assessment amount and of his or her appeal rights.

~~(108)~~~~(106)~~ Revenue Form 62A353, "Notice of Listing of Omitted Real Property", shall be mailed by the property valuation administrator to the property owner. This document shall notify the property owner that his or her omitted property has been listed and assessed and of his or her appeal rights.

~~(109)~~~~(107)~~ Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", shall be sent from the Board of Assessment Appeals to the property owner to inform him or her of its ruling.

~~(110)~~~~(108)~~ Revenue Form 62A358, "Receipt for Transferring Delinquent Property Tax Bills From the Sheriff to the County Clerk", shall be signed by both the sheriff and county clerk to affirm the number and total amount of delinquent tax bills transferred from the sheriff to the county clerk.

~~(111)~~~~(109)~~ Revenue Form 62A358-S, "Supplemental Receipt to Document Timely Postmarked Payments Received After the Delinquent Tax Bill Transfer Date", shall be signed by both the sheriff and the county clerk to affirm payments received by the sheriff via mail and postmarked timely after the transfer date.

~~(112)~~~~(110)~~ Revenue Form 62A359, "Sheriff's Report of Real Property Tax Bills Transferred to the County Clerk", shall be used by the sheriffs to report delinquent real estate tax bills that were transferred from the sheriff to the county clerk's office.

~~(113)~~~~(111)~~ Revenue Form 62A360, "Order Correcting Erroneous Assessment", shall be issued to the collection agency (county sheriff or clerk) and taxpayer correcting an erroneous mineral property tax assessment.

~~(114)~~~~(112)~~ Revenue Form 62A362, "Sheriff's Report of Delinquent Personal Property Tax Bills Transferred to the County Clerk", shall be used by the sheriff to report delinquent personal property tax bills transferred from the sheriff to the county clerk's office.

~~(115)~~~~(113)~~ Revenue Form 62A363, "County Clerk's Claim for Preparing Tax Bills", shall be submitted by the county clerk in order to receive payment for each property tax bill prepared, with one-half (1/2) paid out of the county treasury and one-half (1/2) paid out of the State Treasury.

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(116)[(444)] Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", shall be submitted by the county clerk in order to receive payment of one (1) dollar for each omitted property tax bill prepared, with one-half (1/2) paid out of the county treasury and one-half (1/2) paid out of the State Treasury.

(117)[(445)] Revenue Form 62A364, "County Clerk's Monthly Report of Omitted Assessments", shall be used by the county clerk to report omitted assessments made by the property valuation administrator.

(118)[(446)] Revenue Form 62A365, "Nonresidency Affidavit", shall be filed as proof of nonresidency in Kentucky as of January 1, for ad valorem tax purposes.

(119)[(447)] Revenue Form 62A366, "Order Correcting Erroneous Assessment", shall be filed by the property valuation administrator with the sheriff, to correct an error made in an assessment of property.

(120)[(448)] Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", shall be filed by the property valuation administrator with the sheriff, to correct an error made in a delinquent assessment of property.

(121)[(449)] Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", shall be filed by a taxpayer for refunds of property tax.

(122)[(420)] Revenue Form 62A367, "Authorization for Preparing Additional/Supplemental Property Tax Bills", shall be used by a property valuation administrator to prepare additional or supplemental tax bills.

(123)[(424)] Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", shall be provided to assist the PVA with the preparation of additional or supplemental tax bills.

(124)[(422)] Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for the 1997 tax year only.

(125)[(423)] Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for tax years after 1997.

(126)[(424)] Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for 1996 and earlier tax years.

(127)[(425)] Revenue Form 62A369-A, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue state commission from delinquent property tax collections.

(128)[(426)] Revenue Form 62A370, "Kentucky Department of Revenue Certificate of Registration", shall be issued by the Department of Revenue to individuals, corporations or partnerships proving eligibility to purchase certificates of delinquency. This certificate shall be presented to the county clerk at the time the third-party purchaser registers for the tax~~certificates of delinquency are offered for~~ sale.

(129)[(427)] Revenue Form 62A370A, "Kentucky Department of Revenue Application for Certificate of Registration to Purchase Certificates of Delinquency", shall be submitted to the Department of Revenue by individuals, corporations or partnerships seeking to purchase certificates of delinquency offered for sale by the county clerk.

(130)[(428)] Revenue Form 62A371, "Attestation Form For Use When Taxpayer Cannot Make Contact With A Third Party Purchaser", shall be used by the taxpayer to attest to the county clerk that the taxpayer attempted to contact the third party purchaser in the manner specified by KRS 134.127(3)(e) and was unsuccessful~~successful~~.

(131)[(429)] Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", shall be used by the sheriff to report all exonerations made to the tax bills by the property valuation administrator.

(132)[(430)] Revenue Form 62A372-A, "Certification", shall be used by the sheriff to affirm that the list of exonerations is accurate.

(133)[(434)] Revenue Form 62A373, "Certificate of Transfer for

Property Tax Payment", shall be issued by the sheriff to a person who has paid property taxes on behalf of another and wishes to be treated as a transferee under KRS 134.121.

(134)[(432)] Revenue Form 62A374, "County Clerk Certificate of Delinquency Sale Registration", shall be used by the county clerk to register third parties interested in purchasing certificates of delinquency offered for sale by the county clerk.

(135)[(433)] Revenue Form 62A375, "Release of Certificate of Delinquency Assigned to a Third Party", shall be used by the county clerk to release the lien of a certificate of delinquency that has been refunded to a third party purchaser.

(136)[(434)] Revenue Form 62A377, "In House Release of Third Party Purchaser Lien When Lien is Paid to Clerk", shall be used by the county clerk to release a certificate of delinquency when the certificate of delinquency has been paid by the taxpayer and the third party purchaser cannot be located.

(137)[(435)] Revenue Form 62A378, "Report of Mobile Homes and Recreational Vehicles Not Registered in this State", shall be filed by every person providing rental space for mobile homes and recreational vehicles not registered in Kentucky. This form shall be filed with the property valuation administrator of the county in which the park is located.

(138)[(436)] Revenue Form 62A379, "Listing of Omitted Real Property", shall be used by a taxpayer to voluntarily list any property previously omitted from the tax roll or shall be used by a property valuation administrator to list any involuntarily omitted property.

(139)[(437)] Revenue Form 62A380, "Notification of Updated Mailing Address from Sheriff to Property Valuation Administrator", shall be used by the sheriff to provide an updated address to the property valuation administrator in accordance with KRS 134.119(8).

(140)[(438)] Revenue Form 62A384C, "Clay Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing clay property, reporting the owner's name and address, percent ownership, product tons, and royalty rate.

(141)[(439)] Revenue Form 62A384C(I) "Instructions to Complete Clay Property Tax Return~~for 2013 Tax Year~~", shall be used by owners and lessees of land containing mineable clay minerals to file Revenue Form 62A384C.

(142)[(440)] Revenue Form 62A384-G, "Natural Gas Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing developed natural gas properties, reporting the location of the property, total yearly gas production, number of producing wells, and the total dollar value of production.

(143)[(444)] Revenue Form 62A384-G/O(I) "Gas/Oil", shall be used as a letter informing owners of natural gas and oil property of the responsibility to file, the filing deadline, and where to locate the forms.

(144)[(442)] Revenue Form 62A384L, "Limestone and,~~]~~ Sand and Gravel Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing limestone, sand or gravel properties reporting mineral location, type of mining and production in the last three (3) years.

(145)[(443)] Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", shall be filed with the Department of Revenue by all persons, corporations, businesses and partnerships owning, leasing or having knowledge of developed oil properties to report developed oil property in Kentucky.

(146)[(444)] Revenue Form 62A385, "Sheriff's Official Receipt for Property Tax Bills", shall be used by sheriffs to acknowledge receipt of the county's property tax bills and to document the total tax amount to be collected for each taxing district.

(147)[(445)] Revenue Form 62A385-A, "Sheriff's Receipt For Unpaid and Partially Paid Tax Bills", shall be used by incoming sheriffs to give receipt to the outgoing sheriff for the unpaid and partially paid tax bills outstanding when he or she assumes office.

(148)[(446)] Revenue Form 62A393, "Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the annual property tax settlement with the sheriff.

(149)[(447)] Revenue Form 62A393-A, "Incoming Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the property tax settlement with the

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incoming sheriff.

(150)(148) Revenue Form 62A393-B, "Outgoing Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the property tax settlement with the outgoing sheriff.

(151)(149) Revenue Form 62A394, "Sheriff's Monthly Report of Property Tax Collections", shall be used by sheriffs to report to the Department of Revenue property tax collections for the month.

(152)(150) Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections", shall be submitted by the county clerk to the Department of Revenue and local taxing jurisdictions to report ad valorem property tax collections for the month.

(153)(151) Revenue Form 62A398, "Property Valuation Administrator's Bond", shall be completed by property valuation administrators evidencing surety with the Commonwealth and a local school board and affirming a commitment to fulfill the duties of the office.

(154)(152) Revenue Form 62A500(P), "2014[2013] Personal Property Tax Forms and Instructions", shall be the packet of files and instructions relating to Revenue Form 62A500 for use by owners or lessees of tangible personal property reporting taxpayer information, original cost of tangible property and reported value of tangible property with either the property valuation administrator of the county of taxable situs or with the Department of Revenue.

(155)(153) Revenue Form 62A500, "2014[2013] Tangible Personal Property Tax Return", shall be filed by owners or lessees of tangible personal property reporting taxpayer information, original cost of tangible property and reported value of tangible property with either the property valuation administrator of the county of taxable situs or with the Department of Revenue.

(156)(154) Revenue Form 62A500-A, "2014[2013] Tangible Personal Property Tax Return (Aircraft Assessments Only)", shall be filed by owners or lessees of aircraft not used for commercial purposes, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting the federal registration number, make and model, and taxpayer's value for each aircraft.

(157)(155) Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", shall be filed by persons in possession of consigned inventory, that has not been reported on Revenue Form 62A500, with either the property valuation administrator of the county of taxable situs or the Department of Revenue, reporting consignor information and consigned inventory information.

(158)(156) Revenue Form 62A500-L, "Lessee Tangible Personal Property Tax Return", shall be filed by lessees of tangible personal property who did not list the property on Revenue Form 62A500, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting lessor information and equipment information.

(159)(157) Revenue Form 62A500-M1, "Boat Dealer's Used Inventory Listing for Line 31 Tangible Personal Property Tax Return", shall be filed by boat dealers with the property valuation administrator of each county of taxable situs or with the Department of Revenue, containing a detailed listing of used boats held for sale by a licensed boat dealer.

(160)(158) Revenue Form 62A500-S1, "Automobile Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", shall be filed by automobile dealers, dealers with new boat and marine equipment held under a floor plan or dealers with new farm machinery held under a floor plan with the property valuation administrator of each county of taxable situs or with the Department of Revenue, containing a detailed listing of property reported on line 34 of the Tangible Personal Property Tax Return.

(161)(159) Revenue Form 62A500-W, "2014[2013] Tangible Personal Property Tax Return (Documented Watercraft)", shall be filed by owners or lessees of documented vessels not used for commercial purposes, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting the coast guard number, make and model and taxpayer's value for each watercraft.

(162)(160) Revenue Form 62A600, "Domestic Savings and

Loan Tax Return", shall be filed with the Department of Revenue by savings and loans operating solely in Kentucky, reporting the balances in their capital accounts.

(163)(161) Revenue Form 62A601, "Foreign Savings and Loan Tax Return", shall be filed with the Department of Revenue by foreign savings and loans authorized to do business in this state, reporting the balances in their capital accounts.

(164)(162) Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", shall be filed with the Department of Revenue, by taxpayers filing Revenue Form 62A600 or 62A601, reporting the market value of U. S. government securities.

(165)(163) Revenue Form 62A850, "Bank Deposits Tax Return", shall be filed with the Department of Revenue by financial institutions, reporting the amount of its deposits as of the preceding January 1.

(166)(164) Revenue Form 62A862, "Certification of Tax Rate for Bank Deposits Franchise Tax", shall be filed by the local taxing district with the Department of Revenue to notify the Department of Revenue of the rate set on bank deposits.

(167)(165) Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", shall be filed with the Department of Revenue, by financial institutions, reporting all deposits located within the state as of the preceding June 30, along with a copy of the most recent summary of deposits filed with the Federal Deposit Insurance Corporation.

(168)(166) Revenue Form 62A863-A, "Schedule A, Summary of Net Deposits", shall be filed with the Department of Revenue, by financial institutions filing Revenue Form 62A863, to summarize deposits.

(169)(167) Revenue Form 62A880, "Personal Property Assessment", shall be sent by the Department of Revenue to the owner of omitted personal property notifying him or her of the value assessed by the department as well as all applicable penalties and interest.

(170)(168) Revenue Form 62B003, "Unmined Coal Notice of Tax Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in unmined coal property.

(171)(169) Revenue Form 62B011, "Limestone, Sand, or Gravel Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in limestone, sand or gravel property.

(172)(170) Revenue Form 62B012, "Oil Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in oil property.

(173)(171) Revenue Form 62B013, "Clay Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in clay property.

(174)(172) Revenue Form 62B015, "Gas Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in gas property.

(175)(173) Revenue Form 62F003, "Appeals Process for Real Property Assessments", shall be an informational brochure on the procedure to follow to appeal an assessment on real property.

(176)(174) Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", shall be used by the PVA to establish fees to be charged for the cost of reproduction, creation, or other acquisition of records.

(177)(175) Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", shall be filed with the county clerk by any taxpayer who wishes to appeal his or her assessment on real property.

(178)(176) Revenue Form 62F200, "Important Reminder" shall be a postcard mailed to previous filers of the Unmined Coal Property Tax Information Return as a reminder of the responsibility to file, the filing deadline, and where to locate the forms.

(179)(177) Revenue Form 62F384-G, "Important Reminder" shall be a postcard mailed to previous filers of the Natural Gas Property Tax Return as a reminder of the responsibility to file, the filing deadline, and where to locate the forms.

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~~(180)~~~~(178)~~ Revenue Form 62F500, "Important Reminder" shall be a postcard mailed to previous filers of the Tangible Personal Property Tax Return as a reminder of the responsibility to file, the filing deadline and where to locate the forms.

~~(181)~~~~(179)~~ Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", shall inform taxpayers, subject to intangible property tax on the value of their capital stock, of those institutions which issue obligations that are exempt from state ad valorem taxation.

Section 2. Severance Taxes - Required Forms. (1) Revenue Form 10A100, "Kentucky Tax Registration Application", shall be filed by taxpayers with a coal severance and processing tax account listing taxpayer information including mine name and mining permit number.

(2) Revenue Form 10A104, "Update Or Cancellation Of Kentucky Tax Account(s)", shall be used by taxpayers with a coal severance and processing tax account to update business information or to cancel the account.

(3) Revenue Form 55A004, "Coal Severance Tax Seller/Purchaser Certificate", shall be filed by the taxpayer to verify purchase coal deductions.

(4) Revenue Form 55A100, "Coal Severance Tax Return", shall be filed monthly by the taxpayer to report production and tax due.

(5) Revenue Form 55A100, "Part IV - Schedule of Purchased Coal", shall be used by the taxpayer to report coal purchased for processing and resale. "Part V - Schedule for Thin Seam Coal Tax Credit", shall be used by the taxpayer to apply for tax credit for underground mining of thin coal seams.

(6) Revenue Form 55A101, "Coal Severance Tax Return Instructions", shall be included with the coal tax return mailed to the taxpayer to assist in the completion of his or her return.

(7) Revenue Form 55A131, "Credit Memorandum", shall be used by the department to issue a credit to the taxpayer for an overpayment rather than a refund.

(8) Revenue Form 55A209, "Severance Tax Refund Application", shall be used by the taxpayer for the purpose of requesting a refund of tax overpaid.

(9) Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", shall be used by persons dealing in minerals, natural gas or natural gas liquids who wish to register with the Department of Revenue to acquire an account number.

(10) Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", shall be used by registered natural gas and natural gas liquids taxpayers monthly to report production and tax due.

(11) Revenue Form 56A101, "Minerals Tax Return", shall be used by registered mineral taxpayers monthly to report production and tax due.

(12) Revenue Form 56A106, "Minerals Tax Certificate of Exemption", shall be used by mineral taxpayers to claim exemptions from minerals tax for minerals purchased for the maintenance of a privately maintained but publicly dedicated road.

(13) Revenue Form 56A107, "Schedule A, Allocation of Gross Value of Minerals Severed in Kentucky and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", shall be used by mineral taxpayers to compute gross value of minerals to be allocated and to show the allocation by county of the gross value of minerals severed in Kentucky and also shall be used by a taxpayer for showing minerals that are purchased from others for processing by the taxpayer.

(14) Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", shall be used by natural gas taxpayers to show details of all natural gas extracted in Kentucky and sold to nonconsumers and also shall be used by natural gas taxpayers to allocate the natural gas to the county or counties where the natural gas or natural gas liquids were located prior to extraction.

(15) Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer From Kentucky Producers", shall be used by natural gas taxpayers who are first purchasers of natural gas to show gross value by county or counties from which the natural gas was extracted.

(16) Revenue Form 56A110, "Minerals Tax Return Attachment, Schedule C, Computation of Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", shall be used by mineral taxpayers that sever clay to compute tax due.

(17) Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", shall be used by registered crude petroleum transporter's for reporting gross value and tax due.

(18) Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", shall be used by mineral taxpayers for the purpose of determining the eligibility for the minerals tax credit.

(19) Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", shall be used by crude petroleum transporters who wish to acquire an account number with the Kentucky Department of Revenue.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Property tax - referenced material:

1. Revenue Form 61A200(P), "Property Tax Forms and Instructions for Public Service Companies 2014~~2013~~", October 2013~~2012~~;

2. Revenue Form 61A200, "Public Service Company Property Tax Return for Year Ending December 31, 2013~~2012~~", October 2013~~2012~~;

3. Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", October 2013~~2012~~;

4. Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", October 2013~~2012~~;

5. Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", October 2013~~2012~~;

6. Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", October 2013~~2012~~;

7. Revenue Form 61A200(E), "Filing Extension Application", October 2013~~2012~~;

8. Revenue Form 61A200(G), "Report of Capital Stocks", October 2013~~2012~~;

9. Revenue Form 61A200(H), "Report of Funded Debt", October 2013~~2012~~;

10. Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", October 2013~~2012~~;

11. Revenue Form 61A200(J), "Property Summary by Taxing Jurisdiction, Operating and Nonoperating Property", October~~August~~ 2013~~2012~~;

12. Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", October 2013~~2012~~;

13. Revenue Form 61A200(K2), "Nonoperating/Nonutility Property Listing by Taxing Jurisdiction", October 2013~~2012~~;

14. Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for All Interstate Companies", October 2013~~2012~~;

15. Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", October 2013~~2012~~;

16. Revenue Form 61A200(N1), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", October 2013~~2012~~;

17. Revenue Form 61A200(N2), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", October 2013~~2012~~;

18. Revenue Form 61A200(N3), "Summary Report of System and Kentucky Operating Lease Payments", October 2013~~2012~~;

19. Revenue Form 61A200(O), "Railroad Private Car Mileage Report", October 2013~~2012~~;

20. Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", October 2013~~2012~~;

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21. Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", October 2013[2042];

22. Revenue Form 61A200(U), "Industrial Revenue Bond Property", October 2013[2042];

23. Revenue Form 61A202, "2014[2043] Public Service Company Property Tax Return for Railroad Car Line", October 2013[2042];

24. Revenue Form 61A206(P), "Public Service Company Property Tax Forms and Instructions for Commercial Air Passenger and Air Freight Carriers 2014[2043]", October 2013[2042];

25. Revenue Form 61A206, "Public Service Company Property Tax Return For Commercial Air Passenger and Air Freight Carriers", October 2013[2042];

26. Revenue Form 61A206(A), "Filing Extension Application for Public Service Company Property Tax Return", October 2013[2042];

27. Revenue Form 61A206(B), "Report of Kentucky Registered and Licensed Motor Vehicles", October 2013[2042];

28. Revenue Form 61A206(C), "Report of Financial Operations for Commercial Air Passenger and Air Freight Carriers", October 2013[2042];

29. Revenue Form 61A206(D-1), "Report of System Aircraft Fleet", October 2013[2042];

30. Revenue Form 61A206(D-2), "Report of System Aircraft Fleet", October 2013[2042];

31. Revenue Form 61A206(D-3), "Report of System Aircraft Fleet", October 2013[2042];

32. Revenue Form 61A206(E), "Report of Kentucky Flight Statistics By Airport", October 2013[2042];

33. Revenue Form 61A206(F), "Report of System and Kentucky Allocation Factors", October 2013[2042];

34. Revenue Form 61A206(G), "Report of Funded Debt", October 2013[2042];

35. Revenue Form 61A206(H), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", October 2013[2042];

36. Revenue Form 61A206(I), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", October 2013[2042];

37. Revenue Form 61A206(J), "Summary Report of System and Kentucky Operating Lease Payments", October 2013[2042];

38. Revenue Form 61A206(K), "Report of Owned Real Property Located in Kentucky By Taxing District", October 2013[2042];

39. Revenue Form 61A206(L), "Report of Owned Personal Property Located In Kentucky By Taxing District", October 2013[2042];

40. Revenue Form 61A206(M), "Summary Report of Total System and Kentucky Operations", October 2013[2042];

41. Revenue Form 61A206(N), "Industrial Revenue Bond Property", October 2013[2042];

42. Revenue Form 61A206(O), "Public Service Company Sales", October 2013[2042];

43. Revenue Form 61A207(P), "Commercial Watercraft Personal Property Tax Return 2014[2043]", October 2013[2042];

44. Revenue Form 61A207, "2014[2043] Commercial Watercraft Personal Property Tax Return", October 2013[2042];

45. Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession", October 2013[2042];

46. Revenue Form 61A207(B), "Report of Owned Vessels - in Possession of Others", October 2013[2042];

47. Revenue Form 61A207(C), "Report of Nonowned Vessels in Your Possession", October 2013[2042];

48. Revenue Form 61A207(D), "Commercial Watercraft Valuation Worksheet", October 2013[2042];

49. Revenue Form 61A207(E), "Report of Kentucky Route Miles", October 2013[2042];

50. Revenue Form 61A207(F), "Report of System Route Miles", October 2013[2042];

51. Revenue Form 61A209, "Public Service Company Sales", October 2013[2042];

52. Revenue Form 61A211, "Public Service Company

Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", October 2013[2042];

53. Revenue Form 61A211(I), "Instructions Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", October 2013[2042];

54. Revenue Form 61A211(IP), "Instructions For Editing the Public Service Company Motor Vehicle Printout", March 2013;

55. Revenue Form 61A230, "Notice of Assessment", February 2010;

56.[55-] Revenue Form 61A240, "Notice of Assessment", July 2011;

57.[56-] Revenue Form 61A250, "Notice of Assessment", August 2008;

58.[57-] Revenue Form 61A255, "Public Service Company Property Tax Statement", January 2012;

59.[58-] Revenue Form 61A255(I), "Instructions for 61A255, Public Service Company Property Tax Statement", July 2008;

60.[59-] Revenue Form 61A500(P), "2014[2043] Personal Property Tax Forms and Instructions for Communications Service Providers and Multichannel Video Programming Service Providers", October 2013[2042];

61.[60-] Revenue Form 61A500, "2014[2043] Tangible Personal Property Tax Return for Communications Service Providers and Multichannel Video Programming Service Providers", October 2013[2042];

62.[64-] Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", October 2013[2042];

63.[62-] Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", October 2013[2042];

64.[63-] Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", October 2013[2042];

65.[64-] Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District", October 2013[2042];

66.[65-] Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", October 2013[2042];

67.[66-] Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", October 2013[2042];

68.[67-] Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage Cost Schedule", October 2013[2042];

69.[68-] Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", October 2013[2042];

70.[69-] Revenue Form 61A508-S4, "Schedule 4", October 2013[2042];

71.[70-] Revenue Form 61A508-S5, "Schedule 5", October 2013[2042];

72. Revenue Form 61A508-S6, "Schedule 6 Industrial Revenue Bond Property", October 2013;

73.[74-] Revenue Form 61A509, "Distilled Spirits or Telecoms Property Tax Statement", January 2012;

74.[72-] Revenue Form 61F007, "Notification Protesting Your Commercial Watercraft Assessment", July 2011;

75.[73-] Revenue Form 61F008, "Notification Protesting Your Assessment", July 2011;

76.[74-] Revenue Form 61F009, "Notification Protesting Your Assessment", July 2011;

77.[75-] Revenue Form 61F010, "Property Value Assessments for Public Service and Centrally Assessed Companies - Assessment of Distilled Spirits in Bonded Warehouses", March 2010;

78.[76-] Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice", 2006;

79.[77-] Revenue Form 62A007S, "Motor Vehicle/Boat Property Tax Notice - Second Notice", 2006;

80.[78-] Revenue Form 62A008, "Motor Vehicle Tax Notice", 2006;

81.[79-] Revenue Form 62A009, "Map Sales Invoice", July, 2006;

82.[80-] Revenue Form 62A010, "Notice for Boat Transfer", 2009;

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83.~~[84.]~~ Revenue Form 62A013, "Application for Assessment Moratorium Certificate", December 2009;
84.~~[82.]~~ Revenue Form 62A015, "2014~~[2013]~~ Motor Vehicle and Watercraft Property Tax Rate Certification", 2013~~[2012]~~;
85.~~[83.]~~ Revenue Form 62A016, "Quietus", 2012;
86.~~[84.]~~ Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills", 2009;
87.~~[85.]~~ Revenue Form 62A020, "Intercounty Property Tax Collections", 2009;
88.~~[86.]~~ Revenue Form 62A023, "Application for Exemption from Property Taxation", July 2013~~[December 2014]~~;
89.~~[87.]~~ Revenue Form 62A030, "Request for Reproduction of PVA Public Records and Contract for Commercial Users", February 2008;
90.~~[88.]~~ Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat/Trailer Property Tax", February 2009;
91.~~[89.]~~ Revenue Form 62A200(P), "2014~~[2013]~~ Unmined Coal Property Tax Information Return", December 2013~~[2012]~~;
92.~~[90.]~~ Revenue Form 62A200, "2014~~[2013]~~ Unmined Coal Property Tax Information Return", December 2013~~[2012]~~;
93.~~[91.]~~ Revenue Form 62A200, "Schedule A Fee Property Ownership", December 2013~~[2012]~~;
94.~~[92.]~~ Revenue Form 62A200, "Schedule B Leased Property", December 2013~~[2012]~~;
95.~~[93.]~~ Revenue Form 62A200, "Schedule C Property or Stock Transfers", December 2013~~[2012]~~;
96.~~[94.]~~ Revenue Form 62A200, "Schedule D Lease Terminations, Transfers or Assignments", December 2013~~[2012]~~;
97.~~[95.]~~ Revenue Form 62A200, "Schedule E Farm Exception to Unmined Minerals Tax", December 2013~~[2012]~~;
98.~~[96.]~~ Revenue Form 62A200, "Schedule F Geological Information by County", December 2013~~[2012]~~;
99.~~[97.]~~ Revenue Form 62A301-S, "Omitted Real Estate Property Tax Bill", January 2013;
100.~~[98.]~~ Revenue Form 62A302, "Request for Information for Local Board of Tax Appeals", September 2005;
101.~~[99.]~~ Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", December 2008;
102.~~[100.]~~ Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes (Since Recapitulation)", December 2008;
103.~~[101.]~~ Revenue Form 62A307, "Property Owner Conference Record", September 2005;
104.~~[102.]~~ Revenue Form 62A323, "Record of Additions and Deletions", December 2008;
105.~~[103.]~~ Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", August 2010;
106.~~[104.]~~ Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", December 2011;
107.~~[105.]~~ Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", April 2005;
108.~~[106.]~~ Revenue Form 62A353, "Notice of Listing of Omitted Real Property", September 2005;
109.~~[107.]~~ Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", August 2006;
110.~~[108.]~~ Revenue Form 62A358, "Receipt for Transferring Delinquent Property Tax Bills From the Sheriff to the County Clerk", December 2009;
111.~~[109.]~~ Revenue Form 62A358-S, "Supplemental Receipt to Document Timely Postmarked Payments Received After the Delinquent Tax Bill Transfer Date", March 2010;
112.~~[110.]~~ Revenue Form 62A359, "Sheriff's Report of Real Property Tax Bills Transferred to the County Clerk," December 2009;
113.~~[111.]~~ Revenue Form 62A360, "Order Correcting Erroneous Assessment", 2011;
114.~~[112.]~~ Revenue Form 62A362, "Sheriff's Report of Delinquent Personal Property Tax Bills Transferred to the County Clerk", December 2012;
115.~~[113.]~~ Revenue Form 62A363, "County Clerk's Claim for

Preparing Tax Bills", December 2007;
116.~~[114.]~~ Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", December 2007;
117.~~[115.]~~ Revenue Form 62A364, "County Clerk's Monthly Report of Omitted Assessments", February 2006;
118.~~[116.]~~ Revenue Form 62A365, "Nonresidency Affidavit", January 2012;
119.~~[117.]~~ Revenue Form 62A366, "Order Correcting Erroneous Assessment", December 2013~~[2012]~~;
120.~~[118.]~~ Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", December 2013~~[2012]~~;
121.~~[119.]~~ Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", December 2013~~[2012]~~;
122.~~[120.]~~ Revenue Form 62A367, "Authorization for Preparing Additional/Supplemental Property Tax Bills", December 2008;
123.~~[121.]~~ Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", November 2011;
124.~~[122.]~~ Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;
125.~~[123.]~~ Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;
126.~~[124.]~~ Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;
127.~~[125.]~~ Revenue Form 62A369-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;
128.~~[126.]~~ Revenue Form 62A370, "Kentucky Department of Revenue Certificate of Registration", November 2009;
129.~~[127.]~~ Revenue Form 62A370A, "Kentucky Department of Revenue Application for Certificate of Registration to Purchase Certificates of Delinquency", October 2011;
130.~~[128.]~~ Revenue Form 62A371, "Attestation Form For Use When Taxpayer Cannot Make Contact With A Third Party Purchaser", January 2013;
131.~~[129.]~~ Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", February 2006;
132.~~[130.]~~ Revenue Form 62A372-A, "Certification", February 2006;
133.~~[131.]~~ Revenue Form 62A373, "Certificate of Transfer for Property Tax Payment", January 2010;
134.~~[132.]~~ Revenue Form 62A374, "County Clerk Certificate of Delinquency Sale Registration", November 2010;
135.~~[133.]~~ Revenue Form 62A375, "Release of Certificate of Delinquency Assigned to a Third Party", February 2011;
136.~~[134.]~~ Revenue Form 62A377, "In House Release Of Third Party Purchaser Lien When Lien Is Paid To Clerk", January 2013;
137.~~[135.]~~ Revenue Form 62A378, "Report of Mobile Homes and Recreational Vehicles Not Registered in this State", August 2013~~[2010]~~;
138.~~[136.]~~ Revenue Form 62A379, "Listing of Omitted Real Property", December 2013~~[November 2012]~~;
139.~~[137.]~~ Revenue Form 62A380, "Notification of Updated Mailing Address from Sheriff to Property Valuation Administrator", September 2010;
140.~~[138.]~~ Revenue Form 62A384C, "Clay Property Tax Return", January 2013;
141.~~[139.]~~ Revenue Form 62A384C(I), "Instructions to Complete Clay Property Tax Return~~[for 2013 Tax Year]~~", January 2014~~[2013]~~;
142.~~[140.]~~ Revenue Form 62A384-G, "Natural Gas Property Tax Return", January 2013;
143.~~[141.]~~ Revenue Form 62A384-G/O(I), "Gas/Oil", January 2014~~[2013]~~;
144.~~[142.]~~ Revenue Form 62A384L, "Limestone and, Sand and Gravel Property Tax Return", January 2014~~[2013]~~;
145.~~[143.]~~ Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", January 2013;
146.~~[144.]~~ Revenue Form 62A385, "Sheriff's Official Receipt for Property Tax Bills", February 2006;
147.~~[145.]~~ Revenue Form 62A385-A, "Sheriff's Receipt for Unpaid and Partially Paid Tax Bills", February 2006;
148.~~[146.]~~ Revenue Form 62A393, "Sheriff's Property Tax Account Statement", February 2006;

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~~149.~~[447.] Revenue Form 62A393-A, "Incoming Sheriff's Property Tax Account Statement", February 2006;
~~150.~~[448.] Revenue Form 62A393-B, "Outgoing Sheriff's Property Tax Account Statement", February 2006;
~~151.~~[449.] Revenue Form 62A394, "Sheriff's Monthly Report of Property Tax Collections", January 2010;
~~152.~~[450.] Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections", August 2011;
~~153.~~[454.] Revenue Form 62A398, "Property Valuation Administrator's Bond", September 2010;
~~154.~~[452.] Revenue Form 62A500(P), "~~2014~~[2013] Personal Property Tax Forms and Instructions", November ~~2013~~[2012];
~~155.~~[453.] Revenue Form 62A500, "~~2014~~[2013] Tangible Personal Property Tax Return", November ~~2013~~[2012];
~~156.~~[454.] Revenue Form 62A500-A, "~~2014~~[2013] Tangible Personal Property Tax Return (Aircraft Assessments Only)", November ~~2013~~[2012];
~~157.~~[455.] Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", November ~~2013~~[2012];
~~158.~~[456.] Revenue Form 62A500-L, "Lessee Tangible Personal Property Tax Return", November ~~2013~~[2012];
~~159.~~[457.] Revenue Form 62A500-M1, "Boat Dealer's Used Inventory Listing for Line 31 Tangible Personal Property Tax Return", November ~~2013~~[2012];
~~160.~~[458.] Revenue Form 62A500-S1, "Automobile Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", November ~~2013~~[2012];
~~161.~~[459.] Revenue Form 62A500-W, "~~2014~~[2013] Tangible Personal Property Tax Return (Documented Watercraft)", November ~~2013~~[2012];
~~162.~~[460.] Revenue Form 62A600, "Domestic Savings and Loan Tax Return", August ~~2013~~[2014];
~~163.~~[464.] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", August ~~2013~~[2014];
~~164.~~[462.] Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", August ~~2013~~[2014];
~~165.~~[463.] Revenue Form 62A850, "Bank Deposits Tax Return", August ~~2013~~[2014];
~~166.~~[464.] Revenue Form 62A862, "Certification of Tax Rate for Bank Deposits Franchise Tax", August 2011;
~~167.~~[465.] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", August ~~2013~~[2014];
~~168.~~[466.] Revenue Form 62A863-A, "Schedule A, Summary of Net Deposits", August ~~2013~~[2014];
~~169.~~[467.] Revenue Form 62A880, "Personal Property Assessment", October 2004;
~~170.~~[468.] Revenue Form 62B003, "Unmined Coal Notice of Tax Assessment", November 2008;
~~171.~~[469.] Revenue Form 62B011, "Limestone, Sand, or Gravel Assessment Notice", July 2006;
~~172.~~[470.] Revenue Form 62B012, "Oil Assessment Notice", July 2006;
~~173.~~[474.] Revenue Form 62B013, "Clay Assessment Notice", July 2006;
~~174.~~[472.] Revenue Form 62B015, "Gas Assessment Notice", July 2006;
~~175.~~[473.] Revenue Form 62F003, "Appeals Process for Real Property Assessments", May 2009;
~~176.~~[474.] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", August 2012;
~~177.~~[475.] Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", January 2010;
~~178.~~[476.] Revenue Form 62F200, "Important Reminder", January ~~2014~~[2013];
~~179.~~[477.] Revenue Form 62F384-G, "Important Reminder", January ~~2014~~[2013];
~~180.~~[478.] Revenue Form 62F500, "Important Reminder", December ~~2013~~[2012]; and
~~181.~~[479.] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", August 2011; and
(b) Severance taxes - referenced material:

1. Revenue Form 10A100, "Kentucky Tax Registration Application", ~~July 2013~~[August 2012];
2. Revenue Form 10A104, "Update or Cancellation of Kentucky Account(s)", June 2011;
3. Revenue Form 55A004, "Coal Severance Tax Seller/Purchaser Certificate", October 2010;
4. Revenue Form 55A100, "Coal Severance Tax Return", October 2010;
5. Revenue Form 55A100, "Part IV - Schedule of Purchased Coal" and "Part V - Schedule for Thin Seam Coal Tax Credit", October 2010;
6. Revenue Form 55A101, "Coal Severance Tax Return Instructions", October 2010;
7. Revenue Form 55A131, "Credit Memorandum", December 2006;
8. Revenue Form 55A209, "Severance Tax Refund Application", August 2009;
9. Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", October 1984;
10. Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", July 2004;
11. Revenue Form 56A101, "Minerals Tax Return", July 2004;
12. Revenue Form 56A106, "Minerals Tax Certificate of Exemption", December 2006;
13. Revenue Form 56A107, "Schedule A, Allocation of Gross Value of Minerals Severed in Kentucky and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", January 2005;
14. Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", March 2005;
15. Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer from Kentucky Producers", January 2005;
16. Revenue Form 56A110, "Minerals Tax Return Attachment, Schedule C, Computation of Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", March 2005;
17. Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", July 2004;
18. Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", November 1997; and
19. Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", December 2006.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40620, Monday through Friday, 8 a.m. to 5 p.m.

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: December 23, 2013

FILED WITH LRC: December 27, 2013 at 4 p.m.

CONTACT PERSON: Lisa Swiger, Staff Assistant, Office of General Counsel, Finance and Administration Cabinet, 501 High Street, Frankfort, Kentucky 40601, phone (502) 564-9526, fax (502) 564-2541.

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
Office of Income Taxation
(As Amended at ARRS, March 10, 2014)

103 KAR 3:040. Income Tax Forms Manual.

RELATES TO: KRS 131.041, 131.051, 131.061, ~~[131.071]~~, 131.081, 131.110, 131.130, 131.155, 131.170, 131.180, 131.190, 131.250, 131.340, 131.500, 131.510(1), (2)(a), 131.540, 141.010, 141.0101, 141.011, 141.016, 141.020, 141.0202, 141.030, 141.040, 141.0401, 141.0405, 141.041, 141.042, 141.044, 141.062, 141.065, 141.066, 141.067, 141.068, 141.069, 141.070, 141.071, 141.120, 141.121, 141.160, 141.170, 141.180, 141.200, 141.205, 141.206, 141.207, 141.208, 141.300, 141.310, 141.325, 141.330, 141.335, 141.347, 141.370, 141.381, 141.382, 141.383,

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141.384, 141.385, 141.386, 141.390, 141.392, 141.395, 141.400, 141.401, 141.402, 141.403, 141.405, 141.407, 141.412, 141.415, 141.418, 141.420, 141.421, 141.423, 141.424, 141.4242, 141.4244, 141.428, 141.430, 141.434, 141.436, 141.437, 141.438, 141.985, 141.990, ~~[151B-127,]~~ 154.12-2086, 154.20-050, 154.22-060, 154.23-035, 154.24-110, 154.25-030, 154.26-090, 154.28-090, 154.32-010, 154.34-080, ~~[154.45-090,]~~ 154.48-025, 155.170, 164.0062

STATUTORY AUTHORITY: KRS 131.130(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required Revenue forms used in the administration of income taxes by the Department of Revenue.

Section 1. Corporation Income Taxes. (1) Revenue Form 41A720, "Form 720, 2013[2012] Kentucky Corporation Income Tax and LLET Return", shall be used by a C corporation to determine its corporation income tax due in accordance with KRS 141.040 and its limited liability entity tax due in accordance with KRS 141.0401 for tax years beginning in 2013[2012].

(2) Revenue Form 41A720A, "Schedule A, Apportionment and Allocation (For corporations and pass-through entities taxable both within and without Kentucky)", shall be used by a corporation or a pass-through entity taxable both within and without Kentucky to apportion and allocate its net income to Kentucky in accordance with KRS 141.120 or 141.206.

(3) Revenue Form 41A720A-C, "Schedule A-C, Apportionment and Allocation - Continuation Sheet (For corporations and pass-through entities taxable both within and without Kentucky)", shall be used by a corporation or a pass-through entity taxable both within and without Kentucky that is also a partner or member of a pass-through entity to determine the sales, property and payroll amounts to be entered on Revenue Form 41A720A.

(4) Revenue Form 41A720A-N, "Schedule A-N, Apportionment Factor Schedule (For a Nexus Consolidated Tax Return)", shall be used by a corporation filing a mandatory nexus consolidated return to show the Kentucky and total sales, property, and payroll of the corporation and each subsidiary included in the apportionment factor.

(5) Revenue Form 41A720BIO, "Schedule BIO, Application and Credit Certificate of Income Tax/LLET Credit Biodiesel", shall be used by a taxpayer who is a biodiesel producer, biodiesel blender, or renewable diesel producer to report the biodiesel gallons produced or used by the blender and request approval from the Kentucky Department of Revenue of the tax credit amount allowed by KRS 141.423.

(6) Revenue Form 41A720CC, "Schedule CC, Coal Conversion Tax Credit", shall be used by a corporation to compute the tax credit allowed by KRS 141.041 for coal used or substituted for other fuels in an eligible heating facility as described by KRS 141.041(1).

(7) Revenue Form 41A720-CCI, "Schedule CCI, Application and Credit Certificate of Clean Coal Incentive Tax Credit", shall be used by a taxpayer to request approval from the Department of Revenue of the tax credit amount allowed by KRS 141.428 for the purchase of Kentucky coal used by the taxpayer to generate electricity.

(8) Revenue Form 41A720CELL, "Schedule CELL, Application and Credit Certificate of Income Tax/LLET Credit Cellulosic Ethanol", shall be used by a taxpayer who is a producer of cellulosic ethanol to report the number of cellulosic ethanol gallons and request approval from the Department of Revenue of the tax credit amount allowed by KRS 141.4244.

(9) Revenue Form 41A720-CI, "Schedule CI, Application for Coal Incentive Tax Credit", shall be used by a taxpayer to request approval for the amount of tax credit allowed by KRS 141.0405 for the purchase of Kentucky coal used by the taxpayer to generate electricity.

(10) Revenue Form 41A720COGS, "Schedule COGS, Limited Liability Entity Tax Cost of Goods Sold", shall be used by a

taxpayer to compute its Kentucky cost of goods sold and its total costs of goods sold from all sources for purposes of computing its limited liability entity tax based on gross profits.

(11) Revenue Form 41A720CR, "Schedule CR, Pro Forma Federal Consolidated Return Schedule", shall be used by a C corporation filing a consolidated return to show its federal pro forma consolidated return.

(12)~~[(14)]~~ Revenue Form 41A720CR-C, "Schedule CR-C, Pro Forma Federal Consolidated Return Schedule Continuation Sheet", shall be used by a C corporation filing a consolidated return as a continuation of Revenue Form 41A720CR.

(13)~~[(12)]~~ Revenue Form 41A720ES, "Form 720-ES Kentucky, 2014[2013] Corporation Income/Limited Liability Entity Tax Estimated Tax Voucher", shall be used by a corporation or a limited liability pass-through entity to submit payments of estimated corporation income or limited liability entity tax as required by KRS 141.044.

(14)~~[(13)]~~ Revenue Form 41A720ETH, "Schedule ETH, Application and Credit Certificate of Income Tax/LLET Credit Ethanol", shall be used by a taxpayer who is a producer of ethanol to report ethanol gallons produced and request approval from the Kentucky Department of Revenue of the tax credit amount allowed by KRS 141.4242.~~[(14) Revenue Form 41A720EZC, "Schedule EZC, Enterprise Zone Tax Credit", shall be used by a qualified taxpayer to determine the tax credit allowed by KRS 154.45-090.]~~

(15) Revenue Form 41A720FD, "Schedule FD, Food Donation Tax Credit", shall be used by a taxpayer who provides edible agricultural products to a nonprofit food program operating in Kentucky to determine the credit allowed by KRS 141.392.

(16) Revenue Form 41A720HH, "Schedule HH, Kentucky Housing for Homeless Families Deduction", shall be used by an individual, corporation, fiduciary, or pass-through entity to determine the deduction allowed by KRS 141.0202.

(17)~~[(16)]~~ Revenue Form 41A720(I), "Instructions, 2013[2012] Kentucky Corporation Income Tax and LLET Return", shall be used by a corporation to file its 2013[2012] Kentucky Corporation Income Tax and LLET Return and related schedules.

(18)~~[(17)]~~ Revenue Form 41A720KCR, "Schedule KCR, Kentucky Consolidated Return Schedule", shall be used by a C corporation filing a nexus consolidated return showing the income or loss of each entity included in the nexus consolidated tax return.

(19)~~[(18)]~~ Revenue Form 41A720KCR-C, "Schedule KCR-C, Kentucky Consolidated Return Schedule - Continuation Sheet", shall be used by a C corporation filing a nexus consolidated return as a continuation of Revenue Form 41A720KCR.

(20)~~[(19)]~~ Revenue Form 41A720KESA, "Schedule KESA, Tax Credit Computation Schedule (For a KESA Project of a Corporation)", shall be used by a corporation which has entered into an agreement for a Kentucky Environmental Stewardship Act (KESA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.430.

(21)~~[(20)]~~ Revenue Form 41A720KESA-SP, "Schedule KESA-SP, Tax Credit Computation Schedule (For a KESA Project of a Pass-Through Entity)", shall be used by a pass-through entity which has entered into an agreement for a Kentucky Environmental Stewardship Act (KESA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.430.

(22)~~[(21)]~~ Revenue Form 41A720KESA-T, "Schedule KESA-T, Tracking Schedule for a KESA Project", shall be used by a company which has entered into an agreement for a Kentucky Environmental Stewardship Act (KESA) project to maintain a record of the approved costs and tax credits for the duration of the agreement.

(23)~~[(22)]~~ Revenue Form 41A720LLET, "Schedule LLET, Limited Liability Entity Tax", shall be used by a corporation or a limited liability pass-through entity to determine the limited liability entity tax in accordance with KRS 141.0401.

(24)~~[(23)]~~ Revenue Form 41A720LLET-C, "Schedule LLET-C, Limited Liability Entity Tax - Continuation Sheet", shall be used by a corporation or a limited liability pass-through entity that is a partner in a general partnership organized or formed as a general

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partnership after January 1, 2006, or a partner or member in a limited liability pass-through entity to determine its Kentucky gross receipts and Kentucky gross profits and its total gross receipts and total gross profits from all sources to be entered on Revenue Form 41A720LLET.

~~(25)~~~~(24)~~ Revenue Form 41A720LLET(K), "Schedule LLET(K), Limited Liability Entity Tax (For a Limited Liability Pass-through Entity with Economic Development Project(s))", shall be used by limited liability pass-through entities with economic development projects to determine the limited liability entity tax in accordance with KRS 141.0401.

~~(26)~~~~(25)~~ Revenue Form 41A720LLET(K)-C, "Schedule LLET(K)-C, Limited Liability Entity Tax - Continuation Sheet (For a Limited Liability Pass-through Entity with Economic Development Project(s)/Projects)", shall be used by a limited liability pass-through entity with an economic development project that is a partner or member of a limited liability pass-through entity or a general partnership organized or formed as a general partnership after January 1, 2006, to determine its Kentucky gross receipts and Kentucky gross profits and its total gross receipts and total gross profits from all sources to be entered on Revenue Form 41A720LLET(K).

~~(27)~~~~(26)~~ Revenue Form 41A720NOL, "Schedule NOL, Net Operating Loss Schedule", shall be used by a C corporation with a current year net operating loss or net operating loss carry-forward.

~~(28)~~~~(27)~~ Revenue Form 41A720NOL-CF, "Schedule NOL-CF, Kentucky NOL Carry forward Schedule", shall be used by a corporation filing a nexus consolidated income tax return as provided by KRS 141.200, in addition to Revenue Form 41A720NOL, to show the Kentucky net operating loss (KNOL) carry forward balance for each new member of the affiliated group.

~~(29)~~~~(28)~~ Revenue Form 41A720-O, "Schedule O-720, Other Additions and Subtractions To/From Federal Taxable Income", shall be used by a corporation filing Kentucky Form 720 to show other additions to and subtractions from federal taxable income on Revenue Form 41A720, Part III, Lines 9 and 16, respectively.

~~(30)~~~~(29)~~ Revenue Form 41A720QR, "Schedule QR, Qualified Research Facility Tax Credit", shall be used by a corporation, individual, or pass-through entity to determine the credit against the income tax liability or LLET liability allowed by KRS 141.395.

~~(31)~~~~(30)~~ Revenue Form 41A720RC, "Schedule RC, Application for Income Tax/LLET Credit for Recycling and/or Composting Equipment or Major Recycling Project", shall be used by a taxpayer to request approval for the amount of credit allowed by KRS 141.390 for the purchase and installation of recycling or composting equipment or a major recycling project. This form shall also be used by an individual, corporation, fiduciary, or pass-through entity to substantiate and keep a record of the amount of approved credit claimed on their tax return.

~~(32)~~~~(31)~~ Revenue Form 41A720RC-C, "Schedule RC-C, Schedule RC - Part I Continuation", shall be used by an individual, corporation, fiduciary, or pass-through entity, in addition to Revenue Form 41A720RC, to list additional equipment for which approval of the credit allowed by KRS 141.390 is being requested.

~~(33)~~~~(32)~~ Revenue Form 41A720RC(I), "Instructions for Schedule RC", shall be used by taxpayers filing Revenue Form 41A720RC and Revenue Form 41A720RC-C requesting approval of a tax credit for recycling equipment, composting equipment, or a major recycling project.

~~(34)~~~~(33)~~ Revenue Form 41A720RC-R, "Schedule RC-R, Recycling or Composting Equipment Tax Credit Recapture", shall be used by a taxpayer disposing of recycling or composting equipment before the end of the recapture period to compute the tax credit recaptured to be reported on the applicable tax return.

~~(35)~~~~(34)~~ Revenue Form 41A720RPC, "Schedule RPC, Related Party Costs Disclosure Statement," shall be used by an entity to report related party expenses and the exceptions to the required disallowance of related party expenses as provided by KRS 141.205.

~~(36)~~~~(35)~~ Revenue Form 41A720RR-E, "Schedule RR-E, Application and Credit Certificate of Income Tax/LLET Credit Railroad Expansion", shall be used by a corporation or pass-through entity requesting approval of a railroad expansion tax

credit allowed by KRS 141.386.

~~(37)~~~~(36)~~ Revenue Form 41A720RR-I, "Schedule RR-I, Railroad Maintenance and Improvement Tax Credit", shall be used by a corporation, individual, or pass-through entity to determine the credit against the income tax liability or LLET liability allowed by KRS 141.385.

~~(38)~~~~(37)~~ Revenue Form 41A720S, "Form 720S, 2013~~2012~~ Kentucky S Corporation Income Tax and LLET Return", shall be used by an S corporation to determine the amount of tax due in accordance with KRS 141.040 and 141.0401 and to report the shareholders' share of income, loss, credits, deductions, etc. for tax years beginning in 2013~~2012~~.

~~(39)~~~~(38)~~ Revenue Form 41A720S(I), "Instructions, 2013~~2012~~ Kentucky S Corporation Income Tax and LLET Return", shall be used by an S corporation to file its 2013~~2012~~ Kentucky S Corporation Income Tax and LLET Return and related schedules.

~~(40)~~~~(39)~~ Revenue Form 41A720S(K), "Form 720S(K), Kentucky Schedule K for S Corporations With Economic Development Project(s)", shall be used for tax years beginning in 2013~~2012~~ by S Corporations with economic development projects to determine the shareholders' shares of income, credit, deductions, etc., excluding the economic development projects.

~~(41)~~~~(40)~~ Revenue Form 41A720S(K-1), "Schedule K-1 (Form 720S), 2013~~2012~~ Shareholder's Share of Income, Credits, Deductions, Etc.", shall be used by an S corporation to report to each of its shareholders the amount of income, credit, deduction, etc., that the shareholder shall report for Kentucky income tax purposes.

~~(42)~~~~(41)~~ Revenue Form 41A720S-O, "Schedule O-PTE, Other Additions and Subtractions To/From Federal Ordinary Income", shall be used by a pass-through entity filing Revenue Form 41A720S, Form 41A765, or Form 42A765-GP to show other additions to and subtractions from federal ordinary income on Revenue Form 41A720S, 41A765, or 42A765-GP Part I, Lines 5 and 9, respectively.

~~(43)~~~~(42)~~ Revenue Form 41A720SL, "Application for Six-Month Extension of Time to File Kentucky Corporation or Limited Liability Pass-Through Entity Return", shall be used by a corporation or a limited liability pass-through entity to request a six (6) month extension of time to file a tax return or an LLET return or to submit payment of unpaid tax.

~~(44)~~~~(43)~~ Revenue Form 41A720TCS, "Schedule TCS, Tax Credit Summary Schedule", shall be used by a corporation or a limited liability pass-through entity to summarize tax credits claimed and shall be attached to the tax return.

~~(45)~~~~(44)~~ Revenue Form 41A720VERB, "Schedule VERB, Voluntary Environmental Remediation Tax Credit", shall be used by an entity claiming a tax credit provided by KRS 141.418.

~~(46)~~~~(45)~~ Revenue Form 41A720-S1, "Form 720X, Amended Kentucky Corporation Income Tax and Corporation License Tax Return", shall be used by a C corporation to amend its Kentucky Corporation Income and License Tax Return for tax periods beginning prior to January 1, 2005, as previously filed.

~~(47)~~~~(46)~~ Revenue Form 41A720-S2, "Form 720-AMENDED, Amended Kentucky Corporation Income Tax Return", shall be used by a C corporation to amend its Kentucky Corporation Income Tax Return for periods beginning on or after January 1, 2005 and before January 1, 2007, as previously filed.

~~(48)~~~~(47)~~ Revenue Form 41A720-S3, "Form 720-AMENDED (2007-2008), Amended Kentucky Corporation Income Tax and LLET Return", shall be used by a C corporation to amend its Kentucky Corporation Income Tax and LLET Return for periods beginning on or after January 1, 2007 and before January 1, 2009, as previously filed.

~~(49)~~~~(48)~~ Revenue Form 41A720-S4, "Form 851-K, Kentucky Affiliations and Payment Schedule", shall be used by a corporation filing a consolidated Kentucky income tax return on Revenue Form 41A720 to identify the members of the affiliated group which are subject to the Kentucky corporation tax and to list the amount of tax paid.

~~(50)~~~~(49)~~ Revenue Form 41A720-S6, "Form 2220-K, Underpayment and Late Payment of Estimated Income Tax and LLET", shall be used by a corporation or limited liability pass-

through entity required by KRS 141.042 and 141.044 to file a declaration of estimated tax, to compute the underpayment penalty as provided by KRS 131.180(3) and 141.990, and to compute the interest on any late payment or underpayment of an estimated tax installment as provided by KRS~~[131.183(2) and]~~ 141.985.

~~(51)~~~~(50)~~ Revenue Form 41A720-S7, "Form 5695-K, Kentucky Energy Efficiency Products Tax Credit", shall be used by a taxpayer to claim a tax credit for installation of energy efficiency products for residential and commercial property as provided by KRS 141.436.

~~(52)~~ Revenue Form 41A720-S8, "Form 8879(C) – K, Kentucky Corporation or Pass-Through Entity Tax Return Declaration for Electronic Filing", shall be used by a taxpayer as a declaration document and signature authorization for an electronic filing of a Kentucky income or LLET return.

~~(53)~~~~(54)~~ Revenue Form 41A720-S9, "Form 8903-K, Kentucky Domestic Production Activities Deduction", shall be used by a corporation to determine the Domestic Production Activities Deduction amount for Kentucky corporation income tax purposes and shall be attached to the corporation income tax return.

~~(54)~~~~(52)~~ Revenue Form 41A720-S11, "Form 8908-K, Kentucky ENERGY STAR (Homes and Manufactured Homes) Tax Credit", shall be used by a taxpayer to claim a tax credit for the construction of an ENERGY STAR home or the sale of an ENERGY STAR manufactured home as provided by KRS 141.437.

~~(55)~~ Revenue Form 41A720-S12, "Form 720-V, Electronic Filing Payment Voucher", shall be used by an entity filing an electronic Kentucky tax return to pay the balance of tax due.

~~(56)~~~~(53)~~ Revenue Form 41A720-S16, "Schedule KREDA, Tax Credit Computation Schedule (For a KREDA Project of a Corporation)", shall be used by a corporation which has a Kentucky Rural Economic Development Act (KREDA) project to determine the credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.347.

~~(57)~~~~(54)~~ Revenue Form 41A720-S17, "Schedule KREDA-T, Tracking Schedule for a KREDA Project", shall be used by a company which has a Kentucky Rural Economic Development Act (KREDA) project to maintain a record of the debt service payments, wage assessment fees and tax credits for the duration of the project.

~~(58)~~~~(55)~~ Revenue Form 41A720-S18, "Schedule KREDA-SP, Tax Computation Schedule (For a KREDA Project of a Pass-Through Entity)", shall be used by a pass-through entity which has a Kentucky Rural Economic Development Act (KREDA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.347.

~~(59)~~~~(56)~~ Revenue Form 41A720-S20, "Schedule KIDA, Tax Credit Computation Schedule (For a KIDA Project of a Corporation)", shall be used by a corporation which has a Kentucky Industrial Development Act (KIDA) project to determine the credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.400.

~~(60)~~~~(57)~~ Revenue Form 41A720-S21, "Schedule KIDA-T, Tracking Schedule for a KIDA Project", shall be used by a company which has a Kentucky Industrial Development Act (KIDA) project to maintain a record of the debt service payments and tax credits for the duration of the project.

~~(61)~~~~(58)~~ Revenue Form 41A720-S22, "Schedule KIDA-SP, Tax Computation Schedule (For a KIDA Project of a Pass-Through Entity)", shall be used by a pass-through entity which has a Kentucky Industrial Development Act (KIDA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.400.

~~(62)~~~~(59)~~ Revenue Form 41A720-S24, "Schedule KIRA, Tax Credit Computation Schedule (For a KIRA Project of a Corporation)", shall be used by a corporation which has a Kentucky Industrial Revitalization Act (KIRA) project to determine the credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.403.

~~(63)~~~~(60)~~ Revenue Form 41A720-S25, "Schedule KIRA-T, Tracking Schedule for a KIRA Project", shall be used by a

company which has a Kentucky Industrial Revitalization Act (KIRA) project to maintain a record of the approved costs, wage assessment fees and tax credits for the duration of the project.

~~(64)~~~~(64)~~ Revenue Form 41A720-S26, "Schedule KIRA-SP, Tax Computation Schedule (For a KIRA Project of a Pass-Through Entity)", shall be used by a pass-through entity which has a Kentucky Industrial Revitalization Act (KIRA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.403.

~~(65)~~~~(62)~~ Revenue Form 41A720-S27, "Schedule KJDA, Tax Credit Computation Schedule (For a KJDA Project of a Corporation)", shall be used by a corporation which has a Kentucky Jobs Development Act (KJDA) project to determine the credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.407.

~~(66)~~~~(63)~~ Revenue Form 41A720-S28, "Schedule KJDA-T, Tracking Schedule for a KJDA Project", shall be used by a company which has a Kentucky Jobs Development Act (KJDA) project to maintain a record of the approved costs, wage assessment fees, in-lieu-of credits and tax credits for the duration of the project.

~~(67)~~~~(64)~~ Revenue Form 41A720-S29, "Schedule KJDA-SP, Tax Computation Schedule (For a KJDA Project of a Pass-Through Entity)" shall be used by a pass-through entity which has a Kentucky Jobs Development Act (KJDA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.407.

~~(68)~~~~(65)~~ Revenue Form 41A720-S35, "Schedule KRA, Tax Credit Computation Schedule (For a KRA Project of a Corporation)", shall be used by a corporation which has entered into a Kentucky Reinvestment Act (KRA) project to compute the allowable KRA credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.415.

~~(69)~~~~(66)~~ Revenue Form 41A720-S36, "Schedule KRA-SP, Tax Computation Schedule (For a KRA Project of a Pass-Through Entity)", shall be used by a pass-through entity which has a Kentucky Reinvestment Act (KRA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.415.

~~(70)~~~~(67)~~ Revenue Form 41A720-S37, "Schedule KRA-T, Tracking Schedule For a KRA Project", shall be used by a company which has entered into a Kentucky Reinvestment Act (KRA) project to maintain a record of the balance of approved costs and tax credits for the duration of the agreement.

~~(71)~~~~(68)~~ Revenue Form 41A720-S40, "Schedule KEOZ, Tax Credit Computation Schedule (For a KEOZ Project of a Corporation)", shall be used by a corporation which has entered into a Kentucky Economic Opportunity Zone (KEOZ) Act project to compute the allowable KEOZ credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.401.

~~(72)~~~~(69)~~ Revenue Form 41A720-S41, "Schedule KEOZ-SP, Tax Computation Schedule (For a KEOZ Project of a Pass-Through Entity)", shall be used by a pass-through entity which has entered into a Kentucky Economic Opportunity Zone (KEOZ) Act project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.401.

~~(73)~~~~(70)~~ Revenue Form 41A720-S42, "Schedule KEOZ-T, Tracking Schedule for a KEOZ Project", shall be used by a company which has entered into an agreement for a Kentucky Economic Opportunity Zone (KEOZ) Act project to maintain a record of the debt service payments, wage assessment fees, approved costs and tax credits for the duration of the agreement.

~~(74)~~~~(74)~~ Revenue Form 41A720-S45, "Schedule KJRA, Tax Credit Computation Schedule (For a KJRA Project of a Corporation)", shall be used by a company which has entered into a Kentucky Jobs Retention Act (KJRA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.402.

~~(75)~~~~(72)~~ Revenue Form 41A720-S46, "Schedule KJRA-T, Tracking Schedule For a KJRA Project", shall be used by a

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company which has entered into an agreement for a Kentucky Jobs Retention Act (KJRA) project to maintain a record of the debt service payments, wage assessment fees, approved costs, and tax credits for the duration of the agreement.

~~(76)~~~~(73)~~ Revenue Form 41A720-S47, "Schedule KJRA-SP, Tax Computation Schedule (For a KJRA Project of a Pass-Through Entity)," shall be used by a pass-through entity which has entered into a Kentucky Jobs Retention Act (KJRA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.402.

~~(77)~~~~(74)~~ Revenue Form 41A720-S50, "Schedule IEIA, Tax Credit Computation Schedule (For an IEIA Project of a Corporation)", shall be used by a company which has entered into an Incentives for Energy Independence Act (IEIA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.421.

~~(78)~~~~(75)~~ Revenue Form 41A720-S51, "Schedule IEIA-T, Tracking Schedule for an IEIA Project", shall be used by a company which has entered into an Incentives for Energy Independence Act (IEIA) project to maintain a record of the balance of approved costs, wage assessments, and tax credits for the duration of the agreement.

~~(79)~~~~(76)~~ Revenue Form 41A720-S52, "Schedule IEIA-SP, Tax Computation Schedule (For an IEIA Project of a Pass-Through Entity)," shall be used by a pass-through entity which has entered into an Incentives for Energy Independence Act (IEIA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.421.

~~(80)~~~~(77)~~ Revenue Form 41A720-S53, "Schedule KBI, Tax Credit Computation Schedule (For a KBI Project of a Corporation)", shall be used by a corporation which has entered into a Kentucky Business Investment (KBI) project to compute the allowable KBI credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.415.

~~(81)~~~~(78)~~ Revenue Form 41A720-S54, "Schedule KBI-SP, Tax Computation Schedule (For a KBI Project of a Pass-Through Entity)," shall be used by a pass-through entity which has entered into a Kentucky Business Investment (KBI) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.415.

~~(82)~~~~(79)~~ Revenue Form 41A720-S55, "Schedule KBI-T, Tracking Schedule for a KBI Project", shall be used by a company which has entered into an agreement for a Kentucky Business Investment (KBI) project to maintain a record of approved costs, wage assessments, and tax credits for the duration of the agreement.

~~(83)~~ Revenue Form 41A720-S56, "Schedule FON, Tax Credit Computation Schedule (For a FON project of a corporation)", shall be used by a corporation which has a Farm Operation Networking Project (FON) to compute the allowable FON credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.412.

~~(84)~~ Revenue Form 41A720-S57, "Schedule FON-SP, Tax Computation Schedule (For a FON project of a Pass-Through Entity)", shall be used by a pass-through entity which has a Farm Operation Networking Project (FON) to determine the allowable FON credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.412.

~~(85)~~ Revenue Form 41A720-S58, "Schedule FON-T, Tracking Schedule for a FON Project", shall be used by a company with a Farm Operation Networking Project (FON) to maintain a record of approved costs and the tax credits taken for the duration of the project.

~~(86)~~~~(80)~~ Revenue Form 41A720-S80, "Form 8874(K), Application for Certification of Qualified Equity Investments Eligible for Kentucky New Markets Development Program Tax Credit", shall be used by a qualified community development entity that seeks to have an equity investment or long-term debt security certified as a qualified equity investment eligible for the tax credit

provided by KRS 141.434.

~~(87)~~~~(84)~~ Revenue Form 41A720-S81, "Form 8874(K)-A, Notice of Kentucky New Markets Development Program Tax Credit and Certification", shall be used by a qualified community development entity to provide proof to the Kentucky Department of Revenue of the receipt of cash for a taxpayer's qualified equity investment.

~~(88)~~~~(82)~~ Revenue Form 41A720-S82, "Form 8874(K)-B, Notice of Kentucky New Markets Development Program Tax Credit Recapture", shall be used by the Kentucky Department of Revenue to notify a taxpayer of a recapture of the New Markets Development Program tax credit.

~~(89)~~~~(83)~~ Revenue Form 41A725, "Form 725, 2013[2012] Kentucky Single Member LLC Individually Owned LLET Return", shall be used by a single member individually-owned LLC to file an LLET return in accordance with KRS 141.0401 for tax years beginning in 2013[2012].

~~(90)~~~~(84)~~ Revenue Form 41A725CP, "Schedule CP, Form 725, 2013[2012] Kentucky Single Member LLC Individually Owned Composite Return Schedule", shall be used by a single member individual with multiple LLC entities to file LLET returns in accordance with KRS 141.0401 for tax years beginning in 2013[2012].

~~(91)~~~~(85)~~ Revenue Form 41A725(I), "Instructions, 2013[2012] Kentucky Single Member LLC Individually Owned LLET Return", shall be used by a single member LLC individually owned to file its 2013[2012] Kentucky LLET return and related schedules.

~~(92)~~~~(86)~~ Revenue Form 41A750, "Form 750, Business Development Corporation Tax Return", shall be used by a corporation organized under the provisions of KRS Chapter 155 to determine its excise tax due in accordance with KRS 155.170 for tax years beginning in 2013[2012].

~~(93)~~~~(87)~~ Revenue Form 41A765, "Form 765, 2013[2012] Kentucky Partnership Income and LLET Return", shall be used by an entity taxed as a partnership and organized as a LLC, LLP or LP to file its Kentucky income and LLET return in accordance with KRS 141.0401 and 141.206 for tax years beginning in 2013[2012].

~~(94)~~~~(88)~~ Revenue Form 41A765(I), "Instructions, 2013[2012] Kentucky Partnership Income and LLET Return", shall be used by an entity taxed as a partnership and organized as a LLC, LLP, or LP to file its 2013[2012] Kentucky income and LLET return and related schedules.

~~(95)~~~~(89)~~ Revenue Form 41A765(K), "Form 765(K), Kentucky Schedule K For Partnerships With Economic Development Project(s)", shall be used for tax years beginning in 2013[2012] by partnerships with economic development projects to determine the partners' share of income, credits, deductions, etc., excluding the economic development projects.

~~(96)~~~~(90)~~ Revenue Form 41A765(K-1), "Schedule K-1 (Form 765), 2013[2012] Partner's Share of Income, Credits, Deductions, Etc.", shall be used by an entity taxed as a partnership and organized as a LLC, LLP, or LP to report to its partners the amount of income, credit, deduction, etc., that the partners shall report for Kentucky income tax purposes.

~~(97)~~~~(94)~~ Revenue Form 41A800, "Corporation and Pass-through Entity Nexus Questionnaire", shall be used by a corporation or pass-through entity to determine if the entity has nexus with the Commonwealth of Kentucky.

~~(98)~~~~(92)~~ Revenue Form 41A802, "Corporation and Pass-through Entity Related Party Expense Questionnaire", shall be used by a corporation or pass-through entity to determine if the entity has nondeductible related party expense.

Section 2. Individual Income and Withholding Taxes. (1) Revenue Form 12A200, "Kentucky Individual Income Tax Installment Agreement Request", shall be submitted to the Department of Revenue to request an installment agreement to pay tax due.

(2) Revenue Form 40A100, "Application for Refund of Income Taxes", shall be presented to the Department of Revenue to request a refund of income taxes paid.

(3) Revenue Form 40A102, "2013[2012] Application for Extension of Time to File Individual, General Partnership and

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Fiduciary Income Tax Returns for Kentucky", shall be submitted to the Department of Revenue by individuals, partnerships, and fiduciaries prior to the date prescribed by law for filing a return to request a six (6) month extension to file the return or to remit payment of tax prior to the date the return is due.

(4) Revenue Form 40A103, "Application for New Home Tax Credit", shall be submitted to the Department of Revenue by individuals to request approval for the new home tax credit.

(5) Revenue Form 40A200, "Form PTE-WH, Kentucky Nonresident Income Tax Withholding on Distributive Share Income", shall be used by a pass-through entity doing business in Kentucky to report Kentucky income tax withheld on each nonresident individual or corporate partner doing business in Kentucky only through its ownership interest in the pass-through entity.

(6) Revenue Form 40A201, "Form 740NP-WH, Kentucky Nonresident Income Tax Withholding on Distributive Share Income Report and Composite Income Tax Return", shall be used by a pass-through entity doing business in Kentucky to report and pay Kentucky income tax withheld on nonresident individual and corporate partners.

(7) Revenue Form 40A201ES, "Form 740NP-WH-ES, Instructions – 2014[2013] Pass-Through Entity Nonresident Distributive Share Withholding Report and Composite Income Tax Return Voucher", shall be used by every pass-through entity for the declaration and payment of estimated tax if required.

(8) Revenue Form 40A201NP-WH-SL, "Form 740NP-WH-SL, Application for Six-Month Extension of Time to File Form 740NP-WH", shall be used by a pass-through entity to request a six (6)-month extension to file Form 740NP-WH, Kentucky Nonresident Income Tax Withholding on Distributive Share Income Report and Composite Income Tax Return.

(9) Revenue Form 40A201-WHP, "Form 740NP-WH-P, Underpayment and Late Payment of Estimated Tax on Form 740NP-WH", shall be used by a pass-through entity to compute the interest and penalty on the underpayment and late payment of estimated tax on Form 740NP-WH, Kentucky Nonresident Income Tax Withholding on Distributive Share Income Report and Composite Income Tax Return.

(10) Revenue Form 40A727, "Kentucky Income Tax Forms Requisition", shall be used by a taxpayer or tax preparer to order individual income tax forms.

(11) Revenue Form 42A003, "Withholding Kentucky Income Tax Instructions for Employers", shall provide instructions for employers and shall contain forms used for withholding and reporting Kentucky income tax withholding.

(12) Revenue Form 42A003(T), "2014[2013] Withholding Tax Tables Computer Formula", shall be used by an employer for computing employees' Kentucky income tax withholding each pay period.

(13) Revenue Form 42A740, "Form 740, 2013[2012] Kentucky Individual Income Tax Return, Full-Year Residents Only", shall be completed by a resident individual to report taxable income and income tax liability for taxable years beginning in 2013[2012], and shall be due within three and one-half (3 1/2) months after the close of the taxable year.

(14) Revenue Form 42A740-A, "Schedule A, Form 740, 2013[2012] Kentucky Itemized Deductions", shall be completed by resident individuals and attached to Form 740 to support itemized deductions claimed for 2013[2012].

(15) Revenue Form 42A740ES, "Form 740-ES, 2014[2013] Individual Income Tax Kentucky Estimated Tax Voucher", shall be submitted to the Department of Revenue by individuals with payment of quarterly estimated tax.

(16) Revenue Form 42A740-EZ, "Form 740-EZ, 2013[2012] Kentucky Individual Income Tax Return for Single Persons with No Dependents", shall be completed by resident individuals to report taxable income and income tax liability for taxable years beginning in 2013[2012], and shall be due within three and one-half (3 1/2) months after the close of the taxable year.

(17) Revenue Form 42A740(I), "2013[2012] Kentucky Individual Income Tax Instructions for Forms 740 and 740-EZ", shall be used by resident individuals to file the 2013[2012]

Kentucky Individual Tax Return and related schedules.

(18) Revenue Form 42A740-J, "Schedule J, Kentucky Farm Income Averaging", shall be completed by individuals and attached to Form 740 to compute tax liability by averaging farm income for taxable years beginning after December 31, 1997.

(19) Revenue Form 42A740-KNOL, "Schedule KNOL, 2013[2012] Kentucky Net Operating Loss Schedule", shall be used by individuals to compute and carry forward a net operating loss to subsequent years.

(20) Revenue Form 42A740-M, "Schedule M, 2013[2012] Kentucky Federal Adjusted Gross Income Modifications", shall be completed by individuals and attached to Form 740 in support of additions to and subtractions from federal adjusted gross income.

(21) Revenue Form 42A740-NP, "Form 740-NP, 2013[2012] Kentucky Individual Income Tax Return, Nonresident or Part-Year Resident", shall be completed by part-year or full-year nonresident individuals to report taxable income and income tax liability for taxable years beginning in 2013[2012], and shall be filed within three and one-half (3 1/2) months after the close of the taxable year.

(22) Revenue Form 42A740-NP-A, "Schedule A, Form 740-NP, 2013[2012] Kentucky Schedule A Itemized Deductions", shall be completed and attached to Form 42A740-NP by part-year or full-year nonresidents to support the itemized deductions claimed for 2013[2012].

(23) Revenue Form 42A740-NP-ME, "Schedule ME, Form 740-NP, 2013[2012] Moving Expense and Reimbursement", shall be completed and attached to Form 42A740-NP by part-year or full-year nonresidents to support moving expenses and reimbursement by employers for moving expenses for 2013[2012].

(24) Revenue Form 42A740-NP(I), "Instructions for 2013[2012] Kentucky Form 740-NP, Nonresident or Part-Year Resident Income Tax Return", shall be used by nonresident or part-year resident individuals to file the 2013[2012] Kentucky Form 740-NP and related schedules.

(25) Revenue Form 42A740-NP-R, "Form 740-NP-R, 2013[2012] Kentucky Income Tax Return Nonresident - Reciprocal State", shall be completed by resident individuals of reciprocal states to request a refund of Kentucky withholding for 2013[2012].

(26) Revenue Form 42A740-NP(P), "2013[2012] Kentucky Income Tax Return, Nonresident or Part-Year Resident", shall be a packet containing forms and instructions and shall be mailed to nonresident and part-year resident individuals for use in filing a Kentucky individual tax return for 2013[2012].

(27) Revenue Form 42A740(PKT), "2013[2012] Kentucky Individual Income Tax Forms", shall be a packet containing forms and instructions and shall be mailed to resident individuals for use in filing a Kentucky individual tax return for 2013[2012].

(28) Revenue Form 42A740-P, "Schedule P, 2013[2012] Kentucky Pension Income Exclusion", shall be completed by individuals and attached to Form 740 to compute the amount of allowable pension exclusion for 2013[2012].

(29) Revenue Form 42A740-UTC, "Schedule UTC, Unemployment Tax Credit", shall be completed by individuals and attached to Form 740 or Form 740-NP to provide the Office of Employment and Training Certificate Numbers in support of credit claimed for hiring an unemployed person.

(30) Revenue Form 42A740-X, "Form 740-X, Amended Kentucky Individual Income Tax Return", shall be completed by individuals and filed with the Department of Revenue to amend a previously filed tax return for 2005 or future years.

(31) Revenue Form 42A740-XP, "Form 740-XP, Amended Kentucky Individual Income Tax Return, 2004 and Prior Years", shall be completed by individuals and filed with the Department of Revenue to amend a previously filed tax return for 2004 or prior years.

(32) Revenue Form 42A740-S1, "Form 2210-K, 2013[2012] Underpayment of Estimated Tax by Individuals", shall be filed by individuals to request a waiver of estimated tax penalty or to compute and self assess an estimated tax penalty for a tax year beginning in 2013[2012].

(33) Revenue Form 42A740-S4, "2014[2013] Instructions for Filing Estimated Tax Vouchers", shall be used to compute the

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amount of estimated tax due for 2014[2013].

(34) Revenue Form 42A740-S18, "Form 8582-K, 2013[2012] Kentucky Passive Activity Loss Limitations", shall be completed by an individual taxpayer and attached to the individual tax return in support of an allowable passive loss deduction and carryover of a passive activity loss.

(35) Revenue Form 42A740-S21, "Form 4972-K, 2013[2012] Kentucky Tax on Lump-Sum Distributions", shall be completed by an individual taxpayer to compute tax liability on a lump sum distribution and attached to the taxpayer's individual income tax return.

(36) Revenue Form 42A740-S22, "Form 8879-K, 2013[2012] Kentucky Individual Income Tax Declaration for Electronic Filing", shall be completed, signed by the individual taxpayer or taxpayers and maintained by the preparer or taxpayer in support of an electronically filed return.

(37) Revenue Form 42A740-S23, "Form 740-V, 2013[2012] Kentucky Electronic Payment Voucher", shall be used by the individual taxpayer or taxpayers for the payment of additional tax due on an electronically filed return and submitted to the Department of Revenue.

(38) Revenue Form 42A740-S24, "Form 8863-K, 2013[2012] Kentucky Education Tuition Tax Credit", shall be used by an individual taxpayer or taxpayers to claim a tuition tax credit on the taxpayer's individual Kentucky income tax return.

(39) Revenue Form 42A740-S25, "Form 8948-K, Preparer Explanation For Not Filing Electronically", shall be used by the preparer to indicate the reason the return is not being filed electronically.

(40) Revenue Form 42A741, "Form 741, 2013[2012] Kentucky Fiduciary Income Tax Return", shall be used by a fiduciary of an estate or trust to report income and tax liability of an estate or trust and be filed with the Department of Revenue within three (3) months and fifteen (15) days after the close of the taxable year.

(41) Revenue Form 42A741-D, "Schedule D, Form 741, 2013[2012] Kentucky Capital Gains and Losses", shall be completed and attached to Form 741 by a fiduciary to report income from capital gains and losses.

(42) Revenue Form 42A741(I), "Instructions - Form 741, Kentucky Fiduciary Income Tax Return", shall be the instruction guide provided by the Department of Revenue for completing the 2013[2012] Form 741.

(43) Revenue Form 42A741(K-1), "Schedule K-1, Form 741, 2013[2012] Kentucky Beneficiary's Share of Income, Deductions, Credits, etc.", shall be filed by the fiduciary with Form 741 to report each beneficiary's share of income, deductions, and credits.

(44) Revenue Form 42A765-GP, "Form 765-GP, 2013[2012] Kentucky General Partnership Income Return", shall be completed and filed with the Department of Revenue within three (3) months and fifteen (15) days after the close of the taxable year by a general partnership to report income, deductions, and credits of a general partnership for 2013[2012].

(45) Revenue Form 42A765-GP(I), "Instructions, 2013[2012] Kentucky General Partnership Income Return", shall be provided to assist the general partnership in completing a general partnership income return.

(46) Revenue Form 765-GP(K-1), "Schedule K-1, Form 765-GP, 2013[2012] Partner's Share of Income, Credits, Deductions, etc.", shall be filed by the general partnership with Form 765-GP to report each general partner's share of income, deductions, and credits.

(47) Revenue Form 42A765-GP(K), "Form 765-GP(K), Kentucky Schedule K for General Partnerships with Economic Development Project(s)", shall be used by a general partnership which has one (1) or more economic development projects to determine the total general partners' share of income, credits, deductions, etc., excluding the amount of each item of income, credit, deduction, etc., attributable to the projects.

(48) Revenue Form 42A801, "Form K-1, Kentucky Employer's Income Tax Withheld Worksheet", shall be used by employers to report wages and taxes withheld for the filing period.

(49) Revenue Form 42A801(D), "Form K-1, Amended Employer's Return of Income Tax Withheld", shall be used by

employers to correct wages and taxes reported for the filing period.

(50) Revenue Form 42A801-E, "Form K-1E, Kentucky Employer's Income Tax Withheld Worksheet - Electronic Funds Transfer", shall be used by employers who remit taxes withheld electronically to report wages and tax withheld for the filing period.

(51) "Form W-2, 2013[2012] Wage and Tax Statement", shall be used by an employer to report each of its employees' wages and Kentucky tax withheld for the calendar year 2013[2012].

(52) Revenue Form 42A803, "Form K-3, Kentucky Employer's Income Tax Withheld Worksheet", shall be used by employers to report wages and tax withheld for the filing period and annually reconcile wages and taxes reported.

(53) Revenue Form 42A803(D), "Form K-3, Amended Employer's Return of Income Tax Withheld", shall be used by employers to amend wages and taxes reported for the filing period and the annual reconciled wages and taxes reported.

(54) Revenue Form 42A803-E, "Form K-3E, Kentucky Employer's Income Tax Withheld Worksheet - Electronic Funds Transfer", shall be used by employers to report wages and tax withheld for the filing period and to annually reconcile wages and taxes reported.

(55) Revenue Form 42A804, "Form K-4, Kentucky Department of Revenue Employee's Withholding Exemption Certificate", shall be used by an employee to inform the employer of the number of exemptions claimed in order to determine the amount of Kentucky tax to withhold from wages each pay period.

(56) Revenue Form 42A804-A, "Form K-4A, Kentucky Department of Revenue Withholding Exemptions for Excess Itemized Deductions", shall be used by an employee to determine additional withholding exemptions.

(57) Revenue Form 42A804-E, "Form K-4E, Special Withholding Exemption Certificate", shall be used by employees to inform employers of special tax exempt status.

(58) Revenue Form 42A804-M, "Form K-4M, Nonresident Military Spouse Withholding Tax Exemption Certificate", shall be used by employees to inform employers of special tax exempt status as a nonresident military spouse.

(59) Revenue Form 42A806, "Transmitter Report for Filing Kentucky W2/K2, 1099 and W2-G Statements", shall be used by employers annually to submit Form W-2 Wage and Tax Statements.

(60) Revenue Form 42A807, "Form K-4FC, Fort Campbell Exemption Certificate", shall be completed by nonresident employees working at Fort Campbell, Kentucky, to inform employers of special tax exempt status.

(61) Revenue Form 42A808, "Authorization to Submit Employees Annual Wage and Tax Statements Via Kentucky Department of Revenue Web Site", shall be used by employers to request authorization to annually submit wage and tax statements via the Kentucky Department of Revenue Web site.

(62) Revenue Form 42A809, "Certificate of Nonresidence", shall be used by employees to inform employers of special tax exempt status as a result of being a resident of a reciprocal state.

(63) Revenue Form 42A810, "Nonresident's Affidavit - Kentucky Individual Income Tax", shall be used by individuals to submit a sworn statement concerning residency status.

(64) Revenue Form 42A811, "KREDA Annual Report", shall be completed by employers to report KREDA employee wage assessment fee information to the Department of Revenue.

(65) Revenue Form 42A812, "KIDA Annual Report", shall be completed by employers to report KIDA employee wage assessment fee information to the Department of Revenue.

(66) Revenue Form 42A813, "KJDA Annual Report", shall be completed by employers to report KJDA employee wage assessment fee information to the Department of Revenue.

(67) Revenue Form 42A814, "KIRA Annual Report", shall be completed by employers to report KIRA employee wage assessment fee information to the Department of Revenue.

(68) Revenue Form 42A815, "Withholding Tax Refund Application", shall be completed by employers to request a refund of withholding tax paid.

(69) Revenue Form 42A816, "KEOZ Annual Report", shall be completed by employers to report KEOZ employee wage

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assessment fee information to the Department of Revenue.

(70) Revenue Form 42A817, "KJRA Annual Report", shall be completed by employers to report KJRA employee wage assessment fee information to the Department of Revenue.

(71) Revenue Form 42A818, "KBI Annual Report", shall be completed by employers to report KBI employee wage assessment fee information to the Department of Revenue.

(72) Revenue Form 42D003, "2013[2012] Kentucky Wage and Tax Statements (W-2/K-2) Order Form", shall be used by employers to order wage and tax statements.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Corporation income taxes - referenced material:

1. Revenue Form 41A720, "Form 720, 2013[2012] Kentucky Corporation Income Tax and LLET Return", 2013[2012];

2. Revenue Form 41A720A, "Schedule A, Apportionment and Allocation (For corporations and pass-through entities taxable both within and without Kentucky)", October 2013[2012];

3. Revenue Form 41A720A-C, "Schedule A-C, Apportionment and Allocation - Continuation Sheet (For corporations and pass-through entities taxable both within and without Kentucky)", October 2013[2012];

4. Revenue Form 41A720A-N, "Schedule A-N, Apportionment Factor Schedule (For a Nexus Consolidated Tax Return)", October 2013[2012];

5. Revenue Form 41A720BIO, "Schedule BIO, Application and Credit Certificate of Income Tax/LLET Credit Biodiesel", October 2013[2012];

6. Revenue Form 41A720CC, "Schedule CC, Coal Conversion Tax Credit", October 2013[2012];

7. Revenue Form 41A720CCI, "Schedule CCI, Application and Credit Certificate of Clean Coal Incentive Tax Credit", October 2013[2012];

8. Revenue Form 41A720CELL, "Schedule CELL, Application and Credit Certificate of Income Tax/LLET Credit Cellulosic Ethanol", October 2013[2012];

9. Revenue Form 41A720CI, "Schedule CI, Application for Coal Incentive Tax Credit", October 2013[2012];

10. Revenue Form 41A720COGS, "Schedule COGS, Limited Liability Entity Tax Cost of Goods Sold", October 2013;

11. Revenue Form 41A720CR, "Schedule CR, Pro Forma Federal Consolidated Return Schedule", October 2013[2012];

12. [44-] Revenue Form 41A720CR-C, "Schedule CR-C, Pro Forma Federal Consolidated Return Schedule Continuation Sheet", October 2013[2012];

13. [42-] Revenue Form 41A720ES, "Form 720-ES Kentucky, 2014[2013] Corporation Income/Limited Liability Entity Tax Estimated Tax Voucher", June 2013[2012];

14. [43-] Revenue Form 41A720ETH, "Schedule ETH, Application and Credit Certificate of Income Tax/LLET Credit Ethanol", October 2013[2012]; [44-] Revenue Form 41A720EZC, "Schedule EZC, Enterprise Zone Tax Credit", October 2012;

15. Revenue Form 41A720FD, "Schedule FD, Food Donation Tax Credit", June/October 2013;

16. Revenue Form 41A720HH, "Schedule HH, Kentucky Housing for Homeless Families Deduction", October 2013[2012];

17. [46-] Revenue Form 41A720(I), "Instructions, 2013[2012] Kentucky Corporation Income Tax and LLET Return", November 2013[2012];

18. [47-] Revenue Form 41A720KCR, "Schedule KCR, Kentucky Consolidated Return Schedule", October 2013[2012];

19. [48-] Revenue Form 41A720KCR-C, "Schedule KCR-C, Kentucky Consolidated Return Schedule - Continuation Sheet", October 2013[2012];

20. [49-] Revenue Form 41A720KESA, "Schedule KESA, Tax Credit Computation Schedule (For a KESA Project of a Corporation)", October 2013[2012];

21. [20-] Revenue Form 41A720KESA-SP, "Schedule KESA-SP, Tax Credit Computation Schedule (For a KESA Project of a Pass-Through Entity)", October 2013[2012];

22. [24-] Revenue Form 41A720KESA-T, "Schedule KESA-T, Tracking Schedule for a KESA Project", October 2013[2012];

23. [22-] Revenue Form 41A720LLET, "Schedule LLET, Limited Liability Entity Tax", October 2013[2012];

24. [23-] Revenue Form 41A720LLET-C, "Schedule LLET-C, Limited Liability Entity Tax - Continuation Sheet", October 2013[2012];

25. [24-] Revenue Form 41A720LLET(K), "Schedule LLET(K), Limited Liability Entity Tax (For a Limited Liability Pass-through Entity with Economic Development Project(s))", October 2013[2012];

26. [25-] Revenue Form 41A720LLET(K)-C, "Schedule LLET(K)-C, Limited Liability Entity Tax - Continuation Sheet (For a Limited Liability Pass-through Entity with Economic Development Project(s))", October 2013[2012];

27. [26-] Revenue Form 41A720NOL, "Schedule NOL, Net Operating Loss Schedule", October 2013[2012];

28. [27-] Revenue Form 41A720NOL-CF, "Schedule NOL-CF, Kentucky NOL Carry forward Schedule", October 2013[2012];

29. [28-] Revenue Form 41A720-O, "Schedule O-720, Other Additions and Subtractions To/From Federal Taxable Income", December 2013[2012];

30. [29-] Revenue Form 41A720QR, "Schedule QR, Qualified Research Facility Tax Credit", October 2013[2012];

31. [30-] Revenue Form 41A720RC, "Schedule RC, Application for Income Tax/LLET Credit for Recycling and/or Composting Equipment or Major Recycling Project", October 2013[2012];

32. [34-] Revenue Form 41A720RC-C, "Schedule RC-C, Schedule RC - Part I Continuation", October 2013[2012];

33. [32-] Revenue Form 41A720RC(I), "Instructions For Schedule RC", October 2013[2012];

34. [33-] Revenue Form 41A720RC-R, "Schedule RC-R, Recycling or Composting Equipment Tax Credit Recapture", October 2013[2012];

35. [34-] Revenue Form 41A720RPC, "Schedule RPC, Related Party Costs Disclosure Statement," June 2013[2012];

36. [35-] Revenue Form 41A720RR-E, "Schedule RR-E, Application and Credit Certificate of Income Tax/LLET Credit Railroad Expansion", October 2013[2012];

37. [36-] Revenue Form 41A720RR-I, "Schedule RR-I, Railroad Maintenance and Improvement Tax Credit", October 2013[2012];

38. [37-] Revenue Form 41A720S, "Form 720S, 2013[2012] Kentucky S Corporation Income Tax and LLET Return", 2013[2012];

39. [38-] Revenue Form 41A720S(I), "Instructions, 2013[2012] Kentucky S Corporation Income Tax and LLET Return", November 2013[2012];

40. [39-] Revenue Form 41A720S(K), "Form 720S(K), Kentucky Schedule K for S Corporations With Economic Development Project(s)", October 2013[2012];

41. [40-] Revenue Form 41A720S(K-1), "Schedule K-1 (Form 720S), 2013[2012] Shareholder's Share of Income, Credits, Deductions, Etc.", 2013[2012];

42. [41-] Revenue Form 41A720S-O, "Schedule O-PTE, Other Additions and Subtractions To/From Federal Ordinary Income", November 2013[2012];

43. [42-] Revenue Form 41A720SL, "Application for Six-Month Extension of Time to File Kentucky Corporation or Limited Liability Pass-Through Entity Return", June 2013[2012];

44. [43-] Revenue Form 41A720TCS, "Schedule TCS, Tax Credit Summary Schedule", October 2013[2012];

45. [44-] Revenue Form 41A720VERB, "Schedule VERB, Voluntary Environmental Remediation Tax Credit", October 2013[2012];

46. [45-] Revenue Form 41A720-S1, "Form 720X, Amended Kentucky Corporation Income Tax and Corporation License Tax Return", October 2011;

47. [46-] Revenue Form 41A720-S2, "Form 720-AMENDED, Amended Kentucky Corporation Income Tax Return", October 2011;

48. [47-] Revenue Form 41A720-S3, "Form 720-AMENDED (2007-2008), Amended Kentucky Corporation Income Tax and LLET Return", October 2011;

49. [48-] Revenue Form 41A720-S4, "Form 851-K, Kentucky Affiliations and Payment Schedule", October 2013[2012];

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50.[49.] Revenue Form 41A720-S6, "Form 2220-K, Underpayment and Late Payment of Estimated Income Tax and LLET", October 2013[2012];

51.[50.] Revenue Form 41A720-S7, "Form 5695-K, Kentucky Energy Efficiency Products Tax Credit", October 2013[2012];

52. Revenue Form 41A720-S8, "Form 8879(C) – K, Kentucky Corporation or Pass-Through Entity Tax Return Declaration for Electronic Filing", October 2013;

53.[54.] Revenue Form 41A720-S9, "Schedule 8903-K, Kentucky Domestic Production Activities Deduction", October 2013[2012];

54.[52.] Revenue Form 41A720-S11, "Form 8908-K, Kentucky ENERGY STAR (Homes and Manufactured Homes) Tax Credit", October 2013[2012];

55. Revenue Form 41A720-S12, "720-V, Electronic Filing Payment Voucher", October 2013;

56.[53.] Revenue Form 41A720-S16, "Schedule KREDA, Tax Credit Computation Schedule (For a KREDA Project of a Corporation)", October 2013[2012];

57.[54.] Revenue Form 41A720-S17, "Schedule KREDA-T, Tracking Schedule for a KREDA Project", October 2013[2012];

58.[55.] Revenue Form 41A720-S18, "Schedule KREDA-SP, Tax Computation Schedule (For a KREDA Project of a Pass-Through Entity)", October 2013[2012];

59.[56.] Revenue Form 41A720-S20, "Schedule KIDA, Tax Credit Computation Schedule (For a KIDA Project of a Corporation)", October 2013[2012];

60.[57.] Revenue Form 41A720-S21, "Schedule KIDA-T, Tracking Schedule for a KIDA Project" October 2013[2012];

61.[58.] Revenue Form 41A720-S22, "Schedule KIDA-SP, Tax Computation Schedule (For a KIDA Project of a Pass-Through Entity)", October 2013[2012];

62.[59.] Revenue Form 41A720-S24, "Schedule KIRA, Tax Credit Computation Schedule (For a KIRA Project of a Corporation)", October 2013[2012];

63.[60.] Revenue Form 41A720-S25, "Schedule KIRA-T, Tracking Schedule for a KIRA Project", October 2013[2012];

64.[64.] Revenue Form 41A720-S26, "Schedule KIRA-SP, Tax Computation Schedule (For a KIRA Project of a Pass-Through Entity)", October 2013[2012];

65.[62.] Revenue Form 41A720-S27, "Schedule KJDA, Tax Credit Computation Schedule (For a KJDA Project of a Corporation)", October 2013[2012];

66.[63.] Revenue Form 41A720-S28, "Schedule KJDA-T, Tracking Schedule for a KJDA Project", October 2013[2012];

67.[64.] Revenue Form 41A720-S29, "Schedule KJDA-SP, Tax Computation Schedule (For a KJDA Project of a Pass-Through Entity)", October 2013[2012];

68.[65.] Revenue Form 41A720-S35, "Schedule KRA, Tax Credit Computation Schedule (For a KRA Project of a Corporation)", October 2013[2012];

69.[66.] Revenue Form 41A720-S36, "Schedule KRA-SP, Tax Computation Schedule (For a KRA Project of a Pass-Through Entity)", October 2013[2012];

70.[67.] Revenue Form 41A720-S37, "Schedule KRA-T, Tracking Schedule for a KRA Project", October 2013[2012];

71.[68.] Revenue Form 41A720-S40, "Schedule KEOZ, Tax Credit Computation Schedule (For a KEOZ Project of a Corporation)", October 2013[2012];

72.[69.] Revenue Form 41A720-S41, "Schedule KEOZ-SP, Tax Computation Schedule (For a KEOZ Project of a Pass-Through Entity)", October 2013[2012];

73.[70.] Revenue Form 41A720-S42, "Schedule KEOZ-T, Tracking Schedule for a KEOZ Project", October 2013[2012];

74.[74.] Revenue Form 41A720-S45, "Schedule KJRA, Tax Credit Computation Schedule (For a KJRA Project of a Corporation)", October 2013[2012];

75.[72.] Revenue Form 41A720-S46, "Schedule KJRA-T, Tracking Schedule for a KJRA Project", October 2013[2012];

76.[73.] Revenue Form 41A720-S47, "Schedule KJRA-SP, Tax Computation Schedule (For a KJRA Project of a Pass-Through Entity)", October 2013[2012];

77.[74.] Revenue Form 41A720-S50, "Schedule IEIA, Tax

Credit Computation Schedule (For an IEIA Project of a Corporation)", October 2013[2012];

78.[75.] Revenue Form 41A720-S51, "Schedule IEIA-T, Tracking Schedule for an IEIA Project", October 2013[2012];

79.[76.] Revenue Form 41A720-S52, "Schedule IEIA-SP, Tax Computation Schedule (For an IEIA Project of a Pass-Through Entity)", October 2013[2012];

80.[77.] Revenue Form 41A720-S53, "Schedule KBI, Tax Credit Computation Schedule (For a KBI Project of a Corporation)", October 2013[2012];

81.[78.] Revenue Form 41A720-S54, "Schedule KBI-SP, Tax Computation Schedule (For a KBI Project of a Pass-Through Entity)", October 2013[2012];

82.[79.] Revenue Form 41A720-S55, "Schedule KBI-T, Tracking Schedule for a KBI Project", October 2013[2012];

83. Revenue Form 41A720-S56, "Schedule FON, Tax Credit Computation Schedule (For a FON project of a corporation)", October 2013;

84. Revenue Form 41A720-S57, "Schedule FON-SP, Tax Computation Schedule (For a FON project of a Pass-Through Entity)", October 2013;

85. Revenue Form 41A720-S58, "Schedule FON-T, Tracking Schedule for a FON Project", October 2013;

86.[80.] Revenue Form 41A720-S80, "Form 8874(K), Application for Certification of Qualified Equity Investments Eligible for Kentucky New Markets Development Program Tax Credit", June 2010;

87.[84.] Revenue Form 41A720-S81, "Form 8874(K)-A, Notice of Kentucky New Markets Development Program Tax Credit and Certification", June 2013[2012];

88.[82.] Revenue Form 41A720-S82, "Form 8874(K)-B, Notice of Kentucky New Markets Development Program Tax Credit Recapture", June 2013[2012];

89.[83.] Revenue Form 41A725, "Form 725, 2013[2012] Kentucky Single Member LLC Individually Owned LLET Return", 2013[2012];

90.[84.] Revenue Form 41A725CP, "Schedule CP, Form 725, 2013[2012] Kentucky Single Member LLC Individually Owned Composite Return Schedule", 2013[2012];

91.[85.] Revenue Form 41A725(I), "Instructions, 2013[2012] Kentucky Single Member LLC Individually Owned LLET Return", October 2013[2012];

92.[86.] Revenue Form 41A750, "Form 750, Business Development Corporation Tax Return", September 2013[2012];

93.[87.] Revenue Form 41A765, "Form 765, 2013[2012] Kentucky Partnership Income and LLET Return", 2013[2012];

94.[88.] Revenue Form 41A765(I), "Instructions, 2013[2012] Kentucky Partnership Income and LLET Return", November 2013[2012];

95.[89.] Revenue Form 41A765(K), "Form 765(K), Kentucky Schedule K For Partnerships With Economic Development Project(s)", October 2013[2012];

96.[90.] Revenue Form 41A765(K-1), "Schedule K-1 (Form 765), 2013[2012] Partner's Share of Income, Credits, Deductions, Etc.", 2013[2012];

97.[94.] Revenue Form 41A800, "Corporation and Pass-through Entity Nexus Questionnaire", December 2013[2014]; and

98.[92.] Revenue Form 41A802, "Corporation and Pass-through Entity Related Party Expense Questionnaire", June 2013[October 2012]; and

(b) Individual income and withholding taxes - referenced material:

1. Revenue Form 12A200, "Kentucky Individual Income Tax Installment Agreement Request", November 2013[2012];

2. Revenue Form 40A100, "Application for Refund of Income Taxes", October 2013[2012];

3. Revenue Form 40A102, "2013[2012] Application for Extension of Time to File Individual, General Partnership and Fiduciary Income Tax Returns for Kentucky", November 2013[2012];

4. Revenue Form 40A103, "Application for New Home Tax Credit", June 2010;

5. Revenue Form 40A200, "Form PTE-WH, Kentucky

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Nonresident Income Tax Withholding on Distributive Share Income", October 2013[2012];

6. Revenue Form 40A201, "Form 740NP-WH, Kentucky Nonresident Income Tax Withholding on Distributive Share Income Report and Composite Income Tax Return", October 2013[2012];

7. Revenue Form 40A201ES, "Form 740NP-WH-ES, Instructions – 2014[2013] Pass-Through Entity Nonresident Distributive Share Withholding Report and Composite Income Tax Return Voucher", October 2013[2012];

8. Revenue Form 40A201NP-WH-SL, "Form 740NP-WH-SL, Application for Six-Month Extension of Time to File Form 740NP-WH", October 2013[2012];

9. Revenue Form 40A201-WHP, "Form 740NP-WH-P, Underpayment and Late Payment of Estimated Tax on Form 740NP-WH", October 2013[2012];

10. Revenue Form 40A727, "Kentucky Income Tax Forms Requisition", October 2013[2012];

11. Revenue Form 42A003, "Withholding Kentucky Income Tax Instructions for Employers", August 2011;

12. Revenue Form 42A003(T), "2014[2013] Withholding Tax Tables Computer Formula", September 2013[2012];

13. Revenue Form 42A740, "Form 740, 2013[2012] Kentucky Individual Income Tax Return, Full-Year Residents Only", 2013[2012];

14. Revenue Form 42A740-A, "Schedule A, Form 740, 2013[2012] Kentucky Itemized Deductions", 2013[2012];

15. Revenue Form 42A740ES, "Form 740-ES, 2014[2013] Individual Income Tax Kentucky Estimated Tax Voucher", September 2013[June 2012];

16. Revenue Form 42A740-EZ, "Form 740-EZ, 2013[2012] Kentucky Individual Income Tax Return for Single Persons with No Dependents", 2013[2012];

17. Revenue Form 42A740(I), "2013[2012] Kentucky Individual Income Tax Instructions for Forms 740 and 740-EZ", October 2013[2012];

18. Revenue Form 42A740-J, "Schedule J, Kentucky Farm Income Averaging", October 2013[2012];

19. Revenue Form 42A740-KNOL, "Schedule KNOL, 2013[2012] Kentucky Net Operating Loss Schedule", 2013[2012];

20. Revenue Form 42A740-M, "Schedule M, 2013[2012] Kentucky Federal Adjusted Gross Income Modifications", 2013[2012];

21. Revenue Form 42A740-NP, "Form 740-NP, 2013[2012] Kentucky Individual Income Tax Return, Nonresident or Part-Year Resident", 2013[2012];

22. Revenue Form 42A740-NP-A, "Schedule A, Form 740-NP, 2013[2012] Kentucky Schedule A Itemized Deductions", 2013[2012];

23. Revenue Form 42A740-NP-ME, "Schedule ME, Form 740-NP, 2013[2012] Moving Expense and Reimbursement", 2013[2012];

24. Revenue Form 42A740-NP(I), "Instructions for 2013[2012] Kentucky Form 740-NP, Nonresident or Part-Year Resident Income Tax Return", October 2013[2012];

25. Revenue Form 42A740-NP-R, "Form 740-NP-R, 2013[2012] Kentucky Income Tax Return Nonresident - Reciprocal State", 2013[2012];

26. Revenue Form 42A740-NP(P), "2013[2012] Kentucky Income Tax Return Nonresident or Part-Year Resident", October 2013[2012];

27. Revenue Form 42A740(PKT), "2013[2012] Kentucky Individual Income Tax Forms", October 2013[2012];

28. Revenue Form 42A740-P, "Schedule P, 2013[2012] Kentucky Pension Income Exclusion", 2013[2012];

29. Revenue Form 42A740-UTC, "Schedule UTC, Unemployment Tax Credit", October 2013[2012];

30. Revenue Form 42A740-X, "Form 740-X, Amended Kentucky Individual Income Tax Return", November 2013[2012];

31. Revenue Form 42A740-XP, "Form 740-XP, Amended Kentucky Individual Income Tax Return, 2004 and Prior Years", November 2008;

32. Revenue Form 42A740-S1, "Form 2210-K, 2013[2012] Underpayment of Estimated Tax by Individuals", 2013[2012];

33. Revenue Form 42A740-S4, "2014[2013] Instructions for Filing Estimated Tax Vouchers", October 2013[2012];

34. Revenue Form 42A740-S18, "Form 8582-K, 2013[2012] Kentucky Passive Activity Loss Limitations", 2013[2012];

35. Revenue Form 42A740-S21, "Form 4972-K, 2013[2012] Kentucky Tax on Lump-Sum Distributions", 2013[2012];

36. Revenue Form 42A740-S22, "Form 8879-K, 2013[2012] Kentucky Individual Income Tax Declaration for Electronic Filing", 2013[2012];

37. Revenue Form 42A740-S23, "Form 740-V, 2013[2012] Kentucky Electronic Payment Voucher", November 2013[2012];

38. Revenue Form 42A740-S24, "Form 8863-K, 2013[2012] Kentucky Education Tuition Tax Credit", 2013[2012];

39. Revenue Form 42A740-S25, "Form 8948-K, Preparer Explanation For Not Filing Electronically", October 2013[2012];

40. Revenue Form 42A741, "Form 741, 2013[2012] Kentucky Fiduciary Income Tax Return", 2013[2012];

41. Revenue Form 42A741-D, "Schedule D, Form 741, 2013[2012] Kentucky Capital Gains and Losses", 2013[2012];

42. Revenue Form 42A741(I), "Instructions - Form 741, Kentucky Fiduciary Income Tax Return", October 2013[2012];

43. Revenue Form 42A741(K-1), "Schedule K-1, Form 741, 2013[2012] Kentucky Beneficiary's Share of Income, Deductions, Credits, etc.", 2013[2012];

44. Revenue Form 42A765-GP, "Form 765-GP, 2013[2012] Kentucky General Partnership Income Return", 2013[2012];

45. Revenue Form 42A765-GP(I), "Instructions, 2013[2012] Kentucky General Partnership Income Return", November 2013[2012];

46. Revenue Form 765-GP(K-1), "Schedule K-1, Form 765-GP, 2013[2012] Partner's Share of Income, Credits, Deductions, etc.", 2013[2012];

47. Revenue Form 42A765-GP(K), "Form 765-GP(K), Kentucky Schedule K for General Partnerships with Economic Development Project(s)", October 2013[2012];

48. Revenue Form 42A801, "Form K-1, Kentucky Employer's Income Tax Withheld Worksheet", March 2007;

49. Revenue Form 42A801(D), "Form K-1, Amended Employer's Return of Income Tax Withheld", April 2008;

50. Revenue Form 42A801-E, "Form K-1E, Kentucky Employer's Income Tax Withheld Worksheet - Electronic Funds Transfer", March 2007;

51. "Form W-2, 2013[2012] Wage and Tax Statement", 2013[2012];

52. Revenue Form 42A803, "Form K-3, Kentucky Employer's Income Tax Withheld Worksheet", March 2007;

53. Revenue Form 42A803(D), "Form K-3, Amended Employer's Return of Income Tax Withheld", April 2008;

54. Revenue Form 42A803-E, "Form K-3E, Kentucky Employer's Income Tax Withheld Worksheet - Electronic Funds Transfer", March 2007;

55. Revenue Form 42A804, "Form K-4, Kentucky Department of Revenue Employee's Withholding Exemption Certificate", November 2013[2010];

56. Revenue Form 42A804-A, "Form K-4A, Kentucky Department of Revenue Withholding Exemptions for Excess Itemized Deductions", April 2008;

57. Revenue Form 42A804-E, "Form K-4E, Special Withholding Exemption Certificate", May 2013[March 2012];

58. Revenue Form 42A804-M, "Form K-4M, Nonresident Military Spouse Withholding Tax Exemption Certificate", November 2010;

59. Revenue Form 42A806, "Transmitter Report for Filing Kentucky W2/K2, 1099 and W2-G Statements", July 2013[October 2011];

60. Revenue Form 42A807, "Form K-4FC, Fort Campbell Exemption Certificate", August 2006;

61. Revenue Form 42A808, "Authorization to Submit Employees Annual Wage and Tax Statements Via Kentucky Department of Revenue Web Site", March 2006;

62. Revenue Form 42A809, "Certificate of Nonresidence", March 2007;

63. Revenue Form 42A810, "Nonresident's Affidavit - Kentucky

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Individual Income Tax", April 1989;

64. Revenue Form 42A811, "KREDA Annual Report", December 2007;

65. Revenue Form 42A812, "KIDA Annual Report", December 2007;

66. Revenue Form 42A813, "KJDA Annual Report", December 2007;

67. Revenue Form 42A814, "KIRA Annual Report", December 2007;

68. Revenue Form 42A815, "Withholding Tax Refund Application", August 2006;

69. Revenue Form 42A816, "KEOZ Annual Report", December 2007;

70. Revenue Form 42A817, "KJRA Annual Report", October 2010;

71. Revenue Form 42A818, "KBI Annual Report", October 2010; and

72. Revenue Form 42D003, "2013[2012] Kentucky Wage and Tax Statements (W-2/K-2) Order Form", August 2013[July 2012].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: December 23, 2013

FILED WITH LRC: December 27, 2013 at 4 p.m.

CONTACT PERSON: Lisa Swiger, Staff Assistant, Department of Revenue, Finance and Administration Cabinet, 501 High Street, Frankfort, Kentucky 40601, phone (502) 564-9826, fax (502) 564-2541.

GENERAL GOVERNMENT CABINET
Board of Licensure for Long Term Care Administrators
(As Amended at ARRS, March 10, 2014)

201 KAR 6:020. Other requirements for licensure.

RELATES TO: KRS 216A.070(1)(a), 216A.080(1)(a), (b), (c), (d), (e)

STATUTORY AUTHORITY: KRS 216A.070(3), 216A.080(1)(d), (e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070 requires the Kentucky Board of Licensure for Long-Term Care Administrators to promulgate administrative regulations to develop, impose, and enforce standards which shall be met by an individual in order to receive a license. KRS 216A.080(1)(d) and (e) authorize the board to promulgate administrative regulations to establish examination requirements and other requirements to be met if the requirements are uniform and applied to each applicant for a license. KRS 216A.080(1)(d) requires an applicant to pass an examination approved by the board. This administrative regulation establishes requirements for licensure and sets limits on the taking of the examination.

Section 1. An applicant for a license as a long-term care administrator shall, in addition to meeting all of the requirements provided by KRS 216A.080(1):

(1) Have satisfactorily completed a course of study for, and have been awarded a baccalaureate degree from, an accredited college or university accredited by an agency recognized by the United States Department of Education;

(2)(a) Pass the written examination administered and verified by the National Association of Long-Term Care Administrator Boards; and

(b) Submit to the Board of Licensure for Long-Term Care Administrators documentation of a passing score, as defined by the National Association of Long-Term Care Administrator Boards.

1. This score shall not be less than seventy-five (75) percent of the scaled score.

2. The examination shall be passed within:

a. Two (2) years before filing an application for licensure or

reinstatement; or

b. One (1) year[Six (6) months] after filing an application for licensure or reinstatement; and

(3)(a) Except as provided in paragraph (b) and (c) of this subsection, have six (6) months of continuous management experience, or, if part-time, not less than 1,000 hours within a twenty-four (24) month period, with that experience to be completed in a long-term care facility. This experience shall be completed no more than two (2) years in advance of the date of making application or within one (1) year after the filing of the [two (2) years of the date of] application. The management experience shall include evidence of responsibility for:

- 1. Personnel management;
- 2. Budget preparation;
- 3. Fiscal management;
- 4. Public relations; and
- 5. Regulatory compliance and quality improvement.

(b) An internship, that is at least 1,000 hours in length, which is a part of a degree in long-term care administration or a related field, shall satisfy the experience requirement established in this subsection.

(c) A bachelor's or master's degree from an academic program accredited by the National Association of Long-Term Care Administrator Boards upon[at the time of] the applicant's graduation and which was awarded within two (2) years of the date of the application shall satisfy the experience requirement established in this subsection.

Section 2. (1) The examination for licensure established by KRS 216A.080(1)(d)[(e)] shall be the examination prepared by the National Association of Long-Term Care Administrator Boards.

(2) An applicant shall not [be permitted to] sit for the examination more than four (4) times within twelve (12) months.

Section 3. Any application not completed within one (1) year[six (6) months] of the date of application[having been approved to take the exam] shall be mandatorily withdrawn as incomplete.

Section 4. A licensee shall provide the board with written notification within thirty (30) days of the occurrence of any of the following:

- (1) Change of home address;
- (2) Change of employer;
- (3) Conviction of a felony or misdemeanor:
 - (a) A licensee providing notice of a conviction shall provide a copy of the judgment in the case.
 - (b) A plea of nolo contendere or an alford plea shall not absolve the licensee of an obligation to report a conviction; or
- (4) Immediate Jeopardy or Substandard Level of Care notice received from the Cabinet for Health and Family Services by the long-term care facility at which the licensee serves as the administrator of record. A licensee providing notice of a citation shall provide a copy of the inspection report and submitted plan of correction.

Section 5. An applicant for licensure shall complete and submit an Application for Licensure.

Section 6. Incorporation by Reference. (1) "Application for Licensure", January 2014[October 2013], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Long-Term Care Administrators, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

GREG WELLS, Board Chair

APPROVED BY AGENCY: January 2, 2014

FILED WITH LRC: January 9, 2014 at 3 p.m.

CONTACT PERSON: Jennifer Hutcherson, Board Administrator, Board of Licensure for Long Term Care

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Administrators, PO Box 1360, Frankfort, Kentucky 40602, phone 502-564-3296.

GENERAL GOVERNMENT CABINET
Board of Licensure for Long Term Care Administrators
(As Amended at ARRS, March 10, 2014)

201 KAR 6:040. Renewal, reinstatement, and reactivation of license.

RELATES TO: KRS 36.450, 216A.080, 216A.090

STATUTORY AUTHORITY: KRS 216A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the Board of Licensure for Long-term Care Administrators to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.090 requires the holder of a license to renew that license biennially. This administrative regulation establishes the requirements for renewal, late renewal, inactive licensure, and reinstatement of a license.

Section 1. (1) A license shall be renewed every two (2) years from date of issue or from date of last renewal. To apply for renewal, a licensee shall:

- (a) Submit a completed Renewal Form to the board; and
- (b) Pay to the board the appropriate renewal fee established in 201 KAR 6:060 for the renewal of a license.

(2) A sixty (60) day grace period shall be allowed after the renewal date, during which time a licensee may continue to practice and may renew the license upon payment of the late renewal fee established in 201 KAR 6:060.

(a) Except as provided by KRS 36.450, a license not renewed by the end of the sixty (60) day grace period shall terminate based on the failure of the licensee to renew in a timely manner.

(b) Upon termination, the licensee shall not practice in the Commonwealth.

(3) A license shall be ~~deemed~~ inactive if:

- (a) The board receives a written request seeking inactive status from the licensee;
- (b) A licensee pays to the board the inactive licensee fee established in 201 KAR 6:060 for an inactive license;
- (c) The grace period established in subsection (2) of this section has not expired; and
- (d) The license is in good standing when the inactive status request is received.

(4)(a) After the sixty (60) day grace period, in order to apply for reinstatement, an individual with a terminated license shall submit a completed ~~Reinstatement~~ Application for Licensure and pay the reinstatement fee established in 201 KAR 6:060.

(b) A person who applies for reinstatement after expiration of a license shall not be required to meet current licensure requirements, except those established in 201 KAR 6:070, Section 10, if reinstatement application is made within two (2) years from the date of expiration.

(5)(a) In order to apply for reactivation, an individual with an inactive license shall submit a completed ~~Application for Licensure~~ ~~Inactive Renewal and Reactivation Form~~ accompanied by the reactivation fee established in 201 KAR ~~6:060~~ ~~6:070~~.

(b) An individual who has continuously maintained inactive status and who makes application to return to active status shall not be required to meet current licensure requirements except those established by 201 KAR 6:070, Section 10.

(6) A licensee who fails to reinstate a license within two (2) years after its termination shall not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the current requirements for licensure established in KRS 216A.080 and 201 KAR Chapter 6.

(7) A suspended license shall be subject to expiration and termination and shall be renewed as provided in this administrative regulation. Renewal shall not entitle the licensee to engage in the practice until the suspension has ended, or is otherwise removed by the board and the right to practice is restored by the board.

(8) A revoked license shall be subject to expiration or

termination and shall not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee ~~established~~ ~~as set forth~~ in subsection ~~(4)(a)~~ ~~(2)~~ of this section and the renewal fee ~~established~~ ~~as set forth~~ in subsection (1) of this section.

(9) A licensee applying for renewal, late renewal, or reinstatement of licensure shall show evidence of completion of continuing education as established by 201 KAR 6:070.

(10) An inactive licensee shall renew his or her inactive license biennially by submitting an application on the ~~Renewal~~ ~~Inactive Renewal and Reactivation~~ Form and submitting payment of the fee established in 201 KAR 6:060.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Renewal Form", ~~March~~ ~~January~~ 2014 ~~August 2013~~; and
- (b) ~~"Application for Licensure," January 2014~~ ~~"Reinstatement Application," August 2013~~; and
- (c) ~~"Inactive Renewal and Reactivation Form," August 2013~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Long-Term Care Administrators, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

GREG WELLS, Board Chair

APPROVED BY AGENCY: January 2, 2014

FILED WITH LRC: January 9, 2014 at 3 p.m.

CONTACT PERSON: Jennifer Hutcherson, Board Administrator, Board of Licensure for Long Term Care Administrators, PO Box 1360, Frankfort, Kentucky 40602, phone 502-564-3296.

GENERAL GOVERNMENT CABINET
Board of Licensure for Long Term Care Administrators
(As Amended at ARRS, March 10, 2014)

201 KAR 6:070. Continuing education requirements.

RELATES TO: KRS 216A.090

STATUTORY AUTHORITY: KRS 216A.070(3), 216A.090

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216A.070(3) authorizes the Board of Licensure for Long-term Care Administrators to promulgate administrative regulations necessary for the proper performance of its duties. KRS 216A.090 authorizes the board to promulgate an administrative regulation requiring a licensed ~~long-term care~~ ~~nursing home~~ administrator to complete continuing education requirements as a condition of renewal of licensure. This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definitions. (1) "Approved" means recognized by the Kentucky Board of Licensure for Long-Term Care Administrators.

(2) "Continuing education hour" means sixty (60) clock minutes of participation in a continuing educational experience.

(3) "Program" means an organized learning experience planned and evaluated to meet behavioral objectives, including an experience presented in one (1) session or in a series.

(4) "Provider" means an organization approved by the Kentucky Board of Licensure for Long-Term Care Administrators for providing a continuing education program.

(5) "Relevant" means having content applicable to the practice of ~~long term care~~ ~~nursing home~~ administration.

Section 2. Accrual of Continuing Education Hours; Computation of Accrual. (1) A minimum of thirty (30) continuing education hours shall be accrued by each person holding licensure during the two (2) year period for renewal.

(2) All continuing education hours shall be in or related to the field of long-term care administration.

(3) A maximum of fifteen (15) continuing education hours may be accrued during one (1) calendar day.

Section 3. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of a long-term care administrator. A continuing education hour shall be earned by completing an educational activity described in this section. (1) Programs not requiring board review and approval. An educational program shall be considered relevant to the practice of long-term care administration and shall be approved without further review by the board if it is:

(a) Sponsored or approved by the National Association of Long-Term Care Administrator Boards (NAB) or another board of licensure which is a member of NAB; or

(b) Sponsored by:

1. Leading Age, or any of its affiliated state chapters;
2. The American College of Health Care Administrators, or any of its affiliated state chapters;
3. The American College of Healthcare Executives;
4. The American Health Care Association, or any of its affiliated state chapters;
5. The American Hospital Association, or any of its affiliated state chapters;
6. The Kentucky Board of Nursing; or
7. The American Medical Directors Association, or any of its affiliated chapters.

(2) Programs requiring board review and approval. A relevant program from one (1) of the following sources shall be approved by the board:

(a) A college course directly related to business administration, economics, marketing, computer science, social services, psychology, gerontology, or health professions including nursing or premedicine, except that a college course described in this paragraph shall not fulfill more than one-half (1/2) of a licensee's continuing education requirement;

(b) A relevant program, including a home study course or in-service training provided by another organization, **educational[education]** institution, or other service provider approved by the board;

(c) A relevant program or academic course presented by the licensee. A presenter of a relevant program or academic course shall earn full continuing education credit for each contact hour of instruction, not to exceed one-half (1/2) of the continuing education renewal requirements. Credit shall not be issued for repeated instruction of the same course; or

(d) Authoring an article in a relevant, professionally recognized or juried publication. Credit shall be granted for an article that was published within the two (2) year period immediately preceding the renewal date if the licensee has not received credit for another publication during that renewal period. A licensee shall earn one-half (1/2) of the continuing education hours required for a relevant publication.

Section 4. Procedures for Approval of Continuing Education Programs. A course which has not been preapproved by the board may be used for continuing education if approval is secured from the board for the course. In order for the board to adequately review this program, the licensee requesting approval shall submit:

- (1) A published course or similar description;
- (2) Names and qualifications of the instructors;
- (3) A copy of the program agenda indicating hours of education, coffee breaks, and lunch breaks;
- (4) Number of continuing education hours requested;
- (5) Official certificate of completion or college transcript from the sponsoring agency or college;
- (6) Application for Continuing Education; and
- (7) The fee required by 201 KAR 6:060, Section 7.

Section 5. Procedures for Preapproval of Continuing Education Sponsors and Programs. (1) Sponsor approval.

(a) Any entity seeking to obtain approval of a continuing education program prior to its offering shall apply to the board at least sixty (60) days in advance of the commencement of the program, and shall provide the information required in Section 4 of this administrative regulation.

(b) An applicant shall satisfy the board that the entity seeking this status:

1. Consistently offers programs which meet or exceed all the requirements **established in subsection (2) of this section[set forth in Section 2 of this administrative regulation]**; and

2. Does not exclude any licensee from its programs.

(2) A continuing education activity shall be qualified for approval if the board **finds[determines]** the activity being presented:

(a) Is an organized program of learning;

(b) Pertains to subject matters which integrally relate to the practice of **long term care[nursing home]** administration;

(c) Contributes to the professional competency of the licensee; and

(d) Is conducted by individuals who have relevant educational training or experience.

Section 6. Responsibilities and Reporting Requirements of Licensees. (1) Each licensee shall be responsible for obtaining **the** required continuing education hours **established in Section 2 of this administrative regulation**. The licensee shall:

(a) Identify his or her own continuing education needs;

(b) Take the initiative in seeking continuing professional education activities to meet these needs; and

(c) Seek ways to integrate new knowledge, skills, and attitudes.

(2) Each person holding licensure shall:

(a) Select approved activities by which to earn continuing education hours;

(b) Submit to the board, if applicable, a request for continuing education activities requiring approval by the board as established in Section 4 of this administrative regulation;

(c) Maintain his or her own records of continuing education hours;

(d) At **the time of** renewal, list the continuing education hours obtained during that licensure renewal period; and

(e) At **the time of** renewal, furnish documentation of attendance and participation in the number of continuing education hours required by Section 2 of this administrative regulation and as required by this paragraph.

1. Each person holding licensure shall maintain, for a period of two (2) years from the date of renewal, all documentation verifying successful completion of continuing education hours.

2. During the two (2) year licensure renewal period, up to fifteen (15) percent of all licensees shall be required by the board to furnish documentation of the completion of the number of continuing education hours, required by Section 2 of this administrative regulation, for the current renewal period.

3. Verification of continuing education hours shall not otherwise be reported to the board.

4. Documentation shall take the form of official documents including:

a. Transcripts;

b. Certificates;

c. Affidavits signed by instructors; or

d. Receipts for fees paid to the sponsor.

5. Each licensee shall retain copies of the documentation.\

Section 7. Responsibilities and Reporting Requirements of Providers. (1) A provider of continuing education not requiring board approval shall be responsible for providing documentation, as established in Section 4 of this administrative regulation, directly to the licensee.

(2) A provider of continuing education requiring board approval shall be responsible for submitting a course offering to the board for review and approval before listing or advertising that offering as approved by the board.

Section 8. Board to Approve Continuing Education Hours; Appeal when Approval Denied. (1) If an application for approval of continuing education hours is denied, the licensee may request reconsideration by the board of its decision.

(2) The request shall be in writing and shall be received by the

board within thirty (30) days after the date of the board's decision denying approval of continuing education hours.

(3) An appeal shall be conducted in accordance with KRS Chapter 13B.

Section 9. Waiver or Extensions of Continuing Education. (1) The board may, in an individual case involving medical disability, illness, or undue hardship ~~as determined by the board~~, grant a waiver of the minimum continuing education requirements or an extension of time within which to fulfill the requirements or make a required report.

(2) A written request for waiver or extension of time involving medical disability or illness shall be submitted by the person holding a license and shall be accompanied by a verifying document signed by a licensed physician.

(3) A waiver of the minimum continuing education requirements or an extension of time within which to fulfill the continuing education requirements shall be granted by the board for a period of time not to exceed one (1) calendar year.

(4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the person holding licensure shall reapply for the waiver or extension.

Section 10. Continuing Education Requirements for Reinstatement or Reactivation of Licensure. (1) A person requesting reinstatement or reactivation of licensure shall submit evidence of thirty (30) hours of continuing education within the twenty-four (24) month period immediately preceding the date on which the request for reinstatement or reactivation is submitted to the board.

(2) Upon request by a licensee, the board may permit the licensee to resume practice, with the provision that the licensee shall receive thirty (30) hours continuing education within six (6) months of the date on which the licensee is approved to resume practice.

(3) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

Section 11. Incorporation by Reference. (1) "Application for Continuing Education", January 2014 ~~August 2013~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Long-Term Care Administrators, 911 Leaward Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

GREG WELLS, Board Chair
APPROVED BY AGENCY: January 2, 2014
FILED WITH LRC: January 9, 2014 at 3 p.m.
CONTACT PERSON: Jennifer Hutcherson, Board Administrator, Board of Licensure for Long Term Care Administrators, PO Box 1360, Frankfort, Kentucky 40602, phone 502-564-3296.

**GENERAL GOVERNMENT CABINET
Licensing Board for Specialists in Hearing Instruments
(As Amended at ARRS, March 10, 2014)**

201 KAR 7:015. Fees.

RELATES TO: KRS 334.050, 334.080, 334.090, 334.110, **334.160**

STATUTORY AUTHORITY: KRS 334.050, 334.080, 334.090, 334.110, 334.150

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 334.050 and 334.080 require the Kentucky Licensing Board for Specialists in Hearing Instruments to promulgate an**

administrative regulation to establish licensure fees for applicants. KRS 334.090 requires the board to promulgate an administrative regulation to establish the fee for an apprentice permit. KRS 334.110 requires the board to promulgate an administrative regulation to establish fees for renewal. KRS 334.150 authorizes the board to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 334. This administrative regulation establishes/is necessitated by KRS 334.050, 334.080, 334.090 and 334.110 and sets forth in detail all fees charged by the board.

Section 1. Application Fees Schedule. The following fees shall be paid ~~in connection~~ with ~~a~~ ~~all types of~~ hearing instrument specialist ~~application~~ ~~applications~~:

(1) The application fee for an apprentice permit shall be \$100 ~~and shall be nonrefundable; and that is non-refundable~~ ~~in~~ ~~dollars~~ ~~;~~ ~~;~~

(2) The application fee for a license shall be \$100 ~~and shall be nonrefundable that is non-refundable~~ ~~in~~ ~~dollars~~ ~~;~~ ~~;~~

Section 2. Examination Fees. The following fees shall be paid ~~in connection~~ with ~~a~~ ~~the~~ licensure ~~examination~~ ~~examinations~~ required by the board:

(1) The fee for the National Institute for Hearing Instrument Studies Examination shall be ninety-five (95) dollars; ~~;~~ ~~;~~

(2) The fee for all portions of the state examination shall be \$150; ~~and~~ ~~dollars~~ ~~;~~ ~~;~~

(3) The fee for an individual portion of the state examination shall be thirty (30) dollars per portion.

Section 3. Original License Fees. The original license fee shall be \$200 for an applicant who successfully completes all ~~examinations. The fee shall be paid by the applicant within thirty (30) days of notification from the board that the applicant has passed all examinations~~ ~~portions of the examination and application processes~~.

Section 4. Renewal Fees and Penalties. A person holding a license shall not practice in this state after March 2 of the year in which the license is to be renewed unless the license has been renewed as provided by **KRS 334.090, 334.110, and 201 KAR 7:070** ~~law~~ and payment of the prescribed fee has been made. A license not renewed by March 2 following the expiration date shall be ~~deemed~~ expired and a person holding an expired license shall not engage in the practice of fitting and selling hearing instruments. The following fees and penalties shall be paid ~~in connection~~ with licensure renewals ~~and penalties~~:

(1) The renewal fee for licensure shall be \$200; ~~;~~ ~~;~~

(2) The late renewal fee, including penalty, for the grace period extending from January 31 to March 2 shall be \$250; ~~;~~ ~~;~~

(3) The ~~renewal~~ fee for renewal of licensure after March 2, including penalty, shall be \$300; ~~and~~ ~~;~~ ~~;~~

(4) The fee for renewal of an apprentice permit shall be \$100.

MICHAEL STONE, Chairperson
APPROVED BY AGENCY: January 8, 2014
FILED WITH LRC: January 9, 2014 at 3 p.m.
CONTACT PERSON: Angela Evans, Board Counsel, 700 Capital Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5300, fax (502) 564-6801.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Licensure for Professional Art Therapists
(As Amended at ARRS, March 10, 2014)**

201 KAR 34:020. Fees.

RELATES TO: KRS 309.133, **309.134**, 309.1335, 309.138
STATUTORY AUTHORITY: KRS 309.1315(1), (4), (13), 309.135

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315 ~~(1), (4), and~~ (13), and 309.135 require the board to

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promulgate an administrative regulation establishing fees for licensure, examination, renewal, and reinstatement of the license. This administrative regulation establishes those fees.

Section 1. Application Fee. (1)(a) The application fee for board review of the Application for licensure as a Licensed Professional Art Therapist required by 201 KAR 34:025, Section 1(1), shall be \$100.

(b) The application fee for board review of the Application for licensure as a Licensed Professional Art Therapist Associate required by 201 KAR 34:025, Section 1(2), shall be fifty (50) dollars.

(2) The application fee shall be nonrefundable.

Section 2. Examination Fee. The applicant shall pay the national examination fee established by the National Art Therapy Credentials Board.

Section 3. Examination Fee. (1) The fee for the written examination shall be \$100.

(2) The fee for retaking the examination shall be \$100.

Section 3. Initial Licensure Fee. (1)(a) The initial licensure fee shall be \$100 for licensure as a licensed professional art therapist.

(b) The initial licensure fee shall be fifty (50) dollars for licensure as a licensed professional art therapist associate.

(2) If the applicant successfully completes all requirements for licensure, this fee shall cover licensure for the initial two (2) year period.

Section 4.3 Renewal Fee. (1) The renewal fee for licensed professional art therapist licensure shall be \$200 for a two (2) year period.

(2) The renewal fee for licensed professional art therapist associate licensure shall be \$100 for a two (2) year period.

Section 5.4 Late Fee. The late fee for a licensee who applies for renewal within ninety (90) days of his or her original renewal deadline shall be fifty (50) dollars, which shall be paid in addition to the renewal fee set out in Section 4.3 of this administrative regulation.

Section 6.5 Reinstatement Fee. (1) The reinstatement fee for a licensee who applies for reinstatement more than ninety (90) days but prior to 180 days after the original renewal deadline shall be:

1. \$100 for a licensed professional art therapist; or
2. Fifty (50) dollars for a licensed professional art therapist associate; and

(b) which shall be Paid in addition to the renewal fee set out in Section 4.3 of this administrative regulation.

(2) A licensed professional art therapist who applies for reinstatement shall submit the LPAT Reinstatement Form.

(b) A licensed professional art therapist associate who applies for reinstatement shall submit the LPATA Reinstatement Form.

Section 7.6 Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "LPAT Reinstatement Form", 2010; and

(b) "LPATA Reinstatement Form", 2014, is incorporated by reference].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

MARYBETH ORTON, Chair

APPROVED BY AGENCY: December 13, 2013

FILED WITH LRC: December 13, 2013 at 10 a.m.

CONTACT PERSON: Lucie Duvall, Board Administrator, Kentucky Board of Licensure for Professional Art Therapists, 911 Leawood Drive, Frankfort, Kentucky 40061, phone (502) 564-3296,

fax (502) 696-8030.

GENERAL GOVERNMENT CABINET
Kentucky Board of Licensure for Professional Art Therapists
(As Amended at ARRS, March 10, 2014)

201 KAR 34:025. Application; approved programs.

RELATES TO: KRS 303.130, 309.133, 309.134

STATUTORY AUTHORITY: KRS 309.1315(1), (4), 309.133, 309.134

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315(1) requires the Kentucky Board of Licensure for Professional Art Therapists to promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399. KRS 309.1315(4) requires the board to process applications for licensure. KRS 309.133 and 309.134 authorize the board to review and approve, or reject the qualifications of all applicants for licensure. This administrative regulation establishes the procedure for submitting an application for licensure.

Section 1. Application. (1) A person seeking licensure as a licensed professional art therapist shall submit an Application for Licensed Professional Art Therapist to obtain a license to engage in the practice of professional art therapy after the requirements established in KRS 309.133 are met.

(2) A person seeking licensure as a licensed professional art therapist associate shall submit an Application for Licensed Professional Art Therapist Associate to obtain a license to engage in the practice of professional art therapy after the requirements established in KRS 309.134(1) are met.

(3) The application required pursuant to subsection (1) and (2) of this section shall be accompanied by the appropriate nonrefundable application fee established in 201 KAR 34:020.

(4) The application shall be signed by the applicant.

(5)(a) The application for a licensed professional art therapist license shall include a copy of the applicant's current registration and certification card issued by the Art Therapy Credentials Board, Inc.

(b) Proof of certification or registration shall constitute evidence that the licensed professional art therapist applicant has met the educational and experiential requirements for licensure established in KRS 309.133(1).

(6)(a) The licensed professional art therapist or licensed professional art therapist associate applicant shall ensure that a certified, official transcript from the college or university registrar's office is transmitted to the board upon application to substantiate that the applicant has been awarded or conferred a master's or doctoral degree in art therapy from a program accredited by the American Art Therapy Association (AATA).

(b) If the licensed professional art therapist or licensed professional art therapist associate applicant does not possess a degree from an AATA accredited program, the applicant's degree shall meet the requirements of Section 2 of this administrative regulation.

Section 2. Degree from a non-accredited program. (1) A master's or doctoral degree from a college or university approved by the board pursuant to KRS 309.133(2) or 309.134 shall be a degree program that is listed as accredited by the American Art Therapy Association.

(2) If an applicant's master's or doctoral degree is not listed as accredited by the American Art Therapy Association, then the applicant shall demonstrate that the degree consisted of at least sixty (60) semester hours as evidenced by a certified copy of an academic transcript of coursework at the graduate level.

(3)(a) The coursework for the degree shall include twenty-four (24) semester hours of sequential course work in art therapy courses from an accredited institution as defined in KRS 309.130(6).

(b) The coursework in art therapy shall include the following components:

1. History of art therapy;
2. Theory of art therapy;
3. Techniques of practice in art therapy;
4. The application of art therapy with people in different treatment settings;
5. Psychopathology in the practice of art therapy;
6. Assessment of patients and diagnostic categories;
7. Ethical and legal issues of art therapy practice;
8. Standards of good practice in art therapy; and
9. Matters of cultural diversity bearing on the practice of art therapy.

(c) In addition to the coursework in art therapy, the degree shall include twenty-four (24) semester hours covering the following related content areas:

1. Psychopathology;
2. Human growth and development;
3. Counseling and psychological theories;
4. Cultural and social diversity;
5. Assessment;
6. Research;
7. Studio art; and
8. Career and lifestyle development.

(4) The degree shall include the supervised internship experience required by KRS 309.133(1)(a) or (b).

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Licensed Professional Art Therapist", March[January] 2014; and

(b) "Application for Licensed Professional Art Therapist Associate", March[January] 2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

MARYBETH ORTON, Chair

APPROVED BY AGENCY: December 13, 2013

FILED WITH LRC: December 13, 2013 at 10 a.m.

CONTACT PERSON: Lucie Duvall, Board Administrator, Kentucky Board of Licensure for Professional Art Therapists, 911 Leewood Drive, Frankfort, Kentucky 40061, phone (502) 564-3296, fax (502) 696-8030.

GENERAL GOVERNMENT CABINET

Kentucky Board of Licensure for Professional Art Therapists
(As Amended at ARRS, March 10, 2014)

201 KAR 34:030. Continuing education requirements.

RELATES TO: KRS 309.133, 309.1335(1)(c), 309.134, 309.137[(b)]

STATUTORY AUTHORITY: KRS 309.1315(1), (9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315(1) and (9) require the board to promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399 and to establish the criteria for continuing education. KRS 309.1335(1)(c)[(b)] authorizes the board to promulgate an administrative regulation requiring licensed professional art therapists and licensed professional art therapist associates to complete continuing education requirements as a condition of renewal of their license. This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definitions.[As used in this administrative regulation, unless the context otherwise requires:]

(1) "Academic course/courses offered by an accredited postsecondary institution" means a course offered by an accredited postsecondary institution that is an:

(a)[An] Art therapy course, designated by an art therapy

course title or content, beyond the undergraduate level; or

(b)[An] Academic course, relevant to professional art therapy, beyond the undergraduate level.

(2) "Approved" means recognized by the Kentucky Board of Licensure for Professional Art Therapists.

(3) "Continuing education hour" means fifty (50) clock minutes of participating in continuing educational experiences.

(4) "Program" means an organized learning experience:

(a) Planned and evaluated to meet behavioral objectives; and

(b) Presented in one (1) session or series.

(5) "Provider" means an individual or an organization that provides or sponsors continuing education programs and is approved by the ~~board~~Kentucky Board of Licensure for Professional Art Therapists.

(6) "Relevant" means having content applicable to the practice of professional art therapy as evaluated[determined] by the board. ~~[Continuing education activities shall be in the following content areas in order to be considered relevant:~~

~~(a) Psychological and psychotherapeutic theories and practice;~~

~~(b) Art therapy assessment;~~

~~(c) Art therapy theory and practice;~~

~~(d) Client populations;~~

~~(e) Art theory and media; and~~

~~(f) Professionalism and ethics.]~~

(7) "Successful completion" means that the license holder has:

(a) Satisfactorily met the specific requirements of the program; and

(b) Earned the continuing education hours.

Section 2. Accrual of Continuing Education Hours; Computation of Accrual. (1) A minimum of forty (40) continuing education hours shall be accrued by a licensed professional art therapist~~[each person holding licensure]~~ during the two (2) year licensure period for renewal.

(2) A minimum of eighteen (18) continuing education hours shall be accrued by a licensed professional art therapy associate during the two (2) year licensure period for renewal.

(3) All hours shall be in or related to the field of professional art therapy.

(4) A licensee shall obtain three (3) hours of continuing education on ethics included within the hours required by subsection (1) and (2) of this section during the two (2) year licensure period for renewal.

(5) Continuing education activities shall be in the following content areas in order to be considered relevant:

(a) Psychological and psychotherapeutic theories and practice;

(b) Art therapy assessment;

(c) Art therapy theory and practice;

(d) Client populations;

(e) Art theory and media; and

(f) Professionalism and ethics.

Section 3. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the certificate shall be directly related to the professional growth and development of a professional art therapy practitioner. Hours may be earned by completing any of the following educational activities:

(1) Programs not requiring board review and approval. A program provided or approved by any of the following providers shall be ~~deemed to be~~ relevant to the practice of professional art therapy and shall be approved without further review by the board:

(a) The American Art Therapy Association, Inc. or any of its state affiliates;

(b) The Art Therapy Credentials Board, Inc.;

(c) The American Association of Marriage and Family Therapy and its state affiliates;

(d) The National Association of Social Workers and its state affiliates;

(e) The American Psychological Association and its state affiliates;

(f) The American Counseling Association and its state

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affiliates;

(g) The National Board of Certified Counselors and its state affiliates;

(h) The Association for Addiction Professionals (NAADAC) and its state affiliates;

(i) The Department for **Behavioral[Mental]** Health, Developmental **and Intellectual** Disabilities~~**and Addiction Services**~~;

(j) The Employee Assistance Professionals Association; and

(k) Academic courses as **established[set forth]** in Section 1(1) of this administrative regulation. A general education course, elective, or **course** designated to meet degree requirements~~**;**~~ shall not be acceptable. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals fifteen (15) continuing education hours.

(2) Programs requiring board review and approval. A program from any of the following sources shall be reviewed by the board and **evaluated[determined]** whether it is relevant:

(a) A program, including a home study course, webinar, and in-service training provided by another organization, educational institution, or service provider approved by the board;

(b) A program or academic course presented by the license holder. A presenter of a relevant program or academic course shall earn two (2) continuing education hours for each contact hour of instruction. Credit shall not be issued for repeated instruction of the same course;

(c) A publication in a professionally recognized or juried publication. Continuing education hours shall be granted for a relevant publication as follows:

1. Five (5) continuing education hours for each published abstract or book review;

2. Ten (10) continuing education hours for each published article;

3. Twenty (20) continuing education hours for each book chapter or monograph; and

4. Forty (40) continuing education hours for each published book; and

(d) An exhibition in a juried art show. An exhibitor at a juried art show shall earn ten (10) continuing education hours for ~~an[each]~~ exhibition and is limited to one (1) exhibition per renewal cycle.

Section 4. Procedures for Preapproval of Continuing Education Programs. (1) Any entity seeking to obtain approval of a continuing education program prior to its offering shall apply to the board at least sixty (60) days in advance of the commencement of the program, and shall provide the information required in Section 5 of this administrative regulation.

(2) A continuing education program shall be qualified for approval if the board **finds[determines]** the activity being presented:

(a) Is an organized program of learning;

(b) **Lists[List]** goals and objectives;

(c) Pertains to subject matters which integrally relate to the practice of art therapy;

~~(d)[(e)]~~ Contributes to the professional competency of the licensee; and

~~(e)[(d)]~~ Is conducted by individuals who have educational training or experience acceptable to the board.

(3)(a) The board may approve a specific continuing education program that is not listed in Section 3(1) of this administrative regulation if the provider of the program:

1. Files a written request for approval;

2. Pays an annual **processing[application]** fee of seventy-five (75) dollars; and

3. Provides the information on a continuing education program that it proposes to provide that meets the requirements established in this administrative regulation.

(b) The approval of a program pursuant to paragraph (a) of this subsection shall permit the provider to offer the program for a period of one (1) calendar year.

(4)(a) A license holder may request an individual review of a nonapproved continuing education activity completed during the earning period if, within thirty (30) days after the expiration of the

immediate past license period, the license holder has:

1. Requested the review by applying for individual review; and
2. Paid a fee of twenty (20) dollars.

(b) The review shall be based on the standards established by this administrative regulation.

(c) Approval by the board of a non-approved continuing education activity shall:

1. Qualify as if it has been obtained from an approved provider; and

2. Be limited to the particular offering upon which the request for individual review is based.

Section 5. Procedures for Approval of Continuing Education Programs. (1) A course that has not been preapproved may be used for continuing education if approval is secured from the board.

(2) The following shall be submitted for board review of a program:

(a) A published course or seminar description;

(b) The name and qualifications of the instructor including resume or/vitae;

(c) A copy of the program agenda indicating hours of education, coffee and lunch breaks;

(d) Number of continuing education hours requested;

(e) Official certificate of completion or college transcript from the provider or college;

(f) **Letter requesting[Application for]** continuing education credits approval;~~[and]~~

(g) The applicable fee identified in Section 4 of this administrative regulation; and

(h) Program evaluation.

Section 6. Responsibilities and Reporting Requirements of License Holders. (1) During the license renewal period, the board shall require up to fifteen (15) percent of all license holders to furnish documentation of the completion of the appropriate number of continuing education hours. Verification of continuing education hours shall not otherwise be reported to the board.

(2) A license holder shall:

(a) Be responsible for obtaining required continuing education hours;

(b) Identify his or her~~**own**~~ continuing education needs and seek activities that **meet/meets** those needs;

(c) Seek ways to integrate new knowledge, skills, and activities;

(d) Select **board** approved activities by which to earn continuing education hours;

(e) Submit to the board, if applicable, a request for approval for continuing education activities not otherwise approved by the board;

(f) Document attendance, participation in, and successful completion of continuing education activity for a period of two (2) years from the date of the renewal; and

(g) Maintain records of continuing education hours;

(3) The following items may be used to document continuing education activity:

(a) Transcript;

(b) Certificate;

(c) Affidavit signed by the instructor;

(d) Receipt for the fee paid to the provider; or

(e) Written summary of experiences that are not formally or officially documented otherwise.

(4) **A license holder shall** comply with the provisions of this administrative regulation. Failure to comply shall constitute a violation of KRS 309.137(1) and shall result in disciplinary **action** pursuant to that statutory provision.

Section 7. Carry-over of Continuing Education Hours, Prohibited. Continuing education hours earned in excess of those required under Section 2 of this administrative regulation shall not be carried over into the immediately following license renewal period.

Section 8. Board to Approve Continuing Education Hours; Appeal of Denial. (1) If an application for approval of continuing education hours is denied, in whole or in part, the person holding a license shall have the right to appeal the board's decision.

(2) An appeal shall be:

- (a) In writing;
- (b) Received by the board within thirty (30) days after the date the notification of the decision denying approval of continuing education hours is mailed; and
- (c) Conducted in accordance with KRS Chapter 13B.

Section 9. Waiver or Extensions of Continuing Education. (1) On application, the board may grant a waiver of the continuing education requirements or an extension of time within which to fulfill the requirements in the following cases:

- (a) Medical disability of the license holder;
 - (b) Illness of the license holder or an immediate family member; **or**
 - (c) Death or serious injury of an immediate family member.
- (2) A written request for waiver or extension of time involving medical disability or illness shall be:
- (a) Submitted by the person holding the license; and
 - (b) Accompanied by a verifying document signed by a licensed physician.
- (3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.
- (4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the person holding licensure shall reapply for the waiver or extension.

Section 10. Continuing Education Requirements for Reinstatement or Reactivation of Licensure. (1) A person requesting reinstatement or reactivation of **professional art therapist** licensure shall submit evidence of forty (40) hours of continuing education within the twenty-four (24) month period immediately preceding the date on which the request for reinstatement or reactivation is submitted to the board.

(2) If the board reinstates a **professional art therapist** license, the person shall obtain forty (40) hours of continuing education within six (6) months of the date on which licensure is reinstated.

(3) A person requesting reinstatement or reactivation of professional art therapist associate licensure shall submit evidence of eighteen (18) hours of continuing education within the twenty-four (24) month period immediately preceding the date on which the request for reinstatement or reactivation is submitted to the board.

(4) If the board reinstates a professional art therapist associate license, the person shall obtain eighteen (18) hours of continuing education within six (6) months of the date on which licensure is reinstated.

(5) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

MARYBETH ORTON, Chair

APPROVED BY AGENCY: December 13, 2013

FILED WITH LRC: December 13, 2013 at 10 a.m.

CONTACT PERSON: Lucie Duvall, Board Administrator, Kentucky Board of Licensure for Professional Art Therapists, 911 Leawood Drive, Frankfort, Kentucky 40061, phone (502) 564-3296, fax (502) 696-8030.

GENERAL GOVERNMENT CABINET
Kentucky Board of Licensure for Professional Art Therapists
(As Amended at ARRS, March 10, 2014)

201 KAR 34:040. Code of ethics.

RELATES TO: KRS 309.1315(15)(14)

STATUTORY AUTHORITY: KRS 309.1315(1), (15)(14)

NECESSITY, FUNCTION, AND CONFORMITY: **KRS**

309.1315(1) requires the board to promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399. KRS 309.1315(15)(14) requires the board to **establish/promulgate** a code of ethics for licensed professional art therapists **and/or** licensed professional art therapist associates. This administrative regulation establishes the required code of ethics.

Section 1. Responsibility to Patients. (1) A licensed professional art therapist **and a/or** licensed professional art therapist associate shall:

- (a) Advance and protect the welfare of the patient;
 - (b) Respect the rights of a person seeking assistance;
 - (c) Make reasonable efforts to ensure that services are used appropriately; and
 - (d) Display a copy of his or her license in the principle place of business.
- (2) A licensed professional art therapist **and a/or** licensed professional art therapist associate shall not:
- (a) Discriminate against or refuse professional service to anyone on the basis of:

- 1. Race;
- 2. Gender;
- 3. Religion; or
- 4. National origin;
- (b) Exploit the trust and dependency of a patient;
- (c) Engage in a dual relationship with a patient, including a social, business, or personal relationship that may:
 - 1. Impair professional judgment;
 - 2. Incur a risk of exploitation of the patient; or
 - 3. Otherwise violate a provision of this administrative regulation.

If a dual relationship cannot be avoided, and does not impair professional judgment, incur a risk of exploitation of the patient, or otherwise violate a provision of this administrative regulation, a therapist shall take **appropriate** professional precautions to ensure that judgment is not impaired and exploitation of the patient does not occur. **Some examples of these professional precautions include peer supervision and documentation.**

(d) Engage in a sexual relationship with a current patient or with a former patient for two (2) years following the termination of therapy;

(e) Use the professional relationship with a patient to further personal interests;

(f) Continue therapeutic relationships unless it is reasonably clear that the patient is benefiting from the relationship;

(g) Fail to assist a person in obtaining other therapeutic services if the therapist is unable or unwilling, for appropriate reasons, to provide professional help;

(h) Abandon or neglect a patient in treatment without making reasonable arrangements for the continuation of treatment;

(i) Videotape, record, or permit third-party observation of therapy sessions without having first obtained written informed consent from the patient;

(j) Engage in sexual or other harassment or exploitation of a patient, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in investigations and ethical proceedings; or

(k) Diagnose, treat, or advise on problems outside the recognized boundaries of competence.

Section 2. Confidentiality. (1) A licensed professional art therapist **and a/or** licensed professional art therapist associate shall respect and guard the confidences of each individual patient.

(2) A licensed professional art therapist and a[or] licensed professional art therapist associate shall not disclose a patient confidence except:

- (a) As mandated, or permitted by law;
- (b) To prevent a clear and immediate danger to a person;
- (c) During the course of a civil, criminal, or disciplinary action arising from the therapy at which the licensed professional art therapist or licensed professional art therapist associate is a defendant; or
- (d) In accordance with the terms of a written informed consent agreement.

(3) A licensed professional art therapist and a[or] licensed professional art therapist associate may use patient or clinical materials in teaching, writing, and public presentations if:

- (a) Written informed consent has been obtained in accordance with subsection (2)(d)[(1)(d)] of this section; or
- (b) **The licensee has acted[Appropriate steps have been taken]** to protect patient identity and confidentiality.

(4) A licensed professional art therapist and a[or] licensed professional art therapist associate shall store or dispose of patient records so as to maintain confidentiality.

Section 3. Public Use and Reproduction of Patient Art Expression and Therapy Sessions. (1) A licensed professional art therapist and a[or] licensed professional art therapist associate shall obtain written informed consent from the patient or a legal guardian, if applicable, before:

- (a) Photographing or videotaping a patient's art expression;
- (b) Making an audio recording of an art therapy session;
- (c) Permitting third-party observation of an art therapy session;

or

- (d) Duplication of an art therapy session in any matter.

(2) A licensed professional art therapist and a[or] licensed professional art therapist associate shall not use clinical materials in teaching, writing, and public presentations unless written informed consent has been previously obtained from the patient or, if applicable, a legal guardian. **The licensee shall take steps necessary[Appropriate steps shall be taken]** to protect patient identity and disguise any part of the art expression or video tape **that[, which]** reveals patient identity.

(3) A licensed professional art therapist and a[or] licensed professional art therapist associate shall obtain written, informed consent from a patient or legal guardian, if applicable, before displaying the patient's art in a:

- (a) Gallery;
- (b) Mental health facility;
- (c) School; or
- (d) Another public place.

(4) A licensed professional art therapist and a[or] licensed professional art therapist associate shall display a patient's art expression in an appropriate and dignified manner.

Section 4. Professional Competence and Integrity. A licensed professional art therapist and a[or] licensed professional art therapist associate shall maintain standards of professional competence and integrity and shall be subject to disciplinary action for:

- (1) Misrepresentation or concealment of a material fact in obtaining or seeking reinstatement of a license;
- (2) Refusing to comply with an order issued by the board; or
- (3) Failing to cooperate with the board by not:
 - (a) Furnishing in writing a complete explanation to a complaint filed with the board;
 - (b) Appearing before the board **when requested[at the time]** and **at the** place designated; or
 - (c) Properly responding to a subpoena issued by the board.

Section 5. Responsibility to a Student, Intern, or Supervisee. A licensed professional art therapist and a licensed professional art therapist associate shall:

- (1) Be aware of his or her influential position with respect to a student, intern, or supervisee;
- (2) Avoid exploiting the trust and dependency of a student or

supervisee;

(3) Try to avoid a social, business, personal, or other dual relationship that **may[could]**:

- (a) Impair professional judgment; and
- (b) Increase the risk of exploitation;
- (4) Take **[appropriate]** precautions to ensure that judgment is not impaired and to prevent exploitation if a dual relationship cannot be avoided;

(5) Not provide therapy to **[a]**:

- (a) **A** student;
- (b) **An** intern; **[or]**
- (c) **An** employee; or
- [d][e)] A** supervisee;
- (6) Not engage in sexual intimacy or contact with **[a]**:

- (a) A student;**
- (b) An intern; or**
- (c) A(a) Student or intern; or**
- (b)] supervisee;**

(7) Not permit a student, intern, or supervisee to perform or represent himself or herself as competent to perform a professional service beyond his or her level of:

- (a) Training;
- (b) Experience; or
- (c) Competence;
- (8) Not disclose the confidence of a student, intern, or supervisee unless:

- (a) Permitted or mandated by law;
- (b) It is necessary to prevent a clear and immediate danger to a person;

(c) During the course of a civil, criminal, or disciplinary action arising from the supervision, at which the licensed professional art therapist or licensed professional art therapist associate is a defendant;

(d) In an educational or training setting, of which there are multiple supervisors or professional colleagues who share responsibility for the training of the supervisee; or

(e) In accordance with the terms of a written informed consent agreement.

MARYBETH ORTON, Chair

APPROVED BY AGENCY: December 13, 2013

FILED WITH LRC: December 13, 2013 at 10 a.m.

CONTACT PERSON: Lucie Duvall, Board Administrator, Kentucky Board of Licensure for Professional Art Therapists, 911 Leawood Drive, Frankfort, Kentucky 40061, phone (502) 564-3296, fax (502) 696-8030.

**TOURISM, ARTS AND HERITAGE CABINET
Kentucky Department of Fish and Wildlife Resources
(As Amended at ARRS, March 10, 2014)**

301 KAR 2:172. Deer hunting seasons, zones, and requirements.

RELATES TO: KRS 150.010, 150.177, 150.180, 150.411(3), 150.990, 237.110

STATUTORY AUTHORITY: KRS 150.025(1), 150.170, 150.175, 150.390(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to establish hunting seasons, bag limits, methods of taking, and to promulgate administrative regulations establishing hunting seasons, bag limits of taking wildlife. KRS 150.170 **authorizes exemptions for[exempts]** certain people from hunting license and permit requirements. KRS 150.175 authorizes the kinds of licenses and permits to be issued by the department. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or its administrative regulations. This administrative regulation establishes deer hunting seasons and zones, legal methods of taking, and checking and recording requirements for deer hunting.

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Section 1. Definitions. (1) "Additional deer permit" means a permit that allows the holder to take up to two (2) additional deer beyond those allowed by the statewide permit in the following combinations:

- (a) One (1) antlered deer and one (1) antlerless deer; or
 - (b) Two (2) antlerless deer.
- (2) "Adult" means a person who is at least eighteen (18) years of age.

(3) "Antlered deer" means a male or female deer with a visible antler protruding above the hairline.

(4) "Antlerless deer" means a male or female deer with no visible antler protruding above the hairline~~[-and includes:~~

- ~~(a) Female deer; and~~
- ~~(b) Male fawns or button bucks].~~

(5) "Archery equipment" means a long bow, recurve bow, or compound bow incapable of holding an arrow at full or partial draw without aid from the archer.

(6) "Arrow" means the projectile fired from a bow or crossbow.

(7) "Barbed broadhead" means a point or portion of a blade projecting backward from a broadhead designed to hold an arrow within an animal.

(8) "Crossbow" means a bow designed or fitted with a device to hold an arrow at full or partial draw without aid from the archer.

(9) "Deer" means a member of the species *Odocoileus virginianus*.

(10) "Firearm" means a breech or muzzle-loading rifle, shotgun, or handgun.

(11) "~~Fully automatic~~**Fully-automatic**" firearm" means a firearm that fires more than one (1) time with a single pull of the trigger.

(12) "License year" means the period from March 1 through the following last day of February.

(13) "Modern gun" means a rifle, handgun, or shotgun that is loaded from the rear of the barrel.

(14) "Muzzle-loading gun" means a rifle, shotgun, or handgun that is loaded from the discharging end of the barrel or discharging end of the cylinder.

(15) "Shotshell" means ammunition containing more than one (1) projectile.

(16) "Statewide deer permit" means a permit, which, in conjunction with appropriate licenses, seasons, and methods, allows the holder to take:

- (a) One (1) antlered deer and one (1) antlerless deer; or
- (b) Two (2) antlerless deer.

(17) "Statewide deer hunting requirements" means the season dates, zone descriptions, bag limits, and other requirements and restrictions for deer hunting established in this administrative regulation.

(18) "Youth" means a person under the age of sixteen (16) by the date of the hunt.

(19) "Zone" means an area consisting of counties designated by the department within which deer hunting season dates and limits are set for the management and conservation of deer in Kentucky.

Section 2. License and Deer Permit Requirements. (1) Unless exempted by KRS 150.170, a person shall carry proof of purchase of a valid Kentucky hunting license and valid deer permit while hunting.

(2) In lieu of a statewide deer permit or a license or permit that grants statewide deer hunting privileges~~[permit]~~, a person possessing a valid junior statewide hunting license shall not use more than two (2) junior deer hunting permits.

(3) An additional deer permit shall not be valid unless accompanied by a valid Kentucky hunting license and a statewide deer permit or a license or permit that grants statewide deer hunting privileges~~[permit]~~.

Section 3. Hunter Restrictions. (1) A deer hunter shall not:

- (a) ~~[Shall not]~~Take a deer except during daylight hours;
- (b) ~~[Shall not]~~Use dogs, except leashed tracking dogs to recover a wounded deer;
- (c) ~~[Shall not]~~Take a deer that is swimming;~~[and]~~

(d) ~~[Shall not take a deer]~~From a vehicle, boat, or on horseback, take a deer, except that a hunter with a disabled hunting exemption permit issued by the department may use a stationary vehicle as a hunting platform;~~[and].~~

(e) ~~[Shall not]~~Possess or use a decoy or call powered by electricity from any source.

(2) A deer hunter shall not take a deer with any device except a firearm, crossbow, or archery equipment as authorized by Section 5 of this administrative regulation.

(3) A person shall not use any of the following items to take a deer:

- (a) Rimfire ammunition;
- (b) A fully automatic~~[fully-automatic]~~ firearm;
- (c) A firearm with a magazine capacity greater than ten (10) rounds;

(d) Full metal jacketed ammunition;

(e) Tracer bullet ammunition;

(f) A shotshell containing more than one (1) projectile~~[larger than number two (2)-size shot]~~;

(g) An arrow or crossbow bolt without a broadhead;

(h) A broadhead smaller than seven-eighths (7/8) inch wide;

~~(i) [(h)]~~ A barbed broadhead;

~~(j) [(h)]~~ A crossbow without a working safety device;

~~(k) [(h)]~~ A chemically treated~~[chemically-treated]~~ arrow;

~~(l) [(k)]~~ An arrow with a chemical attachment;

~~(m) [(h)]~~ Multiple projectile ammunition; or

~~(n) [(m)]~~ Any weapon that is not consistent with the appropriate season established in Section 5 of this administrative regulation.

Section 4. Hunter Orange Clothing Requirements. (1) During the modern gun deer season, muzzle-loader season, and any youth firearm season, a person hunting any species during daylight hours and any person accompanying a hunter, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest except while hunting waterfowl.

(2) During an elk firearm season as established in 301 KAR 2:132, a person hunting any species and any person accompanying a hunter within the elk restoration zone, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest except while hunting waterfowl.

(3) The hunter orange portions of a garment worn to fulfill the requirements of this section:

(a) May display a small section of another color; and

(b) Shall not have mesh weave openings exceeding one-fourth (1/4) inch by any measurement.

(4) A camouflage-pattern hunter orange garment worn without additional solid hunter orange on the head, back, and chest shall not meet the requirements of this section.

Section 5. Statewide Season Dates. (1) A deer hunter may use archery equipment to hunt deer statewide from the first Saturday in September through the third Monday in January.

(2) A deer hunter may take deer with a modern firearm statewide beginning the second Saturday in November for:

(a) ~~[For]~~Sixteen (16) consecutive days in Zones 1 and 2; and

(b) ~~[For]~~Ten (10) consecutive days in Zones 3 and 4.

(3) A deer hunter may use a muzzle-loading gun to hunt deer statewide:

(a) For two (2) consecutive days beginning the third Saturday in October;

(b) For nine (9) consecutive days beginning the second Saturday in December; and

(c) During any season in which~~[when]~~ a modern gun may be used to take deer.

(4) A deer hunter may use a crossbow to hunt deer statewide:

(a) From October 1 through the end of the third full weekend in October;

(b) From the second Saturday in November through December 31; and

(c) During any season in which~~[when]~~ a firearm may be used to take deer.

(5) Youth firearm season. For two (2) consecutive days beginning on the second Saturday in October, a youth deer hunter;

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(a) May[shall]:

(a) Use any legal method to] take antlered or antlerless deer **and shall use a legal method to do so;** and

(b) Shall comply with this administrative regulation and[Be required to follow] all other statewide deer hunting requirements.

(6) There shall be a free youth weekend for two (2) consecutive days beginning on the Saturday after Christmas during which a youth:

(a) Shall[;

(a)] not be required to have a hunting license or deer permit;

(b) May[Use any legal method to] take antlered or antlerless deer **and shall use a legal method to do so;** and

(c) Shall comply with this administrative regulation and[Be required to follow] all other statewide deer hunting requirements.

Section 6. Zones. (1) Zone 1 shall consist of Anderson, Ballard, Boone, Bracken, Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittenden, Franklin, Fulton, Gallatin, Grant, Graves, Harrison, Henry, Hickman, Jefferson, Kenton, Livingston, Lyon, Marshall, McCracken, Oldham, Owen, Pendleton, Robertson, Scott, Shelby, Spencer, Trigg, Trimble, Washington, and Woodford Counties.

(2) Zone 2 shall consist of Allen, Bourbon, Boyd, Bullitt, Carter, Fayette, Fleming, Green, Greenup, Hardin, Hart, Henderson, Hopkins, Jessamine, Larue, Lawrence, Lewis, Logan, Mason, McLean, Mercer, Muhlenberg, Nelson, Nicholas, Todd, Union, and Webster Counties.

(3) Zone 3 shall consist of Adair, Barren, Bath, Boyle, Breckinridge, Butler, Casey, Clark, Cumberland, Daviess, Edmondson, Elliott, Estill, Grayson, Hancock, Johnson, Lincoln, Madison, Marion, Meade, ~~Menifee,~~ Metcalf, Monroe, Montgomery, Morgan, Ohio, Powell, Rowan, Simpson, Taylor, Warren, and Wolfe Counties.

(4) Zone 4 shall consist of Bell, Breathitt, Clay, Clinton, Floyd, Garrard, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Magoffin, Martin, McCreary, ~~Menifee,~~ Owsley, Perry, Pike, Pulaski, Rockcastle, Russell, Wayne, and Whitley Counties.

Section 7. Season and Zone Limits. (1) A person shall not take more than four (4) deer statewide in a license year except:

(a) As authorized in 301 KAR 2:111, 2:176, 2:178, and 3:100; and

(b) A person may take an unlimited number of antlerless deer in Zone 1 ~~iff[provided]~~ the person has purchased the appropriate ~~additional deer[bonus]~~ permits.

(2) A person shall not take more than one (1) antlered deer per license year, regardless of the permit type used, except as established in 301 KAR 2:111, 2:178, and 3:100.

(3) In Zone 3, a person may take two (2) deer with a firearm.

(4) In Zone 4, a person may take:

(a) Only two (2) deer with a firearm; and

(b) ~~Only~~ antlered deer~~[only]~~ during:

1. Modern firearm season;

2. Early muzzleloader season; and

3. The first six (6) days of the December muzzleloader season.

(5) The aggregate bag limit for Zones, 2, 3, and 4 shall be four (4) deer per hunter.

Section 8. Supervision of Youth Firearm Deer Hunters. (1) An adult shall:

(a) Accompany a person under sixteen (16) years old; and

(b) Remain in a position to take immediate control of the youth's firearm.

(2) An adult accompanying a youth hunter shall not be required to possess a hunting license or deer permit if the adult is not hunting.

Section 9. Harvest Recording. (1) Immediately after taking a deer, and prior to moving the carcass, a person shall record, in writing:

(a) The species taken;

(b) The date taken;

(c) The county where taken; and

(d) The sex of the deer taken on one (1) of the following:

1. The hunter's log section on the reverse side of a license or permit;

2. The hunter's log produced in a hunting guide;

3. A hunter's log printed from the Internet;

4. A hunter's log available from any KDSS agent; or

5. An index or similar card.

(2) The person shall retain and possess the completed hunter's log ~~while[when]~~ the person is in the field during the current hunting season.

Section 10. Checking a Deer. (1) A person shall check a harvested deer by:

(a) Calling the toll free telecheck number at (800) 245-4263 or on the department's ~~Web site[website]~~ at fw.ky.gov:

1. Before midnight on the day the deer is recovered; and

2. Prior to processing or removing the hide or head from the carcass;

(b) Providing the information requested by the automated check-in system; and

(c) Writing the confirmation number given by the system on the hunter's log authorized in Section 9 of this administrative regulation.

(2) If a hunter transfers possession of a harvested deer, the hunter shall attach to the carcass a hand-made tag that contains the following information:

(a) The confirmation number;

(b) The hunter's name; and

(c) The hunter's telephone number.

(3) A person shall not provide false information while completing the hunter's log, checking a deer, or creating a carcass tag.

Section 11. Transporting and Processing Deer. (1) A person shall:

(a) Not transport an unchecked deer out of Kentucky;

(b) Have proof that a deer or parts of deer brought into Kentucky were legally taken;

(c) Not sell deer hides except to a licensed:

1. Fur buyer;

2. Fur processor; or

3. Taxidermist.

(2) A taxidermist or an individual who commercially butchers deer shall~~[-(a)]~~ not accept ~~a deer carcass[deer carcasses]~~ or any part of a deer without a valid disposal permit issued by the department pursuant to KRS 150.411(3) or a proper carcass tag as established in Section 10 of this administrative regulation.

~~(3) An individual who commercially butchers deer shall[(b)]~~ keep accurate records of the hunter's name, address, confirmation number, and date received for each deer in possession and retain ~~the[such]~~ records for a period of one (1) year.

MATT SAWYERS, Acting Commissioner

ROBERT H. STEWART, Secretary

APPROVED BY AGENCY: January 10, 2014

FILED WITH LRC: January 14, 2014 at noon

CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-7109, ext. 4507, fax (502) 564-9136, email fwpubliccomments@ky.gov.

**TOURISM, ARTS AND HERITAGE CABINET
Kentucky Department of Fish and Wildlife Resources
(As Amended at ARRS, March 10, 2014)**

301 KAR 2:178. Deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas.

RELATES TO: KRS 150.010, 150.170, 150.340, 150.370(1), 150.990

STATUTORY AUTHORITY: 148.029(5), 150.025(1),

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150.390(1), 150.620

NECESSITY, FUNCTION, AND CONFORMITY: KRS 148.029(5) authorizes the Department of Parks, in cooperation with the Department of Fish and Wildlife Resources, to implement wildlife management plans on state parks. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or Title 301 KAR~~its administrative regulations~~. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation. This administrative regulation establishes deer hunting seasons, application procedures, and other matters pertaining to deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas that differ from statewide requirements.

Section 1. Definitions. (1) "Bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that may lure, entice, or attract wildlife.

(2) "Centerfire" means a type of firearm that detonates a cartridge by the firing pin striking a primer in the middle of the end of the cartridge casing.

(3) "In-line muzzleloading gun" means a firearm;

(a) Capable of being loaded only from the discharging end of the barrel or cylinder; and
(b), That is ~~also~~ equipped with an enclosed ignition system located directly behind the powder charge.

(4) "Mobility-impaired" means an individual who meets the requirements of ~~Section 2(4) of~~ 301 KAR 3:026, Section 2(1).

(5) "Modern firearm season" means the ten (10) or sixteen (16) consecutive day period beginning the second Saturday in November when breech-loading firearms may be used to take deer pursuant to 301 KAR 2:172.

(6) "Quota hunt" means a hunt in which~~where~~ a participant is selected by a random drawing.

(7) "Statewide requirements" mean the season dates, zone descriptions, and other requirements for deer hunting established in 301 KAR 2:172.

(8) "Wildlife management area" or "WMA" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That has "Wildlife Management Area" or "WMA" as part of its official name.

(9) "Youth" means a person under the age of sixteen (16) by the date of the hunt.

Section 2. General WMA Requirements. (1) Unless ~~established~~specified in this administrative regulation, statewide requirements shall apply.

(2) A hunter shall not take more than one (1) deer per day on a WMA in Zones 2, 3, or 4, except:

(a) During a quota hunt; or

(b) The Grayson Lake WMA open youth deer hunt.

(3) Except as established~~Unless specified~~ in Section 6 of this administrative regulation, if a WMA is in two (2) or more deer hunting zones as established in 301 KAR 2:172, then the WMA shall be regulated by the most liberal zone requirements of the zones in which it lies.

(4) Deer hunting on WMAs listed in Section 6 of this administrative regulation shall be permitted only as established~~stated~~, except archery hunting shall be allowed pursuant to~~is allowed under~~ the statewide archery requirements established in 301 KAR 2:172, unless otherwise noted.

(5) An antlerless deer shall not count against a person's statewide or zone bag limit if harvested during:

(a) The Grayson Lake WMA open youth hunt;

(b) West Kentucky WMA firearms hunts; or

(c) Any WMA either-sex quota hunt.

(6) An open firearm deer hunt, beginning on the Wednesday following the third Monday in January for ten (10) consecutive days, shall:

(a) Be limited to members of the United States Armed Forces and the National Guard and reserve component who:

1. Are residents of Kentucky or nonresidents stationed in Kentucky; and

2. Were deployed out-of-country during any portion of the most recent regular statewide deer season;;

(b) Only be on a WMA designated as open for this special hunt; and

(c) Be according to~~Follow~~ statewide requirements established in 301 KAR 2:172.

(7)~~(6)~~ On all WMAs and Otter Creek Outdoor Recreation Area, a person:

(a) Shall not use a nail, spike, screw-in device, wire, or tree climber for attaching a tree stand or climbing a tree;

(b) May use a portable stand or climbing device that does not injure a tree;

(1) Shall not place a portable stand in a tree more than two (2) weeks before opening day;; and

2. Shall remove it within one (1) week following the last day~~;~~ of each hunting period;

(d) Shall plainly mark the portable stand with the hunter's name and address;

(e) Shall not use an existing permanent tree stand; and

(f) Shall not place, distribute, or hunt over bait.

(8)~~(7)~~ A person without a valid quota hunt confirmation number shall not enter a WMA during a quota hunt on that area except:

(a) To travel through a WMA on an established road or to use an area designated open by a sign; or

(b) One (1) assistant, who shall not be required to have applied for the quota hunt, may accompany a mobility-impaired hunter who was drawn to hunt.

(9)~~(8)~~ Except for waterfowl or dove hunting, or legal hunting at night, a person who is hunting any species or a person who is accompanying a hunter~~;~~ shall wear hunter orange clothing pursuant to 301 KAR 2:172 while:

(a) On a WMA while~~when~~ firearms deer hunting is allowed;

(b) Hunting within the sixteen (16) county elk zone when a firearms elk season is open, pursuant to 301 KAR 2:132; or

(c) Hunting within the bear zone during a bear firearms season, pursuant to 301 KAR 2:300.

Section 3. General Quota Hunt Procedures. (1) A quota hunt applicant who is not selected and applies to hunt the following year shall be given one (1) preference point for each year the applicant was not selected.

(2) If selected for a quota hunt, a person shall lose all accumulated preference points.

(3) A random selection of hunters with preference points shall be made for each year's quota hunts before those without preference points are chosen.

(4) A person shall forfeit all accumulated preference points if, in a given year, the person does not apply for or is ineligible to apply for:

(a) A deer quota hunt; and

(b) The no-hunt option.

(5) A person who applies for the no-hunt option shall:

(a) Not be drawn for a quota hunt; and

(b) Be given one (1) preference point for each year the no-hunt option is selected.

(6) If applying as a party:

(a) Each applicant's preference points shall be~~are~~ independent of each other; and

(b) The entire party shall be~~is~~ selected if one (1) member of the party is selected.

(7) The commissioner may extend the application deadline if technical difficulties with the automated application system prevent applications from being accepted for one (1) or more days during the application period.

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(8) A hunter may take up to two (2) deer on a quota hunt in Zones 2, 3, and 4, only one (1) of which may be an antlered deer, except as authorized in Section 6 of this administrative regulation.

(9) ~~If a hunter~~Provided a person has purchased the appropriate permits, a hunter ~~may~~make take unlimited antlerless deer in:

- (a) The West Kentucky WMA firearms season;
- (b) WMA quota hunts in Zone 1; and
- (c) State Park quota hunts in Zone 1, except as established/specified in Section 7 of this administrative regulation.

(10) One (1) person shall be drawn from the eligible quota hunt applicants who were not selected in the original drawing, and shall receive one (1) deer permit that carries with it all the privileges of the Special Commission Permit established/described in 301 KAR 3:100.

Section 4. Quota Hunt Application Process. A person applying for a quota hunt shall:

(1) Call the toll free number listed in the current fall hunting and trapping guide or apply online at fw.ky.gov by completing the Quota Hunt Application: Deer Quota Hunt Form, between September 1 and September 30;

(2) Enter each applicant's Social Security number;

(3) Select:

(a) A first and second choice of hunts; or

(b) The no-hunt option;~~;~~]

(4) Pay a three (3) dollar application fee for each applicant, prior to the draw by:

(a) Electronic funds transfer;

(b) Visa Card;

(c) Master Card; or

(d) Discover Card;

(5) Not apply more than one (1) time;

(6) Not apply as a group of more than five (5) persons; and

(7) Not be eligible to participate in a quota hunt unless:

(a) Selected pursuant to this administrative regulation;~~;~~] or

(b) Accompanying a mobility-impaired hunter.

Section 5. Quota Hunt Participant Requirements. Except as otherwise established/specified in this administrative regulation, a person selected to participate in a quota hunt shall:

(1) Except if exempted by KRS 150.170, possess:

(a) A valid annual Kentucky hunting license; and

(b) A deer permit that authorizes the taking of deer with the equipment being used and in accordance with the zone restrictions where the hunt will occur;

~~(2) Possess an additional deer permit if the person does not want a harvested antlerless deer to apply toward the statewide bag limit, pursuant to 301 KAR 2:172;~~ (3) Hunt on the assigned dates and in assigned areas selected by a random drawing of applicants if applicable;

~~(3) [(4)]~~ Comply with hunting equipment restrictions specified by the type of hunt;

~~(4) [(5)]~~ Check in at the designated check station prior to hunting;

(a) Either:

1. On the day before the hunt, between noon and 8 p.m. local time; or

2. On the day of the hunt, between 5:30 a.m. and 8 p.m. Eastern time; and

(b) With documentation of the participant's:

1. Social Security number or draw confirmation number; and

2. Purchase of a current license or permit which allows or includes statewide deer hunting privileges~~permit~~;

~~(5) [(6)]~~ Check out at the designated check station:

(a) If finished hunting;

(b) If the hunter's bag limit is reached; or

(c) By 8 p.m. Eastern time on the final day of the hunt;

~~(6) [(7)]~~ Take a harvested deer to the designated check station by 8 p.m. Eastern time the day the deer was harvested;~~;~~]

~~(7) [(8)]~~ Be declared ineligible to apply for the next year's drawing if the hunter fails to check out properly; and

~~(8) [(9)]~~ Comply with all species quota hunt requirements, including the fifteen (15) inch minimum outside antler spread harvest restriction for antlered deer when in effect, or be ineligible to apply for any quota hunt or no-hunt option for these species the following year.

Section 6. Wildlife Management Area Requirements. (1) Dr. Norman and Martha Adair WMA. The crossbow season shall be open pursuant to/under statewide requirements.

(2) Ballard WMA.

(a) On the main tract, the quota hunt shall be for two (2) consecutive days beginning on the first Saturday in November.

(b) On the main tract, the archery, crossbow, and youth firearm seasons shall be open pursuant to/under statewide requirements through October 14, except that the two (2) mile driving loop marked by signs shall be closed to all hunting;

(c) The crossbow, modern firearm, youth firearm, and muzzleloader seasons shall be open pursuant to/under statewide requirements only on the 400 acre tract south of Sallie Crice Road.

(d) A hunter shall not take a deer with antlers that have an outside spread less than fifteen (15) inches.

(3) Barren River WMA. The area shall be open pursuant to/under statewide requirements except that on the Peninsula Unit, including Narrows, Goose and Grass Islands, a person shall not hunt deer with a modern firearm.

(4) Beaver Creek WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(b) The limit shall be one (1) antlered deer during the quota hunt.

(c) The crossbow season shall be open pursuant to/under statewide requirements.

(5) Big Rivers WMA.

(a) The crossbow and youth firearms seasons shall be open pursuant to/under statewide requirements; and

(b) There shall be a quota hunt for two (2) consecutive days beginning the ~~first~~second Saturday in November.

(6) Boatwright WMA. The area shall be open pursuant to/under statewide requirements, except that:

(a) On the Swan Lake Unit the archery and crossbow season shall be open pursuant to/under statewide requirements through October 14; and

(b) The October youth deer season shall be open pursuant to/under statewide requirements.

(7) Cedar Creek Lake WMA. The crossbow season shall be open pursuant to/under statewide requirements.

(8) Clay WMA.

(a) On the main tract, crossbow, October muzzleloader, and youth firearm seasons shall be open pursuant to/under statewide requirements, except archery hunting shall be prohibited during the quota fox hunting field trials as established in 301 KAR 2:049.

(b) The remainder of the WMA shall be open pursuant to/under statewide requirements for the archery, crossbow, October muzzleloader, and youth seasons, except during the quota deer hunt.

(c) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(d) A quota hunt participant shall be given one (1) preference point for each female deer checked-in.

(e) Hunters drawn for the quota hunt may harvest up to four (4) deer, only one (1) of which may be antlered.

(9) Dewey Lake WMA.

(a) The crossbow and youth firearm seasons shall be open pursuant to/under statewide requirements.

(b) The use of firearms shall be prohibited for deer hunting on the portion of the area extending southward from the dam to Shoreline Campground Number One, and including all property from the WMA boundary downslope to the lake edge.

(c) A deer hunter shall not take a deer with antlers that have an outside spread less than fifteen (15) inches.

(d) There shall be a quota hunt for two (2) consecutive days

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beginning the first Saturday in December.

(e) There shall be a one (1) deer limit during the quota hunt.

(10) Dix River WMA. The crossbow, youth firearm, and muzzleloader seasons shall be open pursuant to[under] statewide requirements.

(11) Fishtrap Lake WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning on the Saturday before Thanksgiving.

(b) The limit for the quota hunt shall be one (1) deer.

(c) The crossbow and youth firearm season shall be open pursuant to[under] statewide requirements.

(12) Grayson Lake WMA.

(a) An open youth hunt shall:

1. Be the first Saturday in November for two (2) consecutive days; and

2. Have a two (2) deer bag limit, only one (1) of which may be an antlered deer; and

3. ~~Have additional deer permits apply].~~

(b) A person who has not checked in shall not enter the Grayson Lake WMA during the open youth hunt, except to:

1. Travel through the WMA on an established public road; or

2. Use an area designated as open by signs.

(c) The property of Camp Webb shall be open for a mobility-impaired deer hunting event during the first weekend of October as established in 301 KAR 3:110.

(d) The crossbow hunt shall be from the first Saturday in September through the third Monday in January, except during the November open youth hunt.

(e) The statewide youth firearm season shall be open pursuant to[under] statewide requirements.

(13) Green River Lake WMA and Dennis-Gray WMA.

(a) The crossbow season shall be open pursuant to[under] statewide requirements.

(b) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(c) Fifteen (15) openings shall be reserved in the quota hunt for mobility-impaired persons.

(d) A deer hunter shall not take a deer with antlers that have an outside spread less than fifteen (15) inches.

(e) The Green River Lake and Dennis-Gray WMAs shall be considered to be located in the Eastern Time Zone.

(14) Griffith Woods WMA. The crossbow and youth firearms seasons shall be open pursuant to[under] statewide requirements.

(15) Higginson-Henry WMA.

(a) The youth firearm deer season shall be open pursuant to[under] statewide requirements.

(b) A hunter shall not take more than one (1) deer from the WMA per license year.

(16) J.C. Williams WMA. The crossbow and youth firearm seasons[season] shall be open pursuant to[under] statewide requirements.

(17) Kentucky River WMA. The crossbow and youth firearm seasons shall be open pursuant to[under] statewide requirements.

(18) Kleber WMA.

(a) The crossbow season shall be open pursuant to[under] statewide requirements, except during a quota hunt.

(b) The quota hunts shall be for:

1. Two (2) consecutive days beginning the first Saturday in November; and

2. Two (2) consecutive days beginning the first Saturday in December.

(c) The youth firearm season shall be open pursuant to[under] statewide requirements.

(19) Knobs State Forest WMA. The crossbow season shall be open pursuant to[under] statewide requirements.

(20) Lake Barkley WMA shall be open pursuant to[under] statewide requirements except

(a) The North Refuge is closed from November 1 to February 15; and

(b) Duck Island is closed from October 15 to March 15.

(21) Lewis County WMA.

(a) The modern firearm and youth firearm seasons shall be open pursuant to[under] statewide requirements, except the use of centerfire rifles and handguns shall be prohibited.

(b) The crossbow and muzzleloader seasons shall be open pursuant to[under] statewide requirements.

(22) Livingston County WMA. The crossbow, youth firearm, muzzleloader, and modern firearm seasons shall be open pursuant to[under] statewide requirements, except a person shall not hunt deer with a modern gun during the modern firearm deer season.

(23) Curtis Gates Lloyd WMA. The crossbow and youth firearms seasons[season] shall be open pursuant to[under] statewide requirements.

(24) Marion County WMA.

(a) The crossbow, muzzleloader, and youth firearm seasons shall be open pursuant to[under] statewide requirements.

(b) There shall be a quota hunt for:

1. Five (5) consecutive days beginning the second Saturday in November; and

2. Five (5) consecutive days beginning the Thursday following the second Saturday in November.

(c) A quota hunt participant shall not be required to check in and out of the WMA, but shall telecheck or internet-check harvested deer as established[specified] in 301 KAR 2:172.

(25) Mill Creek WMA.

(a) The crossbow season shall be open pursuant to[under] statewide requirements.

(b) The quota hunt shall:

1. Be for two (2) consecutive days beginning the first Saturday in November; and

2. Have a one (1) deer bag limit.

(26) Miller-Welch Central Kentucky WMA. The archery and crossbow seasons shall be open pursuant to[under] statewide requirements:

(a) On Monday through Thursday, from the first Saturday in September through December 17, except during scheduled field trials as posted on the area bulletin board; and

(b) December 18 through the third Monday in January.

(27) Mud Camp Creek WMA. The crossbow, youth firearm, and muzzleloader seasons shall be open pursuant to[under] statewide requirements.

(28) Mullins WMA. The crossbow season shall be open pursuant to[under] statewide deer requirements.

(29) Ohio River Islands WMA, Stewart Island Unit.

(a) The muzzleloader season shall be for two (2) consecutive days beginning the third Saturday in October.

(b) The archery season shall be from the first Saturday in September through October 14.

(c) The crossbow season shall be from October 1 through October 14.

(d) The October youth season shall be open pursuant to[under] statewide requirements.

(e) The remainder of the WMA shall be open pursuant to[under] statewide requirements.

(30) Paintsville Lake WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(b) The crossbow and youth firearm seasons shall be open pursuant to[under] statewide requirements.

(c) A person shall not use firearms for deer hunting on:

1. The area extending eastward from the drainage of Glade Branch, along the north edge of the lake, to the No Hunting Area surrounding Rocky Knob Recreation Area and enclosing all property from the WMA boundary downslope to the lake edge; and

2. The islands to the south and that portion of the area extending eastward along the south edge of the lake from the drainage of Shoal Branch to the No Hunting Area surrounding the dam and ranger station, and extending downslope to the edge of the lake.

(d) A deer hunter shall not take a deer with antlers that have an outside spread less than fifteen (15) inches.

(31) Peabody WMA.

(a) The crossbow, youth firearms, and muzzleloader seasons

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shall be open pursuant to/under statewide requirements.

(b) The modern firearm season shall be open pursuant to/under statewide requirements for ten (10) consecutive days beginning the second Saturday in November.

(32) Pennyrite State Forest-Tradewater WMA.

(a) The crossbow season shall be open pursuant to/under statewide requirements.

(b) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(c) A deer hunter shall not take a deer with antlers that have an outside spread less than fifteen (15) inches.

(33) Pioneer Weapons WMA. Statewide requirements shall apply except that a person:

- (a) Shall not use a modern firearm;
- (b) Shall not use an in-line muzzleloading gun;
- (c) Shall not use a scope;
- (d) May use a crossbow during the entire archery season; and
- (e) Shall use only open or iron sights on any weapon.

(34) Redbird WMA. The crossbow season shall be open pursuant to/under statewide requirements.

(35) Dr. James R. Rich WMA.

(a) The crossbow season shall be open pursuant to/under statewide requirements, except during a quota hunt.

(b) The quota hunts shall be for:

1. Two (2) consecutive days beginning the first Saturday in November; and
2. Two (2) consecutive days beginning the first Saturday in December; and

(c) The youth firearm season shall be open pursuant to/under statewide requirements.

(36) Robinson Forest WMA.

(a) A person shall not hunt deer on the main block of Robinson Forest.

(b) The remainder of the WMA shall be open pursuant to/under statewide requirements.

(37) Sloughs WMA.

(a) On the Sauerheber Unit, the archery, crossbow, muzzleloader, and youth firearm seasons shall be open pursuant to/under statewide requirements through October 31, except that the Crenshaw and Duncan II Tracts shall be open pursuant to/under statewide requirements through the end of modern firearm season.

(b) The remainder of the WMA shall be open pursuant to/under statewide requirements.

(38) South Shore WMA.

(a) The youth firearm, October muzzleloader, and modern firearm seasons shall be open pursuant to/under statewide requirements through November 14, except that the use of centerfire rifles and handguns shall be prohibited.

(b) The archery and crossbow seasons shall be open pursuant to/under statewide requirements, except the area shall be closed November 15 through January 15.

(39) T.N. Sullivan WMA. The crossbow season shall be open pursuant to/under statewide requirements.

(40) R.F. Tarter WMA. The crossbow, youth firearm, and muzzleloader seasons shall be open pursuant to/under statewide requirements.

(41) Taylorsville Lake WMA.

(a) There shall be a quota hunt for:

1. Two (2) consecutive days beginning the first Saturday in November for antlerless deer;
2. Two (2) consecutive days beginning the first Saturday in December; and
3. Two (2) consecutive days beginning the first Saturday in January.

(b) Seven (7) openings shall be reserved in each quota hunt for mobility-impaired persons.

(c) The youth firearm season shall be open pursuant to/under statewide requirements.

(d) The crossbow season shall be open pursuant to/under statewide requirements.

(e) A [quota hunt] participant in the November antlerless-only quota hunt shall be given one (1) preference point for each female

deer checked in, up to four (4).

(42) Twin Eagle WMA. The crossbow season shall be open pursuant to/under statewide requirements.

(43) Paul Van Booven WMA. The crossbow season[area] shall be open pursuant to/under statewide requirements[-except that a hunter shall not take a deer with antlers that have an outside spread less than fifteen (15) inches].

(44) Veteran's Memorial WMA.

(a) The crossbow and youth firearms seasons shall be open pursuant to/under statewide requirements; and

(b) There shall be a quota hunt for two (2) consecutive days beginning the first Saturday in November.

(45) West Kentucky WMA.

(a) All tracts shall be open pursuant to/under statewide requirements for the archery and crossbow seasons, except that all tracts shall be closed to archery and crossbow hunting during department administered quota and firearm deer hunts.

(b) Tracts 1-6 shall be open to shotgun and muzzleloader hunters participating in the quota and open firearm deer hunts.

(c) Tract 7 and "A" Tracts shall not be open for department administered quota or firearm deer hunts.

(d) The quota hunt shall be for five (5) consecutive days beginning the Saturday prior to Thanksgiving.

(e) The firearms season shall:

1. Be for three (3) consecutive days beginning the Saturday preceding the third Monday in January;
2. Be limited to the first 200 hunters;
3. Require a hunter to check-in at a designated check station from 4 p.m. to 8 p.m. Central Time on the day before the hunt or between 4:30 a.m. and 7 p.m. Central Time on hunt days;
4. Shall require a hunter to check out at the designated check station:

- a. When finished hunting; or
- b. By 7 p.m. Central time on the final day of the hunt;[f.]

5. Have an unlimited bag limit, only one (1) of which may be an antlered deer; and

6.[Have additional deer permits apply; and

7-] Require every person to check in during the firearms season, except for:

- a. A person traveling on an established public road; or
- b. A person in an area designated as open by signs.

(f) Firearm hunters shall not use centerfire rifles or handguns;[f.]

(g) All persons shall check in daily at the designated check-in locations before entering the "A" tracts.

(h) A deer hunter shall not take a deer with antlers that have an outside spread of less than fifteen (15) inches.

(i) A participant in the quota hunt or open firearms season[hunter] shall:

1. Sign in for the hunting tract of his or her choice at check-in prior to each day's hunt; and
2. Except after noon, not hunt outside of that tract.

(46) Yatesville WMA. The crossbow, youth firearm, muzzleloader, and modern firearm seasons shall be open pursuant to/under statewide requirements, except a person shall not take antlerless deer with a firearm during the modern firearm deer season.

(47) Yellowbank WMA.[(a)] The crossbow and youth firearm deer seasons shall be open pursuant to/under statewide requirements.[(b) A deer hunter shall not take a deer with antlers that have an outside spread less than fifteen (15) inches.]

Section 7. State Park Deer Seasons. (1) A state park may allow archery and crossbow hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer.

(2) A state park may allow up to sixteen (16) days of firearm hunting and up to eleven (11) days of muzzleloader hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer.

(3) A state park[The following state parks] shall be open to deer hunting as established in this subsection and[specified below and according to requirements in] Section 8 of this

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administrative regulation ~~of~~;

(a) Lake Barkley State Resort Park. Deer hunting shall be permitted on the first Tuesday of January for two (2) consecutive days.

(b) Greenbo Lake State Resort Park. Deer hunting shall be permitted on the first Tuesday of January for two (2) consecutive days.

(c) Green River Lake State Park.

1. Archery and crossbow deer hunting shall be permitted beginning the second Thursday of December for four (4) consecutive days.

2. Archery and crossbow deer hunting shall be permitted beginning the third Thursday of December for four (4) consecutive days.

3. A deer hunter shall not take an antlered deer with antlers having an outside spread less than fifteen (15) inches.

(d) Yatesville Lake State Park. Muzzleloading firearm, archery, and crossbow deer hunting shall be permitted pursuant to/under statewide deer requirements on the third Monday of December for three (3) consecutive days.

(e) Jenny Wiley State Resort Park.

1. Deer hunting shall be permitted on the first Saturday of January for two (2) consecutive days.

2. The bag limit shall be two (2) deer, only one (1) of which may be antlered.

3. The hunt shall be open to the first fifteen (15) mobility-impaired persons who check in at the park on the day before the hunt.

4. A person who participates in the hunt shall comply with the requirements established in 301 KAR 3:026.

5. A deer hunter shall not take an antlered deer with antlers having an outside spread less than fifteen (15) inches.

Section 8. State Park Deer Hunt Requirements. (1) Except for the open hunts at Jenny Wiley State Resort Park and Yatesville Lake State Park, a person shall not hunt on a state park unless:

(a) Selected by a random drawing as established/described in Section 3 of this administrative regulation;

(b) The person is a member of a successful applicant's hunting party; or

(c) The person was selected as part of a process administered by the Department of Parks, pursuant to Section 7 of this administrative regulation.

(2) A person participating in a state park hunt, except for the quota hunts at Green River Lake State Park and the Yatesville Lake State Park open deer hunt, shall:

(a) Check in and check out as required in Section 5 of this administrative regulation;

(b) Furnish at check-in a driver's license or other form of government-issued identification; and

(c) Check in:

1. Between noon and 8 p.m. Eastern Time the day before the hunt at the state park campground if hunting in the Yatesville Lake State Park open deer hunt; or

2. At the park the day before the hunt if hunting in the Jenny Wiley State Resort Park deer hunt; and

(d) Not be eligible to apply for a quota hunt the following year if the person does not check out as required in Section 5 of this administrative regulation.

(3) A person participating in a state park deer hunt shall:

(a) Comply with the provisions of 301 KAR 2:172; and

(b) Check harvested deer daily at the designated park check station, except that deer taken in the Green River Lake State Park quota hunts and the open hunts at Jenny Wiley State Resort Park and Yatesville Lake State Park shall be telechecked or checked in on the department's Web site/website at fw.ky.gov, pursuant to 301 KAR 2:172.

(4) A person participating in a state park deer hunt shall not:

(a) Take more than two (2) deer in a quota hunt, only one (1) of which may be antlered;

(b) Hunt over bait;

(c) Injure a tree by using:

1. A tree stand except a portable stand;

2. Climbing devices that nail or screw to the tree; or

3. Climbing spikes;

(d) Leave a deer stand unattended for more than twenty-four (24) hours;

(e) Discharge a firearm within 100 yards of a maintained road or building; and

(f) Hunt:

1. In an area posted as closed by signs; or

2. Outside park boundaries.

(5) A person participating in a state park deer hunt, other than the open hunts at Jenny Wiley State Resort Park and Yatesville Lake State Park and any department administered state park quota hunt, may take up to two (2) bonus deer per hunt that shall not count toward the statewide limit if the person:

(a) Takes no more than one (1) bonus antlered deer per license year; and

(b) Obtains the valid bonus deer tag/tag(s) from the state park hunt administrators.

Section 9. Other Public Lands. (1) On Daniel Boone National Forest, Jefferson National Forest, and Land Between the Lakes, a person shall not use bait, feed, minerals, or other attractants.

(2) The following areas may schedule a firearm, crossbow, or archery deer hunting season between September 1 and January 31:

(a) Big South Fork National River and Recreation Area;

(b) Clark's River National Wildlife Refuge;

(c) Daniel Boone National Forest;

(d) Jefferson National Forest;

(e) Land Between the Lakes National Recreation Area;

(f) Ohio River Islands National Wildlife Refuge; and

(g) Reelfoot National Wildlife Refuge.

(3) An area listed in subsection (2) of this section may issue a bonus permit for antlered or antlerless deer, which shall:

(a) Not count against a hunter's statewide bag limit; and

(b) Only be issued for a hunt that is open to the general public.

(4) At Land Between the Lakes, a person:

(a) Shall not take more than:

1. Two (2) deer during archery hunts; and

2. One (1) deer during quota hunts; and

(b) Who is a quota deer hunter shall:

1. Apply in advance at Land Between the Lakes; and

2. Only hunt from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset; and

(c) A person Who harvests a deer shall:

1. Check in the carcass pursuant to U.S. Forest Service requirements; and

2. Affix a game check card pursuant to U.S. Forest Service requirements.

(5) At Reelfoot National Wildlife Refuge:

(a) Zone 1 bag limits shall apply during the open archery season;

(b) A person shall not take more than two (2) deer by firearm, only one (1) of which shall be antlered;

(c) A quota hunt participant shall:

1. Tag deer with a tag issued by the Refuge; and

2. Comply with the Refuge check-in requirements; and

(d) A person who is archery hunting shall:

1. Only take deer using the appropriate statewide or additional deer permit; and

2. Check harvested deer through the department's telephone or online check-in systems.

(6) At Otter Creek Outdoor Recreation Area:

(a) The archery and crossbow seasons shall be open pursuant to/under statewide requirements; and

(b) There shall be a quota hunt for:

1. Two (2) consecutive days beginning the third Saturday in November; and

2. Two (2) consecutive days beginning the second Saturday in December.

(7) At Twin Knobs Campground, the area shall be closed to all statewide seasons, except that there shall be a quota hunt on the second Saturday in December during odd-numbered years for

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mobility-impaired persons.

(8) At Zilpo Campground, the area shall be closed to all statewide seasons, except that there shall be a quota hunt on the second Saturday in December during even-numbered years for mobility-impaired persons.

Section 10. Special Areas under Federal Control. (1) The following areas may schedule a firearm, archery, or crossbow deer hunting season between September 1 and January 31:

- (a) Bluegrass Army Depot;
(b) Fort Campbell;
(c) Fort Knox;
(d) Hidden Valley Training Center; and
(e) Wendell Ford Regional Training Center.

(2) An area listed in subsection (1) of this section may issue a bonus permit for antlered or antlerless deer, which shall:

- (a) Not count against a hunter's statewide bag limit; and
(b) Only be issued for a hunt that is open to the general public.

(3) Except on the Hidden Valley Training area, on the areas listed in subsection (1) of this section, a deer hunter shall:

- (a) Obtain a permit from the area before hunting;
(b) Only hunt on assigned dates;
(c) Remain in assigned areas;
(d) Tag deer with tags issued on the area, unless otherwise established/specified in this section;

(e) Keep the area tag attached to the deer until the carcass is processed; and

(f) Check deer at a designated check station before leaving the area.

(4) At Bluegrass Army Depot, a person shall not take an antlered deer whose outside antler spread is less than fifteen (15) inches.

(5) At Fort Knox, a person shall not take an antlered deer whose outside antler spread is less than twelve (12) inches.

(6) At Hidden Valley Training Area, a person shall not use a firearm to hunt deer.

Section 11. Incorporation by Reference. (1) "Quota Hunt Application: Deer Quota Hunt Form", March 2014, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

MATT SAWYERS, Acting Commissioner
ROBERT H. STEWART, Secretary
APPROVED BY AGENCY: January 10, 2014
FILED WITH LRC: January 14, 2014 at 2 p.m.
CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-7109, ext. 4507, fax (502) 564-9136, email: fwpubliccomments@ky.gov

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, March 10, 2014)

501 KAR 6:130. Western Kentucky Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.590 and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or of its divisions. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Western Kentucky Correctional Complex.

Section 1. Incorporation by Reference. (1) "Western Kentucky Correctional Complex Policies and Procedures," March 10/January 14, 2014/August 14, 2012, are incorporated by reference. Western Kentucky Correctional Complex policies and procedures include:

- WKCC 01-02-01 Public Information and Media Communication (Amended 1/14/14[6/15/12])
WKCC 02-01-01 Inmate Funds (Amended 1/14/14[6/15/12])
WKCC 02-01-02 Inmate Canteen (Amended 6/15/12)
WKCC 03-00-06 Confidentiality of Information by Consultants, Contract Personnel, and Volunteers (Amended 11/14/06)
WKCC 06-00-01 Offender Records and Information Access (Amended 8/14/12)
WKCC 06-00-02 Administrative Process for Inmate Court Orders (Added 6/15/12)
WKCC 08-02-01 Fire Safety Plan (Amended 8/14/12)
WKCC 09-11-01 Tool Control (Amended 6/15/12)
WKCC 10-02-02 Special Management Unit (SMU) Operating Procedures, Living Conditions and Classification (Amended 1/14/14[8/14/12])
WKCC 11-00-01 Food Service General Guidelines (Amended 6/15/12)
WKCC 11-02-00 Food Service Budgeting and Purchasing (Added 6/15/12)
WKCC 11-03-01 Food Service Meals, Menus, Nutrition and Special Diets (Amended 8/14/12)
WKCC 12-00-02 Housekeeping, Sanitation and Waste Removal (Amended 8/14/12)
WKCC 13-01-01 Use of Pharmaceutical Products (Amended 6/15/12)
WKCC 13-02-01 Health Care Services (Amended 6/15/12)
WKCC 13-02-02 Mental Health Services (Amended 8/14/12)
WKCC 14-02-01 Inmate Clothing and Personal Hygiene Provisions (Amended 6/15/12)
WKCC 14-04-01 Legal Services Program (Amended 6/15/12)
WKCC 15-01-01 Hair and Grooming Standards (Amended 6/15/12)
WKCC 16-01-01 Visiting Policy and Procedures (Amended 3/10/14[1/14/14][8/14/12])
WKCC 16-02-01 Inmate Correspondence (Amended 6/15/12)
WKCC 16-03-01 Inmate Access to Telephones (Amended 10/14/05)
WKCC 16-04-01 Inmate Packages (Amended 1/14/14[8/14/12])
WKCC 17-01-01 Inmate Personal Property (Amended 8/14/12)
WKCC 17-02-01 Inmate Reception and Orientation (Amended 8/14/12)
WKCC 19-04-01 Assignment to and Safety Inspections of Inmate Work Program Areas (Amended 8/14/12)
WKCC 19-04-02 Farm Management and Production Guidelines (Added 6/15/12)
WKCC 20-01-01 Education Program (Amended 8/14/12)
WKCC 21-00-01 Library Services (Amended 8/14/12)
WKCC 22-00-01 Inmate Recreation and Leisure Time Activities (Amended 8/14/12)
WKCC 22-00-02 Inmate Organizations (Amended 8/14/12)
WKCC 23-00-01 Religious Services (Amended 8/14/12)
WKCC 24-00-01 Social Services (Amended 8/14/12)
WKCC 25-02-01 Inmate Release Process (Amended 6/15/12)
WKCC 25-03-01 Prerelease Programs (Amended 6/15/12)
WKCC 26-01-01 Volunteer Services Program (Amended 6/15/12)

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Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m.

LADONNA H. THOMPSON, Commissioner

APPROVED BY AGENCY: December 18, 2013

FILED WITH LRC: January 14, 2014 at 4 p.m.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Policy and Operations
(As Amended at ARRS, March 10, 2014)

907 KAR 1:350. Coverage and payments for organ transplants.

RELATES TO: KRS 205.520, 42 C.F.R. 447.53
STATUTORY AUTHORITY: 194A.030(2), 194A.050(1), 205.520(3)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services has responsibility to administer the Medicaid Program. KRS 205.520(3) empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law to qualify for federal Medicaid funds [for the provision of medical assistance to Kentucky's indigent citizenry]. This administrative regulation establishes provisions related to the coverage of organ transplants.

Section 1. Definitions. (1) "Department" means the Department for Medicaid Services or its designee.

(2) "Emergency" means that a condition or situation requires an emergency service pursuant to 42 C.F.R. ~~438.114(a)~~447.53.

(3) "Enrollee" means a recipient who is enrolled with a managed care organization.

(4) "Experimental" means that a procedure has not previously been proven effective by the U.S. Food and Drug Administration in treating a patient's health condition.

(5) "Managed care organization" means an entity for which the Department for Medicaid Services has contracted to serve as a managed care organization as defined in 42 C.F.R. 438.2.

~~(6)~~(4) "Medical necessity" or "medically necessary" means that a covered benefit is determined to be needed in accordance with 907 KAR 3:130.

~~(7)~~(5) "Nonemergency" means that a condition or situation does not require an emergency service pursuant to 42 C.F.R. ~~438.114(a)~~447.53.

(8) "Recipient" is defined by KRS 205.8451(9).

Section 2. Prior Authorization. (1) Prior to coverage of an organ transplant to a recipient who is not an enrollee, the transplant shall have been~~be~~ determined by the department to be:

(a) Medically necessary; and

(b) Clinically appropriate pursuant to the criteria established in 907 KAR 3:130.

(2) The requirements established in subsection (1) of this section shall not apply to an emergency service.

Section 3. General Coverage Criteria. A covered organ transplant shall meet the ~~following~~ criteria established in this section~~;~~

(1) A transplant surgeon's opinion shall conclude that failure to perform the transplant would create a life-threatening situation~~;~~

(2) The patient's prognosis shall indicate that there is a reasonable expectation the transplant will be successful and result in prolonged life of quality and dignity~~;~~

(3) The hospital where the transplant will take place shall:

(a) Have a staffed and functioning unit designed for and accustomed to performing the planned organ transplant;

(b) Be accredited by the Joint Commission on Accreditation of Healthcare Organizations; and

(c) Be in good standing:

1. If it is an in-state hospital, with the Cabinet for Health and Family Services; or

2. If it is an out-of-state hospital, with that state's licensure authority~~;~~and

(4) The physician performing the transplant shall be recognized as competent by the medical community.

Section 4. Reimbursement for Organ Transplants. For an organ transplant provided by a:

~~(1) Hospital to a recipient who is not an enrollee, the department shall reimburse as established in 907 KAR 10:825; or~~

~~(2) Physician to a recipient who is not an enrollee, the department shall reimburse in accordance with 907 KAR 3:010~~(4) Payment to a hospital for an organ transplant shall be set at eighty (80) percent of the hospital's usual and customary charge with total payments not to exceed \$75,000 per transplant.

~~(2) If the payment methodology established in subsection (1) of this section restricts or prohibits the availability of a needed transplant procedure or service, the department's commissioner may approve on a case-by-case basis payment that exceeds \$75,000 per transplant.~~

~~(3) Reimbursement to a physician for an organ transplant shall be made in accordance with the Medicaid Physician Fee Schedule established in 907 KAR 3:010.~~

Section 5. Noncovered Services. The department shall not approve a request for an organ transplant if the requested transplant:

(1) Fails to meet the criteria of Sections 2 or 3 of this administrative regulation; or

(2) Is experimental in nature.

Section 6. Not Applicable to Managed Care Organizations. A managed care organization shall not be required to reimburse for an organ transplant according to this administrative regulation.

LAWRENCE KISSNER, Commissioner

AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: December 10, 2013

FILED WITH LRC: December 11, 2013 at 1 p.m.

CONTACT PERSON: Tricia Orme, tricia.orme@ky.gov, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Community Alternatives
(As Amended at ARRS, March 10, 2014)

907 KAR 7:005. Certified waiver provider requirements.

RELATES TO: KRS Chapter 13B, 194A.515, 42 C.F.R. 447.90, 455, 1002, 1003, 42 U.S.C. 1320a-3, 1320a-5, 1320a-7, 1395y(o), 2000d

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.560, 205.6318, 205.8467, 42 C.F.R. 1002.1-.230, 1003.105, 42 U.S.C. 1320a-7, 1396b(q), 1396m, 1396n(c)(2)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid Program. KRS 205.8451 through KRS 205.8483 establish that the Cabinet for Health and Family Services and the Department for Medicaid Services shall be responsible for the control of Medicaid provider fraud and abuse. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the certification requirements and provisions regarding 1915(c) home and community based service waiver providers who are

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required to be certified.

Section 1. Definitions. (1) "1915(c) home and community based service" means a service available or provided via a 1915(c) home and community based services waiver program.

(2) "1915(c) home and community based services waiver program" means a Kentucky Medicaid program established pursuant to and in accordance with 42 U.S.C. 1396n(c).

(3) "Applicant" means an individual or entity applying to be a certified waiver provider.

(4) "Certification period" means a period of time that a provider has been certified or approved by the department to provide, and be reimbursed for, 1915(c) home and community based services.

(5) "Certified waiver provider" means a provider who:

(a) Is currently enrolled in the Medicaid program in accordance with 907 KAR 1:672;

(b) Is currently participating in the Medicaid program in accordance with 907 KAR 1:671;

(c) Provides Kentucky Medicaid program covered services to a recipient in a 1915(c) home and community based services waiver program; and

(d) Has been determined by the department to have met the certified waiver provider requirements established in this administrative regulation.

(6) "Citation" means a written document:

(a) Issued by the department to a certified waiver provider; and

(b) Addressing a certified waiver provider's failure to comply with:

1. This administrative regulation; or

2. Any other administrative regulation within Title 907 of the Kentucky Administrative Regulations which establishes provisions and requirements regarding a 1915(c) home and community based services waiver program.

(7) "Contingency" means a circumstance that requires immediate action by a provider to correct a citation that impacts the health, safety, or welfare of a 1915(c) home and community based services waiver program participant prior to the provider submitting a corrective action plan~~certification benchmarks which the provider shall meet within the timeframe established by the department before the department renews a provider's certification~~.

(8) "Corrective action plan" means a document submitted by a certified waiver provider to the department that:

(a) States the system changes, processes, or other actions that the provider shall take to prevent a future occurrence of a violation stated in a citation or findings report;

(b) States the timeframe in which the provider shall successfully implement or perform a system change, process, or other action required by the corrective action plan; and

(c) Is not valid or effective until approved by the department.

(9) "Credible allegation of fraud" is defined by 42 C.F.R. 405.370.

(10) "Department" means the Department for Medicaid Services or its designee.

(11) "Fraud" is defined by KRS 205.8451(2).

(12) "Moratorium" means the department's prohibition against a provider providing services to a new 1915(c) home and community based services waiver participant.

(13) "New 1915(c) home and community based services waiver participant" means an individual who has never received 1915(c) home and community based services from a given provider though the individual may have previously received 1915(c) home and community based services from another provider.

(14) "Provider abuse" is defined by KRS 205.8451(8).

(15) "Repeat citation" means a citation that was previously issued by the department within the past two (2) years that did not result in a sustainable correction.

(16) "Restriction" means a limitation or condition placed on a provider by:

(a) The professional board governing the provider's profession;

(b) A court of competent jurisdiction;

(c) A federal agency with jurisdiction over the:

1. Medicaid program; or

2. Provider; or

(d) The department in accordance with this administrative regulation.

(17) "Sanction" means an administrative action taken by the department which:

(a)1. Limits or bars an individual's, agency's, entity's, or organization's participation in the Medicaid program; or

2. Imposes a fiscal penalty against the provider, including the:

a. Imposition of civil penalties or interest imposed at the department's discretion; or

b. Withholding of future payments; and

(b) Does not include:

1. A voluntary moratorium;

2. A decision not to renew~~Not renewing~~ a certification;

3. A citation; or

4. Denial of~~Not approving~~ an initial application for certification.

(18) "Unacceptable practice" means:

(a) Conduct which constitutes:

1. [(a)] Fraud;

2. [(b)] Provider abuse;

3. [(c)] Neglect;

4. [(d)] Exploitation;

5. [(e)] Willful misrepresentation;

(b) [(f)] An action resulting in an exclusion, sanction, finding of fact, moratorium, suspension, or termination by:

1. The licensing entity with jurisdiction over the provider's license;

2. The certifying entity with jurisdiction over the provider's certification; or

3. The department;

(c) [(g)] Failure to disclose required information in accordance with 907 KAR 1:671, 907 KAR 1:672, or this administrative regulation;

(d) [(h)] Making, causing to be made, inducing, or seeking to induce a false, fictitious, or fraudulent statement or misrepresentation of material fact when providing information to the department; or

(e) Conduct which results in~~(i)]~~ a restriction.

Section 2. Certified Waiver Provider Enrollment. (1) The provisions and requirements established in 907 KAR 1:672 regarding a Medicaid provider or person or entity who applies for enrollment as a participating Medicaid provider shall apply to a certified waiver provider or applicant.

(2) To enroll in the Medicaid program as a certified waiver provider, an applicant shall:

(a) Meet and comply with the Medicaid provider enrollment requirements, terms, and conditions established in:

1. 907 KAR 1:672; and

2. Each~~The~~ administrative regulation~~or regulations~~ located in Title 907 of the Kentucky Administrative Regulations which establishes~~establish~~ the requirements for the respective type of 1915(c) home and community based service waiver provider~~to which~~ that the applicant is applying to be (for example, the requirements, terms, and conditions for Supports for Community Living waiver providers if the applicant is applying to be a Supports for Community Living waiver service provider); and

(b) Submit to the department~~f~~:

4.] a valid professional license, registration, certificate, or letter of certification or approval from a certifying entity that allows the applicant to provide services within the applicant's scope of practice~~f~~; ~~or~~

2. An application to be a certified waiver provider].

(3) The department shall deny enrollment if an applicant:

(a) Does not provide requested information to the department within the time period specified in the department's~~f~~:

4.] notice of omitted information; ~~or~~

2. Questionnaire];

(b) Fails to:

1. Provide correct, accurate, [complete] and truthful

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information requested by the department at any time during the application or enrollment process;

2. Update the department of any change in information previously submitted during the application or enrollment process; or

3. Demonstrate the capacity to:

a. Execute necessary administrative competency as required by the department;

b. Develop a system of care which has an infrastructure necessary to provide coordinated services, supports, treatment, and care; or

c. Follow direction provided by the department; or

(c) Is eligible for exclusion under Section 6 of this administrative regulation.

Section 3. Certified Waiver Provider Participation Requirements. (1) To participate in the Medicaid program, a provider shall:

(a) Comply with the Medicaid provider participation requirements, terms, and conditions established in 907 KAR 1:671; and

(b) Meet and comply with the Medicaid provider enrollment requirements, terms, and conditions established in each[the] administrative regulation~~[or regulations]~~ located in Title 907 of the Kentucky Administrative Regulations which establishes[establish] the requirements for the respective type of 1915(c) home and community based service waiver provider that the applicant is applying to be (for example, the requirements, terms, and conditions for Supports for Community Living waiver providers if the applicant is applying to be a Supports for Community Living waiver service provider).~~[,]]~~

(2) The provisions and requirements established in 907 KAR 1:671 regarding Medicaid providers shall apply to a certified waiver provider.

Section 4. Citations Resulting in a Corrective Action Plan.

(1)(a)~~1.~~ If the department issues a citation or citations to a certified waiver provider, the provider shall submit to the department a corrective action plan.

2. The department shall have thirty (30) days in which to review a corrective action plan and notify the provider of the results of that review, in accordance with paragraph (b) of this subsection.

(b)~~1.~~ A certified waiver provider shall implement the submitted[a] corrective action plan unless the department notifies the certified waiver provider:

a. That it does not approve the corrective action plan; and

b. Of the revisions that need to be made to the corrective action plan.

2. If a certified waiver provider is notified by the department that a corrective action plan was not approved, the certified waiver provider shall submit a revised corrective action plan to the department that is revised pursuant to the department's direction.

(c) The certified waiver provider shall successfully perform everything required in the approved corrective action plan within the timeframe or timeframes established in the corrective action plan.

(d)~~1.~~ If a certified waiver provider~~;~~

~~4.]~~ fails to successfully perform everything required in an approved corrective action plan within the timeframe or timeframes established in the corrective action plan, the department shall:

a. Extend the timeframe for corrective action plan compliance if the department determines that the provider's progress in complying with the corrective action plan warrants an extension; or

b. Terminate the certified waiver provider.~~;~~~~or]~~

2. **If a certified waiver provider** refuses to submit a corrective action plan to the department or modify a corrective action plan in response to the department's instruction to modify the corrective action plan, the department shall terminate the provider.

(2)(a) If the department terminates a provider, the~~;~~

~~a.]~~ department shall notify the provider in writing of the:

1. Reason for termination; and

2. Provider's right to appeal the termination.

(b) The provider shall have the right to appeal the termination in accordance with 907 KAR 1:671.

Section 5. Voluntary Moratorium Pending Investigation. (1)(a) If the department has reliable evidence that leads it to believe that a certified waiver provider has committed a violation that threatens the health, safety, or welfare of a recipient, the department shall offer the provider an opportunity to undergo a voluntary moratorium while the department conducts an investigation of the matter.

(b) If the certified waiver provider refuses to undergo a voluntary moratorium while the department conducts an investigation, the department shall terminate the provider in accordance with Section 4(2) of this administrative regulation.

(c)1. Within thirty (30) days of completing an investigation referenced in paragraphs (a) and (b) of this subsection, the department's designee[department] shall issue a findings report to the:

a. Certified waiver provider; and

b. Department.

2. If the findings report indicates that the certified waiver provider did not commit a violation that threatened the health, safety, or welfare of a recipient, the moratorium shall immediately be lifted.

3. If the findings report indicates that the certified waiver provider committed a violation that threatened the health, safety, or welfare of a recipient, but the department does not initiate termination, the department shall:

a. Offer the provider an opportunity to continue the voluntary moratorium in which the provider creates and submits a corrective action plan to the department; or

b. Initiate termination of the certified waiver provider if the provider chooses to not continue the voluntary moratorium.

4. If the findings report indicates that the certified waiver provider committed a violation that threatened the health, safety, or welfare of a recipient that warrants termination, the department shall terminate the provider in accordance with Section 4(2) of this administrative regulation.

(d)1. If a certified waiver provider undergoes a voluntary moratorium, the provider shall not accept any new 1915(c) home and community based waiver services participant to the[their] program until the department determines that the provider has completed all of the actions required within each[the] timeframe established pursuant to the corrective action plan referenced in paragraph (c)3.a. of this subsection.

2. If a certified waiver provider that agreed to undergo a voluntary moratorium fails to complete all of the actions required within each[the] timeframe established in the corrective action plan, the department shall:

a. Extend the timeframe for corrective action plan compliance if the department determines that the provider's progress in complying with the corrective action plan warrants an extension; or

b. Terminate the provider in accordance with Section 4(2) of this administrative regulation.

3. If the department determines that the certified waiver provider successfully implemented the corrective action plan, the department shall lift the moratorium.

(2)(a) If during a recertification or follow-up of an investigation or complaint, a repeat citation is warranted regarding a system or process which creates a deficiency regarding more than one (1) requirement in this administrative regulation or any administrative regulation within Title 907 of the Kentucky Administrative Regulations which establishes requirements regarding a 1915(c) home and community based services waiver program, the department shall:

1. Offer the certified waiver provider an opportunity to undergo a voluntary moratorium in which the provider creates and submits a corrective action plan to the department; or

2. Terminate the provider in accordance with Section 4(2) of this administrative regulation if the provider chooses to not undergo a voluntary moratorium.

(b) If the certified waiver provider agrees to undergo a voluntary moratorium, the provisions and requirements established in subsection (1)(d) of this section shall apply.

Section 6. Exclusion Due to Employee, Volunteer, or Contractor. (1) Except as established in subsection (2) of this section, the department shall exclude an applicant or provider from Medicaid program participation:

(a) If an individual who is an employee, contractor, or volunteer with the applicant or provider has:

1. Engaged in an unacceptable practice; or
2. Acted in a way which resulted in the individual or any entity with whom the individual previously worked, volunteered, or had a contractual relationship or currently works, volunteers, or has a contractual relationship being excluded from Medicaid program participation at any time; or

(b) If the department determines that enrolling the applicant or provider would not be in the best interest of:

1. Current or future recipients; or
2. The department.

(2)(a) The department shall not exclude an applicant or provider from Medicaid program participation as a result of the actions of an individual referenced in subsection (1)(a) of this section if the department determines that the individual's actions were unforeseen by the applicant or provider.

(b) To demonstrate to the department that an individual's actions, as referenced in subsection (1)(a) of this section, were unforeseen, the applicant or provider shall prove that the applicant or provider:

1. Did not know of the individual's actions;
2. Had work rules in place designed to prevent the actions from occurring;
3. Communicated the work rules referenced in subparagraph 2 of this paragraph to all of its employees, contractors, and volunteers;
4. Took steps to discover the actions which violated the work rules; and
5. Consistently enforced the standard when a violation of the work rules occurred.

Section 7. Suspension of Payment Due to a Credible Allegation of Fraud. (1)(a) In accordance with 42 C.F.R. 455.23, 42 U.S.C. 1395y(o), 42 U.S.C. 1396b(i)(2)(C), and 42 C.F.R. 447.90, the department shall suspend payment to any provider if a credible allegation of fraud regarding the provider exists except as established in paragraph (b) of this subsection.

(b) The department shall not suspend payment to a provider if a credible allegation of fraud regarding the provider exists if the:

1. Payment is for an emergency item or service that was not furnished in the emergency room of a hospital; or
2. Department determines that good cause not to suspend payment exists in accordance with 42 C.F.R. 455.23.

(2) In accordance with 42 C.F.R. 455.23, the department shall suspend payment to a provider only in part if good cause to suspend payment only in part exists in accordance with 42 C.F.R. 455.23(f).

(3) The department shall comply with the notice of suspension of payment requirements established in 42 C.F.R. 455.23(b).

(4) The duration of a suspension of payment shall be in accordance with 42 C.F.R. 455.23(c).

Section 8. Additional Actions Regarding a Certified Waiver Provider. (1) In addition to an action established in 907 KAR 1:671 regarding a Medicaid provider, the department may impose or do the following regarding a certified waiver provider:

- (a) Impose a contingency;
- (b) Terminate a provider's participation in the Medicaid program;
- (c) Establish liability for a civil payment in accordance with KRS 205.8467;
- (d) Procure restitution of:
 1. Departmental costs in accordance with KRS 205.8467; or
 2. An overpayment; or
- (e) Impose a lien in accordance with KRS 205.8471.

(2) The department shall impose a contingency if during a recertification more than one (1) deficiency is found which requires immediate correction in order for the certified waiver provider to be

recertified.

(3) In addition to the reasons for terminating a provider's participation in the Medicaid program established in 907 KAR 1:671, the department may terminate a certified waiver provider's participation in the Medicaid program if:

- (a) The provider engages in an unacceptable practice;
- (b) The department continues to impose an exclusion or sanction after twelve (12) months of an exclusion or sanction occurring; or
- (c) During a recertification or follow-up of an investigation or complaint, a repeat citation is warranted regarding:
 1. A recipient's health, safety, or welfare; or
 2. A system or process which creates a deficiency regarding more than one (1) requirement in:
 - a. This administrative regulation; or
 - b. Any administrative regulation within Title 907 of the Kentucky Administrative Regulations which establishes requirements regarding a 1915(c) home and community based services waiver program.

(4) If the department terminates a certified waiver provider's participation in the Medicaid program, the department shall terminate in accordance with Section 4(2) of this administrative regulation.

Section 9. Not Renewing a Provider's Participation and Not Enrolling an Applicant. (1) The department shall not enroll an applicant as a provider in the Medicaid program:

(a) For any reason for which it would exclude, sanction, or terminate the applicant;

(b) If the applicant is not in good standing with the Kentucky Secretary of State pursuant to 30 KAR 1:010 and 30 KAR 1:020;

(c) If the applicant has ever been terminated from:

1. The Kentucky Medicaid program;
2. Another state's Medicaid program; or
3. The Medicare program; or

(d) If the department determines that enrolling the applicant would not be in the best interest of:

1. Current or future recipients; or
2. The department.

(2) The department shall not renew a certified waiver provider's participation in the Medicaid program:

(a) For any reason for which it would exclude, sanction, or terminate the provider;

(b) If the provider is not in good standing with the Kentucky Secretary of State pursuant to 30 KAR 1:010 and 30 KAR 1:020;

(c) If the provider has ever been terminated from:

1. The Kentucky Medicaid program;
2. Another state's Medicaid program; or
3. The Medicare program; or

(d) If the department determines that renewing the provider's participation in the Medicaid Program would not be in the best interest of:

1. Current or future recipients; or
2. The department

~~(2) The department shall not renew a certified waiver provider's participation in the Medicaid Program for any reason except for a reason which is prohibited by state or federal law.~~

~~(2) The department shall not enroll an applicant as a provider in the Medicaid Program for any reason except for a reason which is prohibited by state or federal law.~~

Section 10. Applicability of Actions to 1915(c) Home and Community Based Services Waiver Programs. (1) If the department acts, as established in this administrative regulation, regarding a certified waiver provider due to the provider's behavior in one (1) 1915(c) home and community based services waiver program, the action regarding the certified waiver provider shall apply in every 1915(c) home and community based services waiver program in which the provider is participating. For example, if the department terminates a certified waiver provider in the supports for community living program, the provider shall be terminated from every 1915(c) home and community based

services waiver program in which the provider is participating.

(2) If a certified waiver provider volunteers to undergo a moratorium, the voluntary moratorium shall apply to each 1915(c) home and community based services waiver program in which the provider is participating during the time of the voluntary moratorium.

Section 11. Licensed Provider Exemption. If a 1915(c) home and community based service provider is licensed and is not required to be certified pursuant to the administrative regulation governing the 1915(c) home and community based services waiver program by which the individual or entity provides services, the certified waiver provider provisions and requirements established in this administrative regulation shall not apply to the provider.

Section 12. Reapplying after Termination. The department shall not accept an application for enrollment from an individual or entity that has been terminated until at least five (5) years have lapsed since the termination.

Section 13. Appeals. (1) A certified waiver provider's appeal shall be in accordance with 907 KAR 1:671.

(2) The following shall not be considered a sanction and shall not be appealable:

- (a) A voluntary moratorium;
- (b) A decision not to renew~~[Not renewing]~~ a certification;
- (c) A citation; or
- (d) Denial of~~[Not approving]~~ an initial certification.

LAWRENCE KISSNER, Commissioner
AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: September 10, 2013
FILED WITH LRC: September 12, 2013 at 2 p.m.

CONTACT PERSON: Tricia Orme, Office of Legal Services,
275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone
(502) 564-7905, fax (502) 564-7573, email tricia.orme@ky.gov.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Family Support
(As Amended at ARRS, March 10, 2014)

921 KAR 2:035. Right to apply and reapply.

RELATES TO: KRS 194A.060~~[194.060]~~, 205.175, 205.177, 205.200(1), 205.240, 205.245, 45 C.F.R. 206.10, 42 U.S.C. 601-619~~[et seq.]~~ 1973gg-5

STATUTORY AUTHORITY: KRS 116.048(1), 194A.050(1), 205.200(2), 42 U.S.C. 601-619~~[et seq.]~~, EO 96-862]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs~~[EO 96-862, effective July 2, 1996, reorganized the Cabinet for Human Resources and placed the Department for Social Insurance and its programs under the Cabinet for Health and Family Services]. KRS 205.200, 205.240, and 205.245 require~~[Chapter 205 requires]~~ the Cabinet for Health and Family Services to administer the~~[shall administer public assistance programs including] Kentucky Transitional Assistance Program (K-TAP) and the State Supplementation Program (SSP) for persons who are aged, blind, or have a disability~~~~[of the aged, blind and persons with disabilities. This administrative regulation establishes the procedure for applying for assistance]. KRS 116.048 designates the cabinet to have responsibility for the administration of public assistance programs as a voter registration agency in accordance with 42 U.S.C.~~~~[USC] 1973gg-5. This administrative regulation establishes policy and procedures necessary to apply for assistance and provide an eligible public assistance participant the opportunity to register, or~~~~

to decline from registering, to vote.

Section 1. Right to Apply or Reapply. (1) An individual may apply or reapply for K-TAP~~[Kentucky Transitional Assistance Program (K-TAP)]~~ or SSP~~[State Supplementation Program (SSP)]~~ through the Department for Community Based~~[Community-Based] Services (DCBS).~~

(2) An application shall have been made~~[-(a)]~~ on the date:

- (a)~~[4-]~~ An individual makes an application by telephone;
- (b) An individual or the individual's authorized representative is in the DCBS office and signs an application form incorporated by reference in 921 KAR 2:040; or
- (c) DCBS is contacted for special accommodations due to an impairment or disability~~[or his representative signs the DCBS application form, incorporated by reference in 921 KAR 3:030; and~~

~~2-. The application is received at the DCBS office; or~~

~~(b) On the date the agency is contacted, if the person:~~

- ~~1. Has a physical or mental disability; and~~
- ~~2. Needs special accommodation due to the impairment].~~

(3) If an individual~~[the client]~~ is physically unable to come to the office to apply, the individual~~[he]~~ may:

(a) Designate an authorized representative to apply;~~[for him; or]~~

(b) Request a home visit to complete the application process;~~or~~

(c) Make an application by telephone.

(4) The applicant may be:

(a) Assisted by an individual of the applicant's~~[his]~~ choice in the application process; and

(b) Accompanied by this individual in a contact with DCBS~~[the agency].~~

(5) In accordance with~~[the procedures described in]~~ 920 KAR 1:070, interpreter services shall be provided for persons who are:

(a) Deaf; or

(b) Hard of hearing.

(6) Interpreter services shall be provided for a non-English speaking individual, utilizing procedures and forms specified by 920 KAR 1:070.

(7) The cabinet shall not discriminate against an applicant based on age, race, color, sex, disability, religion~~[religious creed]~~, national origin, or political beliefs.

Section 2. Who May Sign an Application. (1) Except for a case based on incapacity, an application for K-TAP~~[Kentucky Transitional Assistance Program (K-TAP)]~~ shall be signed by:

(a) The relative with whom a needy child lives;

(b) The legally appointed guardian of the relative; or

(c) A representative authorized in writing to act on behalf of the relative.

(2) An application for K-TAP~~[Kentucky Transitional Assistance Program (K-TAP)]~~ based on incapacity shall be signed by:

(a) An individual listed in subsection (1) of this section; or

(b) An interested party acting on behalf of the applicant.

(3) An application for SSP~~[state supplementation]~~ shall be signed by:

(a) The individual who is aged, blind, or has a disability;

(b) An interested party;

(c) The~~[His]~~ legally appointed guardian for the individual who is aged, blind, or has a disability; or

(d) The representative payee receiving the Supplemental Security Income (SSI) benefit.

Section 3. ~~[Where Applications are Filed and Processed.]~~

(1) The application:

(a) may be made at a DCBS office; and

(b) Shall be processed in the county of residence.

(2) If the client is applying in a county other than the county of residence and the client is hospitalized:

(a) The DCBS office in the county of hospitalization shall take the application and transfer the pending application to the county of residence; and

(b) The DCBS office in the county of residence shall process

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the application using the original application date.

(3) If the client is applying in a county other than the county of residence and the client is not hospitalized:

(a) The DCBS office in the receiving county shall:

1. Partially complete the application;
2. Transfer it to the county of residence on the same day the application is taken; and

3. Explain to the client that the application will be processed in the county of residence;

(b) The DCBS office in the county of residence shall schedule a face-to-face interview. The application shall be processed using the original application date.

(4) Application by mail.

(a) A Kentucky resident who is temporarily out of state, or someone acting on his behalf may initiate the application process by mail if:

1. An emergency arises from accident or sudden illness;
2. Care and services are needed immediately; and
3. Health would be endangered by returning to the state.

(b) Upon notification of the emergency an application form shall be forwarded to the initiating party. Section 4.] Action on Applications. (1) A decision shall be made on an application and payment made within:

(a) Forty-five (45) days for K-TAP[Kentucky Transitional Assistance Program (K-TAP)] or SSP[State Supplementation Program (SSP)]; or

(b) Ninety (90) days for SSP[State Supplementation Program (SSP)] determinations in which permanent and total disability shall be established.

(2) Exception to this time standard may be made:

(a) If the applicant is unable to obtain necessary verification for a determination of eligibility; or

(b) For failure or delay, that cannot be controlled by DCBS[the department], on the part of the applicant or examining physician.

(3) The case record shall document the cause for the delay **iff[when]** the time standards are not met.

(4) Failure to process an application within the time frame shall not be used as the basis for denial.

Section 4.[5.] Voter Registration.[(4)] In accordance with KRS 116.048 and 42 U.S.C. 1973gg-5, an applicant or recipient[meeting all of the following criteria] shall be provided the opportunity to complete an application to register to vote or update his current voter registration in accordance with 921 KAR 3:030, Section 8:

(a) Be age eighteen (18) or over; and

(b) Be present in the office at the time of the interview or when a change of address is reported; and

(c) Not be:

1. Registered to vote; or
2. Registered to vote at his current address.

(2) An individual not included in the assistance application shall not be registered to vote in this process, including a:

- (a) Payee only;
- (b) An authorized representative; or
- (c) An individual acting as a responsible party.

(3) Forms and information utilized in the voter registration process shall remain confidential and be used for voter registration purposes.

(4) A person other than a Board of Elections official shall not view a form or information utilized directly in the voter registration process.

(5) Forms necessary to apply for assistance or to register a K-TAP or state supplementation (SSP) participant to vote are incorporated by reference in 921 KAR 3:030, Section 10].

Section 5.[6.] Disclosure of Information. Use or disclosure of information obtained from applicant households, exclusively for the program, shall be restricted pursuant to KRS 194A.060[194.060], 205.175, and 205.177.

TERESA C. JAMES, Commissioner
AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: December 10, 2013

FILED WITH LRC: December 11, 2013 at 1 p.m.
CONTACT PERSON: Tricia Orme, tricia.orme@ky.gov Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING
OR RECEIPT OF WRITTEN COMMENTS

LABOR CABINET
Department of Workers' Claims
(Amended After Comments)

803 KAR 25:089. Workers' compensation medical fee schedule for physicians.

RELATES TO: KRS 342.0011(32), 342.019, 342.020, 342.035
STATUTORY AUTHORITY: KRS 342.020, 342.035(1), (4)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.035(1) requires the commissioner of the Department of Workers' Claims to promulgate administrative regulations to ensure that all fees, charges and reimbursements for medical services under KRS Chapter 342 are limited to charges that are fair, current, and reasonable for similar treatment of injured persons in the same community for like services, where treatment is paid for by general health insurers. KRS 342.035(4) requires the commissioner to promulgate an administrative regulation establishing the workers' compensation medical fee schedule for physicians. Pursuant to KRS 342.035, a schedule of fees is to be reviewed and updated, if appropriate, every two (2) years on July 1. This administrative regulation establishes the medical fee schedule for physicians.

Section 1. Definitions. (1) "Medical fee schedule" means the 2013 Kentucky Workers' Compensation Schedule of Fees [Medical Fee Schedule] for Physicians.

(2) "Physician" is defined by KRS 342.0011(32).

Section 2. Services Covered. (1) The medical fee schedule shall govern all medical services provided to injured employees by physicians under KRS Chapter 342.

(2) The medical fee schedule shall also apply to other health care or medical services providers to whom a listed CPT code is applicable unless:

(a) Another fee schedule of the Department of Workers' Claims applies;

(b) A lower fee is required by KRS 342.035 or a managed care plan approved by the commissioner pursuant to 803 KAR 25:110; or

(c) An insurance carrier, self-insured group, or self-insured employer has an agreement with a physician, medical bill vendor, or other medical provider to provide reimbursement of a medical bill at an amount lower than the medical fee schedule.

Section 3. Fee Computation. (1) The appropriate fee for a procedure covered by the medical fee schedule shall be obtained by multiplying a relative value unit for the medical procedure by the applicable conversion factor; and

(2) The resulting fee shall be the maximum fee allowed for the service provided.

Section 4. (1) A physician or healthcare or medical services provider located outside the boundaries of Kentucky shall be deemed to have agreed to be subject to this administrative regulation if it accepts a patient for treatment who is covered under KRS Chapter 342.

(2) Pursuant to KRS 342.035, medical fees due to an out-of-state physician or healthcare or medical services provider shall be calculated under the fee schedule in the same manner as for an in-state physician.

Section 5. Incorporation by Reference. (1) "2013 Kentucky Workers' Compensation Schedule of Fees for Physicians", December 1, 2013 [~~The Kentucky Workers' Compensation Medical Fee Schedule for Physicians, November, 2010~~] edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Workers' Claims, Prevention Park, 657 Chamberlin Avenue, Frankfort,

Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

DWIGHT T. LOVAN, Commissioner

APPROVED BY AGENCY: March 12, 2014

FILED WITH LRC: March 13, 2014 at noon

CONTACT PERSON: Charles E. Lowther, General Counsel,
Department of Worker's Claims, Prevention Park, 657 Chamberlin
Avenue, Frankfort, Kentucky 40601, phone (502) 782-4464, fax
(502) 564-0681.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Charles E. Lowther

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation incorporates the medical fee schedule for physicians and the requirements for using the fee schedule.

(b) The necessity of this administrative regulation: Pursuant to KRS 342.035, the commissioner is required to promulgate an administrative regulation regarding fee schedules.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation incorporates the extensive fee schedule for physicians and requirements for the fee schedule.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It is imperative to have fee schedules to control the medical costs of the workers' compensation system. Injured employees should receive quality medical care and physicians should be appropriately paid.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: A new medical fee schedule has been completed and will be incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The statute requires the schedule of fees to be reviewed and updated every two (2) years, if appropriate.

(c) How the amendment conforms to the content of the authorizing statutes: The schedule of fees has been appropriately updated to insure that medical fees are fair, current, and reasonable for similar treatment in the same community for general health insurance payments.

(d) How the amendment will assist in the effective administration of the statutes: The schedule of fees assists the workers' compensation program by updating fees for physicians to insure injured workers get qualified and appropriate medical treatment.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All physicians and medical providers providing services to injured workers pursuant to KRS Chapter 342, injured employees, insurance carriers, self-insurance groups, and self-insured employers and employees, third party administrators.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Insurance carriers, self-insured groups, self-insured employers, third party administrators, and medical providers must purchase the new schedule of fees to accurately bill and pay for medical services. Other parties to workers' compensation claims are only indirectly impacted by the new fee schedule.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Insurance carriers, self-insured groups, self-insured employers or third party administrators and medical providers can

purchase the fee schedule book with disk for \$100 or the disk for fifty (50) dollars.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Medical providers will receive fair, current, and reasonable fees for services provided to injured workers. Injured workers will be treated by qualified medical providers.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The contract for reviewing and updating the physicians fee schedule and all fee schedules is \$71,250.

(b) On a continuing basis: No continuing costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Department of Workers' Claims normal budget is the source of funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation sets forth a current schedule of fees to be paid to physicians. Fees have been updated to be fair, current, and reasonable for similar treatment in the same community as paid by health insurers.

(9) TIERING: Is tiering applied? Tiering is not applied, because the updated fee schedule applies to all parties equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Workers' Claims and all parts of government with employees

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 342.035

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. As an employer, there may be some increased costs for medical services. It is impossible to estimate not knowing what medical services will be needed by injured workers.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue generated

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? No new administrative costs

(d) How much will it cost to administer this program for subsequent years? No new administrative costs

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Policy and Operations
(Amended After Comments)

907 KAR 10:825. Diagnosis-related group (DRG) inpatient hospital reimbursement.

RELATES TO: KRS 13B.140, 142.303, 205.510(16), 205.565, 205.637, 205.638, 205.639, 205.640, 205.641, 216.380, 42 C.F.R. Parts 412, 413, 440.10, 440.140, 447.250-447.280, 42 U.S.C. 1395f(l), 1395ww(d)(5)(F), x(mm), 1396a, 1396b, 1396d, 1396r-4, Pub.L. 111-148

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.560(2), 205.637(3), 205.640(1), 205.641(2), 216.380(12), 42 C.F.R. 447.200, 447.250, 447.252, 447.253, 447.271, 447.272, 42 U.S.C. 1396a, 1396r-4

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services has responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with a requirement that may be imposed, or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation establishes the method for determining the amount payable via a diagnosis-related group methodology by the Medicaid Program for acute care inpatient hospital services provided to a Medicaid recipient who is not enrolled with a managed care organization[a hospital inpatient service including provisions necessary to enhance reimbursement pursuant to KRS 142.303 and 205.638].

Section 1. Definitions. (1) "2552-10 format" means the format used by the Centers for Medicare and Medicaid Services for a Medicare cost report period ending on or after April 1, 2011.

(2) "2552-96 format" means the format used by the Centers for Medicare and Medicaid Services for a Medicare cost report period ending prior to April 1, 2011.

(3) "Acute care hospital" is defined by KRS 205.639(1).

(4) "Aggregate target payments" means an outcome in which estimated aggregate payments in the universal rate year using trimmed base year claims data do not exceed trimmed base year claims data aggregated reported payments adjusted by the trending factor.

~~(5) [(2) "Adjustment factor" means the factor by which non-neonatal care relative weights shall be reduced to offset the expenditure pool adjustment necessary to enhance neonatal care relative weights.~~

~~(3) "Appalachian Regional Hospital System" means a private, not-for-profit hospital chain operating in a Kentucky county that receives coal severance tax proceeds.~~

(6) "APR-DRG" means the clinically similar grouping of services that:

(a) Can be expected to consume similar amounts of hospital resources assigned by 3M's All-Patient Refined Diagnosis Related Group software; and

(b) Includes the:

1. Diagnosis related group;

2. Severity of illness assignment; and

3. Risk of mortality subclass.

(7) "APR-DRG average length of stay" means the arithmetic mean length of stay for each APR-DRG, calculated by multiplying the 3M national average length for each APR-DRG by a day's adjustment factor.

(8) "APR-DRG base payment" means the base payment for claims paid under the DRG methodology.

(9) "APR-DRG base rate" means the per discharge statewide APR-DRG rate for an acute care hospital that is multiplied by the relative weight and applicable policy adjuster to calculate the DRG base payment.

(10) "APR-DRG relative weight" means the factor that is:

(a) Assigned to each APR-DRG that represents the average resources required for an APR-DRG classification paid under the DRG methodology relative to the average resources required for all

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DRG discharges in the state paid under the DRG methodology for the same time period; and

(b) Calculated by dividing the 3M APR-DRG national weights by a case mix scaling factor.

(11)(4) "Base rate" means the per discharge hospital-specific DRG rate for an acute care hospital that is multiplied by the relative weight to calculate the DRG base payment.

(5) "Base year" means:

(a) For establishing the initial APR-DRG base rates effective upon adoption of this administrative regulation [April 1, 2014], [the] state fiscal year 2010; and

(b) In subsequent years for the purpose of rebasing rates, the state fiscal year that includes the most recently fully adjudicated state fiscal year of claims data available at the time that the rate calculations are performed [period used to establish DRG rates].

(12) "Case mix scaling factor" means the multiplier necessary that results in the statewide average case mix index equaling 1.0 using trimmed base year claims data.

(13)(6) "Base year Medicare rate components" means Medicare inpatient prospective payment system rate components in effect on October 1 during the base year as listed in the CMS IPPS Price Program.

(7) "Budget neutrality" means that reimbursements resulting from rates paid to providers under a per discharge methodology do not exceed payments in the base year adjusted for inflation based on the CMS Input Price Index, which is the wage index published by CMS in the Federal Register.

(8) "Budget neutrality factor" means a factor that is applied to a DRG base rate or the direct graduate medical educational payment so that budget neutrality is achieved.

(9) "Capital cost" means capital related expenses including insurance, taxes, interest and depreciation related to plant and equipment.

(40) "CMS" means the Centers for Medicare and Medicaid Services.

(14)(14) "CMS IPPS Pricer Program" means the software program published on the CMS website of <http://www.cms.hhs.gov> which shows the Medicare rate components and payment rates under the Medicare inpatient prospective payment system for a discharge within a given federal fiscal year.

(15) "Coding and documentation improvement adjustment" means an adjustment to the APR-DRG relative weights to account for changes in case mix due to improvements in medical record documentation and improvements in claim coding.

(16) "Corridor adjustment factors" means the provider-specific adjustment factors applied to the total hospital-specific per discharge payment that result in estimated provider pay-to-cost ratios using base year claims data being within the pay-to-cost corridor.

(17)(42) "Cost center specific cost-to-charge ratio" means a ratio of a hospital's cost center specific total hospital costs to its cost center specific total charges extracted from the Medicare cost report that best matches [corresponding to the hospital full fiscal year falling within] the base year claims data [date] period.

(18)(43) "Cost outlier" means a claim for which estimated cost exceeds the outlier threshold.

(19)(44) "Critical access hospital" or "CAH" means a hospital:

(a) Meeting the licensure requirements established in 906 KAR 1:110; and

(b) Designated as a critical access hospital by the department.

(20)(45) "Department" means the Department for Medicaid Services or its designated agent.

(21)(46) "Diagnosis codes [code]" means the codes [a code]:

(a) Used by the department's grouper software [Maintained by the Centers for Medicare and Medicaid Services (CMS)] to group and identify a disease, disorder, symptom, or medical sign; and

(b) Used to measure morbidity and mortality.

(22)(17) "Diagnostic categories" means the diagnostic classifications containing one or more DRGs used by Medicare programs, assigned in the base year with modifications established in Section 2(15) of this administrative regulation.

(48) "Diagnostic related group" or "DRG" means a clinically-similar grouping of services that can be expected to consume

similar amounts of hospital resources.

(23)(49) "Distinct part unit" means a separate unit within an acute care hospital that meets the qualifications established in 42 C.F.R. 412.25 and is designated as a distinct part unit by the department.

(24) "Enrollee day" means a day of an inpatient hospital stay of a Medicaid recipient who is enrolled with a managed care organization.

(25)(20) "DRG average length of stay" means the Kentucky arithmetic mean length of stay for each DRG, calculated by dividing the sum of patient days in the base year claims data for each DRG by the number of discharges for each DRG.

(21) "DRG base payment" means the base payment for claims paid under the DRG methodology.

(22) "Enhanced neonatal care relative weight" means a neonatal care relative weight increased, with a corresponding reduction to non-neonatal care relative weights, to facilitate reimbursing neonatal care at 100 percent of Medicaid allowable costs in aggregate by category.

(23) "Federal financial participation" is defined by 42 C.F.R. 400.203.

(26)(24) "Fixed loss cost threshold" means [the amount, equal to] \$29,000.

(27) [, which is combined with the full DRG payment or transfer payment for each DRG to determine the outlier threshold.

(25) "Geometric mean" means the measure of central tendency for a set of values expressed as the nth (number of values in the set) root of their product.

(26) "Government entity" means an entity that qualifies as a unit of government for the purposes of 42 U.S.C. 1396b(w)(6)(A).

[(27) "High intensity level II neonatal center" means an in-state hospital with a level II neonatal center which:

(a) Is licensed for a minimum of twenty-four (24) neonatal level II beds;

(b) Has a minimum of 1,500 Medicaid neonatal level II patient days per year;

(c) Has a gestational age lower limit of twenty-seven (27) weeks; and

(d) Has a full-time perinatologist on staff.]

(28) ["High volume per diem payment" means a per diem add-on payment made to hospitals meeting selected Medicaid utilization criteria established in Section 2(12) of this administrative regulation.

(29) "Hospital-acquired condition" means a condition:

(a) 1. Associated with a diagnosis code selected by the Secretary of the U.S. Department of Health and Human Services pursuant to 42 U.S.C. 1395ww(d)(4)(D); and

2. Not present upon the recipient's admission to the hospital; or

(b) Which is recognized by the APR-DRG grouper [Centers for Medicare and Medicaid Services] as a hospital-acquired condition.

(29)(30) "Indexing factor" means the percentage that the cost of providing a service is expected to increase during the universal rate year.

(34) "Inflation factor" means the percentage that the cost of providing a service has increased, or is expected to increase, for a specific period of time based on changes in the CMS IPPS hospital input price index.

(30)(32) "Intrahospital transfer" means a transfer within the same acute care hospital resulting in a discharge from and a new admission to a licensed and certified acute care bed, psychiatric distinct part unit, or rehabilitation distinct part unit.

(31)(33) "Level I neonatal care" or "Level 1 DRG" means care provided to newborn infants of a more intensive nature than the usual nursing care provided in newborn care units, on the basis of physicians' orders and approved nursing care plans, which are assigned to DRGs 385-390.

(34) "Level II neonatal center" means a facility with a licensed level II bed which provides specialty care (DRGs 675-680) for infants which includes monitoring for apnea spells, incubator or other assistance to maintain the infant's body temperature, and feeding assistance.

(35) "Level III neonatal center" means a facility with a licensed level III bed which provides specialty care (DRGs 685-690) of

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infants which includes ventilator or other respiratory assistance for infants who cannot breathe adequately on their own, special intravenous catheter to monitor and assist blood pressure and heart function, observation and monitoring of conditions that are unstable or may change suddenly, and postoperative care.

(36) "Long-term acute care hospital" means a long term care hospital that meets the requirements established in 42 C.F.R. 412.23(e).

(32) "Managed care organization" means an entity for which the Department for Medicaid Services has contracted to serve as a managed care organization as defined in 42 C.F.R. 438.2.

(33) "Medicaid fee-for-service claim" means a claim related to care provided to a Medicaid recipient who is not enrolled with a managed care organization.

(34) "Medicaid fee-for-service covered day" means an inpatient hospital day associated with a Medicaid recipient who is not enrolled with a managed care organization.

(35)(37) "Low intensity level III neonatal center" means a facility with one (1), two (2), or three (3) licensed level III neonatal beds.

(38) "Medicaid shortfall" means the difference between a provider's allowable cost of providing services to Medicaid recipients and the amount received in accordance with the payment provisions established in Section 2 of this administrative regulation.

(36)(39) "Medical education costs" means direct and allowable costs that are:

(a) Associated with an approved intern and resident program; and

(b) Subject to limits established by Medicare.

(37) "MDC" means the major diagnostic categories associated with each APR-DRG classification.

(38)(40) "Medically necessary" or "medical necessity" means that a covered benefit shall be provided in accordance with 907 KAR 3:130.

(39)(41) "Never event" means:

(a) A procedure, service, or hospitalization not reimbursable by Medicare pursuant to CMS Manual System Pub 100-03 Medicare National Coverage Determinations Transmittal 101; or

(b) A hospital-acquired condition.

(40)(42) "Outlier threshold" means the sum of the APR-DRG base payment or transfer payment and the fixed loss cost threshold.

(41)(43) "Pediatric teaching hospital" is defined in KRS 205.565(1).

(42)(44) "Per diem rate" means the per diem rate paid by the department for:

(a) Inpatient care in an in-state psychiatric or rehabilitation hospital;

(b) Inpatient care in a long-term acute care hospital;

(c) Inpatient care in a critical access hospital;

(d) Psychiatric, substance use disorder, or rehabilitation services in an in-state acute care hospital which has a distinct part unit; or

(e) A psychiatric or rehabilitation service in an in-state acute care hospital with an assigned psychiatric, substance use disorder, or rehabilitation APR-DRG.

(43) "Policy adjusters" means the factor applied to increase payments for APR-DRG base payments for normal newborn, neonatal, and maternity services.

(44)(45) "Psychiatric hospital" means a hospital which meets the licensure requirements as established in 902 KAR 20:180.

(45)(46) "Quality improvement organization" or "QIO" means an organization that complies with 42 C.F.R. 475.101.

(46)(47) "Rebase" means to redetermine APR-DRG base rates, DRG relative weights, policy adjusters, corridor adjustments, per diem rates, and other applicable components of the payment methodology using more recent claims data and cost report data.

(47)(48) "Rehabilitation hospital" means a hospital meeting the licensure requirements as established in 902 KAR 20:240.

(48)(49) "Relative weight" means the factor assigned to each Medicare DRG classification that represents the average resources required for a Medicare DRG classification paid under the DRG

methodology relative to the average resources required for all DRG discharges in the state paid under the DRG methodology for the same time period.

(50) "Resident" means an individual living in Kentucky who is not receiving public assistance in another state.

(49)(54) "Rural hospital" means a hospital located in a rural area pursuant to 42 C.F.R. 412.64(b)(1)(ii)(C).

(50)(52) "State university teaching hospital" means:

(a) A hospital that is owned or operated by a Kentucky state-supported university with a medical school; or

(b) A hospital:

1. In which three (3) or more departments or major divisions of the University of Kentucky or University of Louisville medical school are physically located and which are used as the primary (greater than fifty (50) percent) medical teaching facility for the medical students at the University of Kentucky or the University of Louisville; and

2. That does not possess only a residency program or rotation agreement.

(51) "Statewide weighted average pay-to-cost ratio" means statewide total estimated payments in the universal rate year using trimmed base year claims divided by statewide total estimated costs in the universal rate year using trimmed base year claims data.

(52)(53) "Transfer payment" means a payment made for a recipient who is transferred to or from another hospital for a service reimbursed on a prospective discharge basis.

(53)(54) "Trending factor" means the cumulative percentage increase in the DRG or APR-DRG base rates that has occurred since the base year claims data period to inflation factor as applied to that period of time between the midpoint of the base year and the midpoint of the universal rate year.

(54) "Trimmed base year claims data" means base year claims data excluding:

(a) Claims data for a discharge reimbursed on a per diem basis including:

1. A psychiatric claim including:

a. An acute care hospital claim with a psychiatric or substance use disorder APR-DRG;

b. A psychiatric distinct part unit claim;

c. A psychiatric hospital claim including one (1) related to substance use disorder treatment; or

d. A claim not referenced in clause c of this subparagraph that is related to substance use disorder treatment;

2. A rehabilitation claim including:

a. An acute care hospital claim with a rehabilitation APR-DRG;

b. A rehabilitation distinct part unit claim; or

c. A rehabilitation hospital claim;

3. A critical access hospital claim; or

4. A long term acute care hospital claim;

(b) A claim for a patient discharged from an out-of-state hospital;

(c) A claim with total charges equal to zero (0);

(d) A managed care organization claim; or

(e) A claim for a hospital-based skilled nursing facility or long-term care unit.

(55) "Type III hospital" means an in-state disproportionate share state university teaching hospital, owned or operated by either the University of Kentucky or the University of Louisville Medical School.

(56) "Universal rate year" means the twelve (12) month period under the prospective payment system, beginning July of each year, for which a payment rate is established for a hospital regardless of the hospital's fiscal year end.

(57) "Urban hospital" means a hospital located in an urban area pursuant to 42 C.F.R. 412.64(b)(1)(ii).

(58) "Urban trauma center hospital" means an acute care hospital that:

(a) Is designated as a Level I Trauma Center by the American College of Surgeons;

(b) Has a Medicaid utilization rate greater than twenty-five (25) percent; and

(c) Has at least fifty (50) percent of its Medicaid population as

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residents of the county in which the hospital is located.

Section 2. Payment for an Inpatient Acute Care Service in an In-state Acute Care Hospital. (1) An in-state acute care hospital shall be paid for an inpatient acute care service, except for a service not covered pursuant to 907 KAR 10:012, on a fully-prospective per discharge basis.

(2) For an inpatient acute care service, except for a service not covered pursuant to 907 KAR 10:012, in an in-state acute care hospital, the total hospital-specific per discharge payment shall be the APR-DRG[sum of:

- (a) A-DRG] base payment and, if applicable, a cost outlier[;
(b) If applicable, a high volume per diem payment; and
(c) If applicable, a cost outlier] payment amount multiplied by the provider-specific corridor adjustment.

(3)(a) In assigning an APR-[a-]DRG for a claim, the department shall exclude from the APR-DRG consideration any secondary diagnosis code associated with a never event.

(b)1. For rates effective upon adoption of this administrative regulation[April 1, 2014], the department shall assign an APR-[A]DRG[assignment] for payment purposes[shall be] based on the 3M APR-DRG[Medicare] grouper version thirty (30).

2. Beginning on October 1, 2014, the department shall update the APR-DRG grouper version using the most current APR-DRG grouper version available and update it each subsequent October 1 using the most current APR-DRG grouper version available.

3. If, on a given October 1, a new version of the APR-DRG grouper is not available, the department shall not update the APR-DRG grouper version until a new version becomes available[twenty-four (24) effective in the Medicare inpatient prospective payment system as of October 1, 2006.

(c) The department shall assign to the base year claims data, DRG classifications from Medicare grouper version twenty-four (24) effective in the Medicare inpatient prospective payment system as of October 1, 2006].

(4) An APR-[A-]DRG base payment shall be calculated for a discharge by multiplying the statewide APR-DRG[hospital specific] base rate by the APR-DRG relative weight and the applicable policy adjuster.

(5)(a) The department shall determine a single statewide APR-DRG base rate in a way that results in the estimated aggregated payments in the universal rate year using trimmed base year claims data not exceeding aggregated reported payments in the trimmed base year claims data adjusted by the trending factor.

(b)1. The department shall assign to the base year claims data, APR-DRG classifications from the same APR-DRG grouper version that shall be used for payment during the universal rate year.

2. For rates effective upon adoption of this administrative regulation[April 1, 2014], the base year claims data means claims data from state fiscal year 2010.

3. In rebasing, the department shall use the state fiscal year that includes the most recent fully adjudicated state fiscal year Medicaid fee-for-service claims data available at the time of the rate calculation.

(c) The department shall determine a statewide APR-DRG base rate using the trimmed base year claims data.

(d) In estimating payments in the universal rate year for the purpose of determining the statewide APR-DRG base rate, the department shall:

- 1. Include policy adjusters referenced in subsection (6) of this section; and
2. Exclude corridor adjustments referenced in subsection (10) of this section.

(6)(a) The department shall apply a single policy adjuster to an APR-DRG base payment for the following:

- 1. A claim with a newborn APR-DRG assignment in MDC 15; and
2. A claim with a maternity related APR-DRG assignment in MDC 14.

(b)1. The department shall determine the policy adjuster factor using trimmed base year claims data for newborn and maternity APR-DRGs in a manner that results in the following outcomes

when applying the policy adjuster factor to APR-DRG base payments:

a. Estimated aggregated payments in the universal rate year excluding corridor adjustments for these claims exceed aggregated trimmed simulated base year claims data[reported] payments, adjusted by the trending factor, by the smallest margin possible; and

b. The policy adjuster factor is incrementally rounded upwards to the nearest five (5)-hundredths.

2. An example of the provisions described in subparagraph 1. of this paragraph is if a policy adjuster factor of 1.418 results in estimated aggregated payments without corridor adjustments using trimmed base year claims data with newborn and maternity APR-DRGs that exceed aggregated base year claim reported payments adjusted by the trending factor by the smallest margin possible, the policy adjuster factor shall be rounded upwards to 1.45.

3. To calculate the simulated base year claims data payments referenced in subparagraph 1 of this paragraph, the department shall:

a. Use trimmed base year claims data for newborn and maternity APR-DRGs as described in paragraph (a)1 and 2 of this subsection;

b. For rates effective upon adoption of this administrative regulation, calculate simulated payments for the claims referenced above using provider payment rates and the methodology that was in effect on July 1, 2012; and

c. For future rebasing periods, use the base year claims data reported payments.[(c) In estimating payments in the universal rate year for the purpose of determining the APR-DRG base rate, the department shall:

- 1. Include policy adjusters referenced in subsection (6) of this section; and
2. Exclude corridor adjustments referenced in subsection (10) of this section.]

(7)(a)[by calculating a case mix, outlier payment and budget neutrality-adjusted cost per discharge for each in-state acute care hospital as described in subsections (5)(b) through (10) of this section of this administrative regulation.

(b) A hospital specific cost per discharge used to calculate a base rate shall be based on base year inpatient paid claims data.

(c) A hospital specific cost per discharge shall be calculated using state fiscal year 2006 inpatient Medicaid paid claims data.

(6)(a) The department shall calculate a cost to charge ratio for the seventeen (17)[fifteen (15)] Medicaid and Medicare cost centers displayed in paragraph (b) of this subsection using Medicare cost reporting periods as established in Section 1(17) of this administrative regulation.

(b) If a hospital lacks cost-to-charge information for a given cost center or if the hospital's cost-to-charge ratio is not within[above or below] three (3) standard deviations from the mean of the set[a log distribution] of cost-to-charge ratios, the department shall use the statewide geometric mean cost-to-charge ratio for the given cost center.

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Kentucky Medicaid Cost Center	Kentucky Medicaid Cost Center Description	Medicare Cost Report Standard Cost Center (2552-96 format)
1	Routine Days	25
2	Intensive Days (non-neonatal)	26, 27, 28, 29, 30
3	Drugs	48, 56
4	Supplies or equipment	55, 55.3, 66, 67
5	Therapy services excluding inhalation therapy	50, 51, 52
6	Inhalation therapy	49
7	Operating room	37, 38
8	Labor and delivery	39
9	Anesthesia	40
10	Cardiology	53, 54
11	Laboratory	44, 45
12	Radiology	41, 42
13	Other services	43, 46, 47, 57, 58, 59, 60, 61, 62, 63, 63.5, 64, 65, 68
14	Nursery	33
15	Neonatal intensive days	Various[30]
16	Psychiatric	Various
17	Rehabilitation	Various

Kentucky Medicaid Cost Center	Kentucky Medicaid Cost Center Description	Medicare Cost Report Standard Cost Center (2552-10 format)
1	Routine Days	30
2	Intensive Days (non-neonatal)	31, 32, 33, 34, 35
3	Drugs	64, 73
4	Supplies or equipment	71, 72, 96, 97
5	Therapy services excluding inhalation therapy	66, 67, 68
6	Inhalation therapy	65
7	Operating room	50, 51
8	Labor and delivery	52
9	Anesthesia	53
10	Cardiology	59, 69, 70
11	Laboratory	60, 61
12	Radiology	54, 55, 57
13	Other services	56, 58, 62, 63, 74, 75, 76, 88, 90, 91, 92, 93, 94, 95, 98
14	Nursery	43
15	Neonatal intensive days	Various
16	Psychiatric	Various
17	Rehabilitation	Various

(8)(7)(a) For a hospital with an intern or resident reported on its Medicare cost report, the department shall calculate allocated overhead by computing the difference between the costs of interns and residents before and after the allocation of overhead costs.

(b) The ratio of overhead costs for interns and residents to total facility costs shall be multiplied by the costs in each cost center prior to computing the cost center cost-to-charge ratio.

(8) For an in-state acute care hospital, the department shall compile the number of patient discharges, patient days and total charges from the base year claims data. The department shall exclude from the rate calculation:

- (a) Claims paid under a managed care program;
- (b) Claims for rehabilitation and psychiatric discharges reimbursed on a per diem basis;
- (c) Transplant claims; and
- (d) Revenue codes not covered by the Medicaid Program.

(9)(a) The department shall calculate the cost of [a] base year claims data used in the determination of APR-DRG base rates [claim] by multiplying the charges from each inpatient hospital-related [accepted] revenue code by the corresponding cost center specific cost-to-charge ratio.

(b) The department shall inflate the cost of base year claims

data to the universal rate year using an inflation factor based on changes in CMS IPPS hospital input price index levels [base cost center specific cost-to-charge ratios on data extracted from the most recently, as of June 1, finalized cost report].

(c) 1. [Only an] Inpatient revenue codes for services reimbursed [code recognized] by the department under the APR-DRG methodology shall be included in the calculation of estimated costs.

2. Any inpatient revenue code for a service not reimbursed by the department under the APR-DRG methodology shall not be included in the calculation of estimated costs.

(10)(a) The department shall apply a provider-specific corridor adjustment to the sum of the APR-DRG base payment and the applicable outlier payment.

(b) 1. To determine corridor adjustment factors, the department shall establish a pay-to-cost ratio corridor based on the statewide weighted average pay-to-cost ratio using the same trimmed base year claims data used in the statewide APR-DRG base rate calculation.

2. The pay-to-cost ratio corridor ceiling shall be five (5) percent above the statewide weighted average pay-to-cost ratio subject to the increase or decrease in accordance with paragraph (c) 4 of this

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subsection.

3. The pay-to-cost ratio corridor floor shall be five (5) percent below the statewide average weighted average pay-to-cost ratio.

(c) The department shall determine corridor adjustment factors based on each hospital's estimated pay-to-cost ratio before corridor adjustments relative to the pay-to-cost ratio corridor using the same trimmed base year claims data used in the statewide APR-DRG base rate calculation.

1. For a provider with a pay-to-cost ratio that is below the pay-to-cost ratio corridor floor, the provider-specific corridor adjustment factor shall be set to increase payments in a way that results in the pay-to-cost ratio equaling the corridor floor.

2. For a provider with a pay-to-cost ratio that is within the pay-to-cost ratio corridor, the provider-specific corridor adjustment factor shall be set to 1.0.

3. For a provider with a pay-to-cost ratio above the pay-to-cost ratio corridor ceiling, the provider-specific corridor adjustment factor shall be set to reduce payments in a way that results in the pay-to-cost ratio equaling the corridor ceiling.

4. The pay-to-cost ratio ceiling shall be increased or decreased until estimated aggregated payments with corridor adjusters in the universal rate year do not exceed trimmed base year claims data aggregated reported payments adjusted by the trending factor.

(d) Corridor adjustment factors shall:

1. Be determined on a prospective basis; and

2. Not be updated until the system is rebased.

(11)(a)[(10)] Using the base year Medicaid claims referenced in subsection (8) of this section, the department shall compute a hospital specific cost per discharge by dividing a hospital's Medicaid costs by its number of Medicaid discharges.

(11) The department shall determine an in-state acute care hospital's DRG base payment rate by adjusting the hospital's specific Medicaid allowable cost per discharge by the hospital's case mix, expected outlier payments and budget neutrality.

(a)1. A hospital's case mix adjusted cost per discharge shall be calculated by dividing the hospital's cost per discharge by its case mix index; and

2. The hospital's case mix index shall be equal to the average of its DRG relative weights for acute care services for base year Medicaid discharges referenced in subsection (8) of this section.

(b)1. A hospital's case mix adjusted cost per discharge shall be multiplied by an initial budget neutrality factor.

2. The initial budget neutrality factor for a rate shall be 0.7065 for all hospitals.

3. When rates are rebased, the initial budget neutrality factor shall be calculated so that total payments in the rate year shall be

equal to total payments in the prior year plus inflation for the upcoming rate year and adjusted to eliminate changes in patient volume and case mix.

(c)1. Each hospital's case mix and initial budget neutrality adjusted cost per discharge shall be multiplied by a hospital-specific outlier payment factor.

2. A hospital-specific outlier payment factor shall be the result of the following formula: $((\text{expected DRG non-outlier payments}) - (\text{expected proposed DRG outlier payments})) / (\text{expected DRG non-outlier payments})$.

(d)1. A hospital's case mix, initial budget neutrality and outlier payment adjusted cost per discharge shall be multiplied by a secondary budget neutrality factor.

2. The secondary budget neutrality factor for a hospital shall be 1.0562.

3. When rates are rebased, the secondary budget neutrality factor shall be calculated so that total payments in the rate year shall be equal to total payments in the prior year plus inflation for the upcoming rate year and adjusted to eliminate changes in patient volume and case mix.

(12)(a) Except as provided in paragraph (b) of this subsection, the department shall make a high volume per diem payment, to an in-state acute care hospital with high Medicaid volume for base year covered Medicaid days referenced in subsection (8) of this section.

(b) High volume per diem criteria shall be based on the number of Kentucky Medicaid days or the hospital's Kentucky Medicaid utilization percentage.

(c)1. A high volume per diem payment shall be made in the form of a per diem add-on amount in addition to the DRG base payment rate encompassing the DRG average length-of-stay days per discharge.

2. The payment shall be equal to the applicable high volume per diem add-on amount multiplied by the DRG average length-of-stay associated with the claim's DRG classification.

(d)1. The department shall determine a per diem payment associated with Medicaid days-based criteria separately from a per diem payment associated with Medicaid utilization-based criteria.

2. If a hospital qualifies for a high volume per diem payment under both the Medicaid days-based criteria and the Medicaid utilization-based criteria, the department shall pay the higher of the two add-on per diem amounts.

(e) The department shall pay the indicated high volume per diem payment if either the base year covered Kentucky Medicaid inpatient days or Kentucky Medicaid inpatient day's utilization percent meet the criteria established in Table 2 below:

Kentucky Medicaid Inpatient Days		Kentucky Medicaid Inpatient Days Utilization	
Days Range	Per Diem Payment	Medicaid Utilization Range	Per Diem Payment
0 - 3,499 days	\$0 per day	0.0% - 13.2%	\$0.00 per day
3,500 - 4,499 days	\$22.50 per day	13.3% - 16.1%	\$22.50 per day
4,500 - 5,999 days	\$45.00 per day	16.2% - 21.6%	\$45.00 per day
6,000 - 7,399 days	\$80.00 per day	21.7% - 27.2%	\$81.00 per day
7,400 - 10,999 days	\$118.15 per day	27.3% - 100.00%	\$92.75 per day
11,000 - 19,999 days	\$163.49 per day		
20,000 and above days	\$325.00 per day		

(f) The department shall use base year claims data referenced in subsection (8) of this section to determine if a hospital qualifies for a high volume per diem add-on payment.

(g) The department shall only change a hospital's classification regarding a high volume add-on payment or per diem amount during a rebasing year.

(h)1. The department shall not make a high volume per diem payment for a level I neonatal care, level II neonatal center, or level III neonatal center claim.

2. A level I neonatal care, level II neonatal center, or level III

neonatal center claim shall be included in a hospital's high volume adjustment eligibility criteria calculation established in paragraph (e), Table 2, of this subsection.

(13)(a) The department shall make a[an additional] cost outlier payment for an approved discharge meeting the Medicaid criteria for a cost outlier for each APR-DRG[diagnostic category].

(b) A cost outlier shall be subject to QIO review and approval.

(c) A discharge shall qualify for a[an additional] cost outlier payment if its estimated cost exceeds the APR-DRG's outlier threshold.

(d)1. The department shall calculate the estimated cost of a

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discharge, for purposes of comparing the discharge cost to the outlier threshold, by multiplying the sum of the hospital specific Medicare operating and capital-related cost-to-charge ratios by the Medicaid allowed charges.

2. [A] Medicare operating ~~and~~[or] capital-related cost-to-charge ratios[~~ratio~~] shall be extracted from the CMS IPPS Pricer Program with an effective date in the Medicare system as of October 1 of the year prior to the beginning of the universal rate year.

(e)1. The department shall calculate an outlier threshold as the sum of a hospital's APR-DRG base payment or transfer payment and the fixed loss cost threshold.

2. The fixed loss cost threshold shall equal \$29,000.

(f) A cost outlier payment shall equal eighty (80) percent of the amount by which estimated costs exceed a discharge's outlier threshold.

(g) An outlier threshold and cost outlier payment shall be calculated before applying a corridor adjustment.

(12)(a)[(14)] The department shall calculate APR-DRG[a Kentucky Medicaid-specific DRG] relative weights when the department[weight by]:

1. Calculates the statewide average APR-DRG base rate by:

a. [a] Selecting the 3M APR-DRG national weights associated with the APR-DRG grouper version used for payment purposes; and

b. Dividing the 3M APR-DRG national weights for all APR-DRGs by a single case mix scaling factor in a manner that results in the statewide average case mix equaling 1.0 using trimmed base year claims data; or

2. Updating the APR-DRG grouper version, without rebasing statewide APR-DRG base rates, by:

a. Selecting the 3M APR-DRG national weights associated with the APR-DRG grouper version used for payment purposes; and

b. Dividing the 3M APR-DRG national weights for all APR-DRGs by a single factor in a manner that results in the statewide average case mix equaling the prior fiscal year's statewide average case mix.

(b)1. The department shall apply a coding and documentation improvement adjustment to the APR-DRG relative weights.

2. To determine the adjustment referenced in subparagraph 1 of this paragraph, the department shall calculate a statewide average case mix index and a targeted statewide average case mix index.

3. To determine the initial statewide average case mix index, the department shall:

a. Assign APR-DRG classifications, using APR-DRG grouper version 30, to Medicaid fee-for-service DRG claims which covered the period of January 1, 2013 through December 31, 2013; and

b. Use the APR-DRG relative weights effective **upon adoption of this administrative regulation[April 1, 2014].**

4. The initial statewide average case mix index referenced in subparagraph 3 of this paragraph shall be the initial targeted statewide average case mix index.

5. To calculate the statewide average case mix index to be effective:

a. (i) July 1, 2015, the department shall use the actual paid DRG claims or actual APR-DRG claims for the prior twelve (12) month-period that ended December 31; or

(ii) For claims paid based on the DRG methodology, rather than the APR-DRG methodology, the department shall assign APR-DRG classifications using APR-DRG grouper version 30; and

b. Beginning July 1, 2016 and for each subsequent July 1, the department shall use the actual paid APR-DRG claims for the previous twelve (12) month period that ended December 31.

6. To calculate the targeted statewide average case mix index to be effective:

a. July 1, 2015, the department shall trend the initial targeted statewide average case mix index referenced in subparagraph 4 of this paragraph by 1.5 percent; and

b. Each July 1, beginning July 1, 2016, the department shall trend the prior July 1 targeted statewide average case mix index by 1.5 percent.

7.a. The department shall not apply a coding and

documentation improvement adjustment to the APR-DRG relative weights for any year in which the percentage difference between the actual statewide average case mix index and the targeted statewide average case mix index is less than or equal to plus or minus two (2) percent.

b. If the percentage difference between the actual statewide average case mix index and the targeted statewide average case mix is greater than plus or minus two (2) percent, the department shall proportionally adjust the APR-DRG relative weights so that the actual statewide average case mix index is equal to the targeted statewide average case mix index.

~~(13)[Kentucky base year Medicaid inpatient paid claims, excluding those described in subsection (8) of this section, with the hospital-specific cost per discharge calculated using state fiscal year 2006 inpatient Medicaid paid claims data;~~

~~(b) Reassigning the DRG classification for the base year claims based on the Medicare DRG in effect in the Medicare inpatient prospective payment system at the time of rebasing. The department shall assign to the base year claims data the Medicare grouper version 24 DRG classifications which were effective in the Medicare inpatient prospective payment system as of October 1, 2006;~~

~~(c) Removing the following claims from the calculation:~~

~~1. Claims data for a discharge reimbursed on a per diem basis including:~~

~~a. A psychiatric claim, defined as follows:~~

~~(i) An acute care hospital claim with a psychiatric DRG;~~

~~(ii) A psychiatric distinct part unit claim; or~~

~~(iii) A psychiatric hospital claim;~~

~~b. A rehabilitation claim, defined as follows:~~

~~(i) An acute care hospital claim with rehabilitation DRG;~~

~~(ii) A rehabilitation distinct part unit claim; or~~

~~(iii) A rehabilitation hospital claim;~~

~~c. A critical access hospital claim; and~~

~~d. A long term acute care hospital claim;~~

~~2. A transplant service claim as specified in subsection (21) of this section;~~

~~3. A claim for a patient discharged from an out-of-state hospital; and~~

~~4. A claim with total charges equal to zero;~~

~~(d) Calculating a relative weight value for a low volume DRG by:~~

~~1.a. Arraying a DRG with less than twenty-five (25) cases in order by the Medicare DRG relative weight in effect in the Medicare inpatient prospective payment system at the same time as the Medicare DRG grouper version, published in the Federal Register, relied upon for Kentucky DRG classifications; and~~

~~b. Using the Medicare DRG relative weight which was effective in the Medicare inpatient prospective payment system as of October 1, 2006;~~

~~2. Grouping a low volume DRG, based on the Medicare DRG relative weight sort, into one (1) of five (5) categories resulting in each category having approximately the same number of Medicaid cases;~~

~~3. Calculating a DRG relative weight for each category; and~~

~~4. Assigning the relative weight calculated for a category to each DRG included in the category;~~

~~(e)1. Standardizing the labor portion of the cost of a claim for differences in wage and the full cost of a claim for differences in indirect medical education costs across hospitals based on base year Medicare rate components;~~

~~a. Base year Medicare rate components shall equal Medicare rate components effective in the Medicare inpatient prospective payment system as of October 1, 2005; and~~

~~b. Base year Medicare rate components used in the Kentucky inpatient prospective payment system shall include:~~

~~(i) Labor-related percentage and non-labor-related percentage;~~

~~(ii) Operating and capital cost-to-charge ratios;~~

~~(iii) Operating indirect medical education costs; or~~

~~(iv) Wage indices;~~

~~2. Standardizing costs using the following formula: standard cost = (((labor related percentage X costs)/Medicare wage index) + (nonlabor related percentage X costs))/(1 + Medicare operating~~

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indirect medical education factor), with:

a. The labor related percentage equal to sixty-two (62) percent; and

b. The nonlabor related percentage equal to thirty-eight (38) percent;

(f) Removing statistical outliers by deleting any case that is:

1. Above or below three (3) standard deviations from the mean cost per discharge; and

2. Above or below three (3) standard deviations from the mean cost per day;

(g) Computing an average standardized cost for all DRGs in aggregate and for each DRG, excluding statistical outliers;

(h) Computing DRG relative weights:

1. For a DRG with twenty five (25) claims or more by dividing the average cost per discharge for each DRG by the statewide average cost per discharge; and

2. For a DRG with less than twenty-five (25) claims by dividing the average cost per discharge for each of the five (5) low volume DRG categories by the statewide average cost per discharge;

(i) Calculating, for the purpose of a transfer payment, Kentucky Medicaid geometric mean length of stay for each DRG based on the base year claims data used to calculate DRG relative weights;

(j) Employing enhanced neonatal care relative weights;

(k) Applying an adjustment factor to relative weights not referenced in paragraph (j) of this subsection to offset the level I, II, and III neonatal care relative weight increase resulting from the use of enhanced neonatal care relative weights; and

(l) Excluding high intensity level II neonatal center claims and low intensity level III neonatal center claims from the neonatal care relative weight calculations.

(15) The department shall:

(a) separately reimburse for a mother's stay and a newborn's stay based on the diagnostic category assigned to the mother's stay and to the newborn's stay,

(14); and

(b) Establish a unique set of diagnostic categories and relative weights for an in-state acute care hospital identified by the department as providing level I neonatal care, level II neonatal center care, or level III neonatal center care as follows:

1. The department shall exclude high intensity level II neonatal center claims and low intensity level III neonatal center claims from the neonatal center relative weight calculations;

2. The department shall reassign a claim that would have been assigned to a Medicare DRG 385-390 to a Kentucky specific:

a. DRG 675-680 for an in-state acute care hospital with a level II neonatal center; or

b. DRG 685-690 for an in-state acute care hospital with a level III neonatal center;

3. The department shall assign a DRG 385-390 for a neonatal claim from a hospital which does not operate a level II or III neonatal center; and

4.a. The department shall compute a separate relative weight for a level II, or III neonatal intensity care unit (NICU) neonatal DRG;

b. The department shall use base year claims from level II neonatal centers, excluding claims from any high intensity level II neonatal center, to calculate relative weights for DRGs 675-680; and

c. The department shall use base year claims from level III neonatal centers to calculate relative weights for DRGs 685-690.

(16) The department shall:

(a) Expend in aggregate by category (level I neonatal care, level II or III neonatal center care) and not by individual facilities:

1. A total expenditure for level I neonatal care projected to equal 100 percent of Medicaid allowable cost for the universal rate year;

2. A total expenditure for level II neonatal center care projected to equal 100 percent of Medicaid allowable cost for the universal rate year; or

3. A total expenditure for Level III neonatal center care projected to equal 100 percent of Medicaid allowable cost for the universal rate year;

(b) Adjust neonatal care DRG relative weights to result in:

1. Total expenditures for level I neonatal care projected to equal 100 percent of Medicaid allowable cost for the universal rate year;

2. Total expenditures for level II neonatal center care projected to equal 100 percent of Medicaid allowable cost for the universal rate year; or

3. Total expenditures for level III neonatal center care projected to equal 100 percent of Medicaid allowable cost for the universal rate year; and

(c) Not cost settle reimbursement referenced in this subsection.

(17) The department shall reimburse an individual:

(a) Hospital which does not operate a level II or III neonatal center, for level I neonatal care at the statewide average Medicaid allowable cost per each level I DRG;

(b) Level II neonatal center for level II neonatal care at the average Medicaid allowable cost per DRG of all level II neonatal centers; or

(c) Level III neonatal center for level III neonatal care at the average Medicaid allowable cost per DRG of all level III neonatal centers.

(18) If a patient is transferred to or from another hospital, the department shall make a transfer payment to the transferring hospital if the initial admission and the transfer are determined to be medically necessary.

(a) For a service reimbursed on a prospective discharge basis, the department shall calculate the transfer payment amount based on the average daily rate of the transferring hospital's payment for each covered day the patient remains in that hospital, plus one (1) day, up to 100 percent of the allowable per discharge reimbursement amount.

1. The department shall calculate an average daily rate by dividing the APR-DRG base payment, excluding any outlier payments and corridor adjustment factor, by the APR-DRG average [statewide Medicaid geometric mean] length-of-stay [for a patient's DRG classification].

2. [If a hospital qualifies for a high volume per diem add-on payment in accordance with subsection (2) of this section, the department shall pay the hospital the applicable per diem add-on for the DRG average length-of-stay.

3.] Total reimbursement to the transferring hospital shall be the sum of the transfer payment amount and, if applicable, a [high volume per diem add-on amount and a] cost outlier payment amount, multiplied by the provider-specific corridor adjustment factor.

(b) For a hospital receiving a transferred patient, the department shall reimburse the total hospital-specific per discharge payment referenced in Section 2(2) of this administrative regulation.

(15) The department shall calculate an APR-DRG average length of stay by:

(a) Using the 3M national APR-DRG arithmetic mean lengths of stay associated with the APR-DRG grouper version used for payment purposes; and

(b) Multiplying the 3M national APR-DRG arithmetic mean lengths of stay for all APR-DRGs by a single day's adjustment factor in a manner that results in the sum of APR-DRG arithmetic mean lengths equaling the covered days in the trimmed base year claims data.

(16)(a) [DRG base payment, and, if applicable, a high volume per diem add-on amount and a cost outlier payment amount.

(19) The department shall pay to the transferring hospital for [treat] a transfer from an acute care hospital to a qualifying postacute care facility the transfer payment amount referenced in subsection (14) of this section [for selected DRGs in accordance with paragraph (b) of this subsection as a postacute care transfer].

(b) [(a)] The following shall qualify as a postacute care setting:

1. A psychiatric, rehabilitation, children's, long-term, or cancer hospital;

2. A skilled nursing facility; or

3. A home health agency.

(17) [(b)] A DRG eligible for a postacute care transfer payment shall be in accordance with 42 U.S.C. 1395ww(d)(4)(C)(i).

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~~(c) The department shall pay each transferring hospital an average daily rate for each day of stay.~~

~~1. A payment shall not exceed the full DRG payment that would have been made if the patient had been discharged without being transferred.~~

~~2. A DRG identified by CMS as being eligible for special payment shall receive fifty (50) percent of the full DRG payment plus the average daily rate for the first day of the stay and fifty (50) percent of the average daily rate for the remaining days of the stay, up to the full DRG base payment.~~

~~3. A DRG that is referenced in paragraph (b) of this subsection and not referenced in subparagraph 2 of this paragraph shall receive twice the per diem rate the first day and the per diem rate for each following day of the stay prior to the transfer.~~

~~(d) The per diem amount shall be the base DRG payment allowed divided by the statewide Medicaid geometric mean length of stay for a patient's DRG classification.~~

~~(20) The department shall reimburse for an intrahospital transfer to or from an acute care bed to or from a rehabilitation or psychiatric distinct part unit:~~

~~(a) The full APR-DRG base payment allowed; and~~

~~(b) The facility-specific distinct part unit per diem rate, in accordance with 907 KAR 10:815[4:845], for each day the patient remains in the distinct part unit.~~

~~(18)[(21)(a)] The department shall reimburse for an organ[a kidney, cornea, pancreas, or kidney and pancreas] transplant on a prospective per discharge method according to the recipient's APR-[patient's] DRG classification.~~

~~[(b) A transplant not referenced in paragraph (a) of this subsection shall be reimbursed in accordance with 907 KAR 1:350.~~

~~(22) The department shall adjust the non-neonatal care DRGs to result in the aggregate universal rate year reimbursement for all services (non-neonatal and neonatal) to equal the aggregate base year reimbursement for all services (non-neonatal and neonatal) inflated by the trending factor.]~~

Section 3. Never Events. (1) For each diagnosis on a claim, a hospital shall specify on the claim whether the diagnosis was present upon the individual's admission to the hospital.

(2) In assigning an APR-[a-]DRG for a claim, the department shall exclude from the APR-DRG consideration any secondary diagnosis code associated with a hospital-acquired condition.

(3) A hospital shall not seek payment for treatment for or related to a never event through:

(a) A recipient;

(b) The Cabinet for Health and Family Services for a child in the custody of the cabinet; or

(c) The Department for Juvenile Justice for a child in the custody of the Department for Juvenile Justice.

(4) A recipient, the Cabinet for Health and Family Services, or the Department for Juvenile Justice shall not be liable for treatment for or related to a never event.

(5) The department's treatment of never events shall not affect the calculation of APR-DRG base rates or relative weights:

(a) Previously implemented by the department; or

(b) As described in Section 2 of this administrative regulation.

Section 4. Preadmission Services for an Inpatient Acute Care Service. A preadmission service provided within three (3) calendar days immediately preceding an inpatient admission reimbursable under the prospective per discharge reimbursement methodology shall:

(1) Be included with the related inpatient billing and shall not be billed separately as an outpatient service; and

(2) Exclude a service furnished by a home health agency, a skilled nursing facility or hospice, unless it is a diagnostic service related to an inpatient admission or an outpatient maintenance dialysis service.

Section 5. Direct Graduate Medical Education Costs at In-state Hospitals with Medicare-approved Graduate Medical Education Programs. (1) If federal financial participation for direct graduate medical education costs is not provided to the department,

pursuant to federal regulation or law, the department shall not reimburse for direct graduate medical education costs.

(2) If federal financial participation for direct graduate medical education costs is provided to the department, the department shall reimburse for the direct costs of a graduate medical education program approved by Medicare as follows:

(a) A payment shall be made:

1. Separately from the per discharge[and per diem] payment methodology[methodologies]; and

2. On an annual basis; and

(b) The department shall determine an annual payment amount for a hospital as established in this paragraph[follows:]

1. The hospital-specific and national average Medicare per intern and resident amount effective for Medicare payments on October 1 immediately preceding the universal rate year shall be provided by each approved hospital's Medicare fiscal intermediary[;]

2. The higher of the average of the Medicare hospital-specific per intern and resident amount or the Medicare national average amount shall be selected[;]

3. The selected per intern and resident amount shall be multiplied by the hospital's number of interns and residents used in the calculation of the total direct[indirect] medical education allowed amount per the hospital's Medicare cost report[operating adjustment factor]. The resulting amount shall be the estimated total approved direct graduate medical education costs[;]

4. The estimated total approved direct graduate medical education costs shall be divided by the number of total inpatient days as reported in the hospital's Medicare[most recently finalized] cost report with a reporting period ending during the state fiscal year for which annual graduate medical education payment calculations are performed[on Worksheet D, Part 1], to determine an average approved graduate medical education cost per day amount[;]

5. The average graduate medical education cost per day amount shall be multiplied by the number of Medicaid fee-for-service[total] covered days for the hospital, excluding claims reimbursed on a per diem rate methodology, as reported by the Medicaid Management Information System in the state fiscal year for which graduate medical education payment calculations are performed[base year claims data] to determine the total graduate medical education costs related to the Medicaid Program[; and]

6. Medicaid Program graduate medical education costs shall then be multiplied by the statewide average pay-to-cost ratio calculated using base year claims data referenced in Section 2(10) of this administrative regulation[budget neutrality factor].

Section 6. Aggregate Target Payments[Budget Neutrality Factors]. (1)(a) When rates are rebased, estimated projected reimbursement in the universal rate year using trimmed base year claims data shall not exceed reported payments[for the same services] in the trimmed base[prior] year claims data adjusted by the trending factor.

(b) The trending factor shall be based on the cumulative APR-DRG or DRG base rates that has occurred since the base year period to the universal rate year[for inflation based on changes in the Price Index Levels in the CMS IPPS Hospital Input Price Index].

(2) The estimated total payments for each facility under the reimbursement methodology in effect during the base year claims data period[in the year prior to the universal] rate year shall be based on[estimated from] base year claims data reported payments adjusted by the trending factor.

(3) The estimated total payments for each facility under the reimbursement methodology in effect in the universal rate year shall be estimated from trimmed base year claims data.

(4) When rebasing, the single statewide APR-DRG base rate shall be set in a way that results in estimated payments in the universal rate year using trimmed base year claims data not exceeding reported payments in the trimmed base year claims data adjusted by the trending factor[If the sum of all the acute care hospitals' estimated payments under the methodology used in the

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universal rate year exceeds the sum of all the acute care hospitals' adjusted estimated payments under the prior year's reimbursement methodology, each hospital's DRG base rate and per diem rate shall be multiplied by a uniform percentage to result in estimated total payments for the universal rate year being equal to total adjusted payments in the year prior to the universal rate year.

Section 7. Reimbursement Updating Procedures. (1) For rate years between rebasing periods, the department shall annually, on July 1, update the APR-DRG[hospital-specific] base rates for inflation based on changes in the [Price Index Levels in the] CMS IPPS Hospital Input Price Index levels from the midpoint of the previous rate year to the midpoint of the universal rate year.

(2) The department shall annually, on July 1, update the hospital-specific outlier cost-to-charge ratios using the sum of the Medicare operating and capital outlier-related cost-to-charge ratios extracted from the CMS IPPS Pricer Program with an effective date in the Medicare system as of October 1 of the year prior to the beginning of the universal rate year.

(3)(a) The APR-DRG grouper version shall be updated each October 1 in accordance with Section 2(3)(b) of this administrative regulation.

(b) The department shall also update the APR-DRG grouper version using the most current APR-DRG version available at the time the department rebases the APR-DRG base rates.

(c) When updating the APR-DRG grouper version, the department shall calculate new APR-DRG relative weights in accordance with Section 2(12) of this administrative regulation.

(4) Except for an appeal in accordance with Section 20[24] of this administrative regulation, the department shall make no other adjustment.

(5)[(3)] The department shall rebase APR-DRG reimbursement rates at least once every four (4) years[on July 1, 2012 and every fourth year after that].

Section 8. Use of a Universal Rate Year. (1) A universal rate year shall be established as July 1 through June 30 of the following year to coincide with the state fiscal year.

(2) A hospital shall not be required to change its fiscal year to conform with a universal rate year.

Section 9. Cost Reporting Requirements. (1)(a) An in-state hospital participating in the Medicaid Program shall submit to the department, in accordance with the requirements in this section:

1. A copy of each Medicare cost report it submits to CMS;
- 2.[,] An electronic cost report file (ECR);
- 3.[,] The Supplemental Medicaid Schedule KMAP-1;
- 4.[and] The Supplemental Medicaid Schedule KMAP-4; and
5. The Supplemental Medicaid Schedule KMAP-6[as required by this subsection].

(b)[(a)] A document listed in paragraph (a) of this subsection[cost report] shall be submitted:

1. For the fiscal year used by the hospital; and
2. Within five (5) months after the close of the hospital's fiscal year.

(c)[(b)] Except as provided in subparagraph 1 or 2 of this paragraph, the department shall not grant a cost report submittal extension.

1. If an extension has been granted by Medicare, the cost report shall be submitted simultaneously with the submittal of the Medicare cost report; or

2. If a catastrophic circumstance exists, for example flood, fire, or other equivalent occurrence, the department shall grant a thirty (30) day extension.

(2) If a cost report submittal date lapses and no extension has been granted, the department shall immediately suspend all payment to the hospital until a complete cost report is received.

(3) A cost report submitted by a hospital to the department shall be subject to audit and review.

(4) An in-state hospital shall submit to the department a final Medicare-audited cost report upon completion by the Medicare intermediary along with an electronic cost report file (ECR).

Section 10. Unallowable Costs. (1) The following shall not be allowable cost for Medicaid reimbursement:

(a) A cost associated with a political contribution;

(b) A cost associated with a legal fee for an unsuccessful lawsuit against the Cabinet for Health and Family Services. A legal fee relating to a lawsuit against the Cabinet for Health and Family Services shall only be included as a reimbursable cost in the period in which the suit is settled after a final decision has been made that the lawsuit is successful or if otherwise agreed to by the parties involved or ordered by the court; and

(c) A cost for travel and associated expenses outside the Commonwealth of Kentucky for the purpose of a convention, meeting, assembly, conference, or a related activity, subject to the limitations of subparagraphs 1 and 2 of this paragraph.

1. A cost for a training or educational purpose outside the Commonwealth of Kentucky shall be allowable.

2. If a meeting is not solely educational, the cost, excluding transportation, shall be allowable if an educational or training component is included.

(2) A hospital shall identify an unallowable cost on a Supplemental Medicaid Schedule KMAP-1.

(3) A Supplemental Medicaid Schedule KMAP-1 shall be completed and submitted to the department with an annual cost report.

~~Section 11.[Trending of a Cost Report for DRG Re-basing Purposes. (1) An allowable Medicaid cost, excluding a capital cost, as shown in a cost report on file in the department, either audited or unaudited, shall be trended to the beginning of the universal rate year to update a hospital's Medicaid cost.~~

~~(2) The department shall trend for inflation based on changes in the Price Index Levels in the CMS IPPS Hospital Input Price Index.~~

~~Section 12. Indexing for Inflation. (1) After an allowable Medicaid cost has been trended to the beginning of a universal rate year, an indexing factor shall be applied to project inflationary cost in the universal rate year.~~

~~(2) The department shall trend for inflation based on changes in the Price Index Levels in the CMS IPPS Hospital Input Price Index.~~

~~Section 13.] Readmission. (1) An inpatient admission within fourteen (14) calendar days of discharge for the same diagnosis shall be considered a readmission and reviewed by the QIO.~~

~~(2) Reimbursement for a readmission with the same diagnosis shall be included in an initial admission payment and shall not be billed separately.~~

~~Section 12.[14.] Reimbursement for Out-of-state Hospitals. (1) The department shall reimburse an acute care out-of-state hospital, except for a children's hospital located in a Metropolitan Statistical Area as defined by the United States Office of Management and Budget whose boundaries overlap Kentucky and a bordering state, and except for Vanderbilt Medical Center, for inpatient care:~~

~~(a) On a fully-prospective per discharge basis based on the patient's diagnostic category; and~~

~~(b) An all-inclusive rate.~~

~~(2) The all-inclusive rate referenced in subsection (1)(b) of this section shall:~~

~~(a) Equal eighty (80) percent of the in-state APR-DRG[facility-specific Medicare] base rate referenced in Section 2(5) of this administrative regulation multiplied by the APR-DRG relative weight referenced in Section 2(12) of this administrative regulation, reduced in accordance with paragraph (b) of this subsection]:~~

~~1. 0.7065; and~~

~~2. The Kentucky-specific DRG relative weights after the relative weights have been reduced by twenty (20) percent];~~

~~(b) Exclude:~~

~~1. Medicare indirect medical education cost or reimbursement;~~

~~2. Policy adjusters[High volume per diem add-on reimbursement];~~

~~3. Corridor adjustments[Disproportionate share hospital distributions]; and~~

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4. Any adjustment mandated for in-state hospitals pursuant to KRS 205.638; and

(c) Include a cost outlier payment if the associated discharge meets the cost outlier criteria established in Section 2(11)(43) of this administrative regulation.

1. The department shall determine the cost outlier threshold for an out-of-state claim using the same method used to determine the cost outlier threshold for an in-state claim.

2. The department shall calculate the estimated cost of each discharge, for purposes of comparing the estimated cost of each discharge to the outlier threshold, by multiplying the sum of the Medicare statewide average~~hospital-specific~~ operating and capital~~capital-related—mean~~ cost-to-charge ratios by the discharge-allowed charges.

3. The department shall use the average of the urban and rural Medicare statewide average operating and capital-related cost-to-charge ratios for Kentucky published in the Federal Register for outlier payment calculations as of October 1 of the year immediately preceding the start of the universal rate year~~;~~ ~~and~~

4. The outlier payment amount shall equal eighty (80) percent of the amount which estimated costs exceed the discharge's outlier threshold.

5. A cost outlier shall be subject to quality improvement organization review and approval.

(3) The department shall reimburse for inpatient acute care provided by an out-of-state children's hospital located in a Metropolitan Statistical Area as defined by the United States Office of Management and Budget and whose boundaries overlap Kentucky and a bordering state, and except for Vanderbilt Medical Center, an all-inclusive rate equal to the average all-inclusive APR-DRG base rate paid to in-state children's hospitals.

(4) The department shall reimburse for inpatient care provided by Vanderbilt Medical Center;

(a) Using~~at~~ the hospital-specific Medicare base rate extracted from the CMS IPPS Pricer Program in effect at the time that the care was provided, multiplied by eight-five (85) percent;

(b) For an outlier, using the hospital-specific Medicare operating and capital-related cost-to-charge ratio, extracted from the CMS IPPS Pricer Program in effect at the time that the care was provided, ~~multiplied by eighty-five (85) percent~~. For example, if care was provided on September 13, 2014~~[2008]~~, the cost-to-charge ratio used shall be the cost-to-charge ratio extracted from the CMS IPPS Pricer Program in effect on September 13, 2014~~[2008]~~.

(5) An out-of-state provider shall not be eligible to receive~~high volume per diem add-on payments,~~ indirect medical education reimbursement or disproportionate share hospital payments.

~~Section 13.(5) The department shall make a cost outlier payment for an approved discharge meeting Medicaid criteria for a cost outlier for each Medicare DRG. A cost outlier shall be subject to Quality Improvement Organization review and approval.~~

~~(a) The department shall determine the cost outlier threshold for an out-of-state claim using the same method used to determine the cost outlier threshold for an in-state claim.~~

~~(b) The department shall calculate the estimated cost of each discharge, for purposes of comparing the estimated cost of each discharge to the outlier threshold, by multiplying the sum of the hospital-specific operating and capital-related mean cost-to-charge ratios by the discharge-allowed charges.~~

~~(c) The department shall use the Medicare operating and capital-related cost-to-charge ratios published in the Federal Register for outlier payment calculations as of October 1 of the year immediately preceding the start of the universal rate year.~~

~~(d) The outlier payment amount shall equal eighty (80) percent of the amount which estimated costs exceed the discharge's outlier threshold.~~

~~Section 14.5.] Supplemental Payments. (1) Payment of a supplemental payment established in this section shall be contingent upon the department's receipt of corresponding federal financial participation.~~

~~(2) If federal financial participation is not provided to the department for a supplemental payment, the department shall not~~

make the supplemental payment.

(3) In accordance with subsections (1) and (2) of this section, the department shall:

(a) In addition to a payment based on a rate developed under Section 2 of this administrative regulation, make quarterly supplemental payments to:

1. A hospital that qualifies as a nonstate pediatric teaching hospital in an amount:

a. Equal to the sum of the hospital's Medicaid shortfall for Medicaid fee-for-service recipients under the age of eighteen (18) plus an additional \$250,000 (\$1,000,000 annually); and

b. Prospectively determined by the department with an end of the year settlement based on actual patient days of Medicaid fee-for-service recipients under the age of eighteen (18);

2. A hospital that qualifies as a pediatric teaching hospital and additionally meets the criteria of a Type III hospital in an amount:

a. Equal to the difference between payments made in accordance with Sections 2, 4, and 5 of this administrative regulation and the amount allowable under 42 C.F.R. 447.272, not to exceed the payment limit as specified in 42 C.F.R. 447.271;

b. That is prospectively determined subject to a year-end reconciliation~~with no end of the year settlement~~; and

c. Based on the state matching contribution made available for this purpose by a facility that qualifies under this paragraph; and

3. A hospital that qualifies as an urban trauma center hospital in an amount:

a. Based on the state matching contribution made available for this purpose by a government entity on behalf of a facility that qualifies under this paragraph;

b. Based upon a hospital's proportion of Medicaid patient days to total Medicaid patient days for all hospitals that qualify under this paragraph;

c. That is prospectively determined with an end of the year settlement; and

d. That is consistent with the requirements of 42 C.F.R. 447.271;

(b) Make quarterly supplemental payments to the Appalachian Regional Hospital system:

1. In an amount that is equal to the lesser of:

a. The difference between what the department pays for inpatient services pursuant to Sections 2, 4, and 5 of this administrative regulation and what Medicare would pay for inpatient services to Medicaid eligible individuals; or

b. \$7.5 million per year in aggregate;

2. For a service provided on or after July 1, 2005; and

3. Subject to the availability of coal severance funds, in addition to being subject to the availability of federal financial participation, which supply the state's share to be matched with federal funds; and

(c) Base a quarterly payment to a hospital in the Appalachian Regional Hospital System on its Medicaid claim volume in comparison to the Medicaid claim volume of each hospital within the Appalachian Regional Hospital System~~;~~ ~~and~~

~~(d) Make a supplemental payment to an in-state high intensity level II neonatal center of \$2,870 per paid discharge for a DRG 675 – 680].~~

(4) An overpayment made to a facility under this section shall be recovered by subtracting the overpayment amount from a succeeding year's payment to be made to the facility.

(5) For the purpose of this section, Medicaid patient days shall not include enrollee days~~for a Medicaid recipient eligible to participate in the state's Section 1115 waiver as described in 907 KAR 1:705].~~

(6) A payment made under this section shall not duplicate a payment made via 907 KAR 10:820~~[1:820]~~.

(7) A payment made in accordance with this section shall be in compliance with the limitations established in 42 C.F.R. 447.272.

~~Section 14.[46:] Certified Public Expenditures. (1)(a) The department shall reimburse an in-state public government-owned or operated hospital the full cost of a Medicaid fee-for-service~~~~(an)~~ inpatient service via a certified public expenditure (CPE) contingent upon approval by the Centers for Medicare and Medicaid Services

(CMS).

(b) A payment referenced in paragraph (a) of this subsection shall be limited to the federal match portion of the hospital's uncompensated care cost for inpatient Medicaid fee-for-service recipients.

(2) To determine the amount of costs eligible for a CPE, a hospital's allowed charges shall be multiplied by the hospital's operating cost-to-total charges ratio.

(3) The department shall verify whether or not a given CPE is allowable as a Medicaid cost.

(4)(a) Subsequent to a cost report being submitted to the department and finalized, a CPE shall be reconciled with the actual costs reported to determine the actual CPE for the period.

(b) If any difference between actual cost and submitted costs remains, the department shall reconcile any difference with the provider.

Section 15.[47-] Access to Subcontractor's Records. If a hospital has a contract with a subcontractor for services costing or valued at \$10,000 or more over a twelve (12) month period:

(1) The contract shall contain a provision granting the department access:

- (a) To the subcontractor's financial information; and
- (b) In accordance with 907 KAR 1:672; and

(2) Access shall be granted to the department for a subcontract between the subcontractor and an organization related to the subcontractor.

Section 16.[48-] New Provider, Change of Ownership, or Merged Facility. (1) The department shall reimburse a new acute care hospital based on the APR-DRG methodology with no corridor adjustment factor.

(2) If a hospital undergoes a change of ownership, the new owner shall continue to be reimbursed at the rate in effect at the time of the change of ownership.

~~[(2)(a) Until a fiscal year end cost report is available, a newly constructed or newly participating hospital shall submit an operating budget and projected number of patient days within thirty (30) days of receiving Medicaid certification.~~

~~(b) During the projected rate year, the budget shall be adjusted if indicated and justified by the submittal of additional information.]~~

(3) If two (2) or more separate entities merge into one (1) organization, the department shall:

- (a) Merge the latest available data used for rate setting;
- (b) Combine bed utilization statistics, creating a new occupancy ratio;

(c) Combine costs using the trending and indexing figures applicable to each entity in order to arrive at correctly trended and indexed costs;

~~(d) If one (1) of the facilities merging has disproportionate share hospital status and the other does not, retain for the merged facility the status of the facility which reported the highest number of Medicaid days paid[Compute on a weighted average the rate of increase control applicable to each entity, based on the reported paid Medicaid days for each entity taken from the cost report previously used for rate setting]; and~~

(e) Require each provider to submit a cost report for the period:

- 1. Ended as of the day before the merger within five (5) months of the end of the hospital's fiscal year end; and
- 2. Starting with the day of the merger and ending on the fiscal year end of the merged entity in accordance with Section 9 of this administrative regulation.

(4) In the merger of two (2) APR-DRG facilities:

(a) The facilities' data shall be merged; and

(b) One (1) revised corridor adjustment factor shall be calculated for the new facility within the aggregate target payment limits and corridor ceiling limits established in Section 2 of this administrative regulation[the purchasing facility shall apply to the merged facility].

(5) In the merger of a per diem facility and an APR-DRG facility, the merged facility shall receive reimbursement based on the APR-DRG methodology.]

Section 17.[49-] Federal Financial Participation. A provision established in this administrative regulation shall be null and void if the Centers for Medicare and Medicaid Services:

- (1) Denies federal financial participation for the provision; or
- (2) Disapproves the provision.

Section 18.[20-] Department reimbursement for inpatient hospital care shall not exceed the upper payment limit established in 42 C.F.R. 447.271 or 447.272.

Section 19. Not Applicable to Managed Care Organizations. A managed care organization shall not be required to reimburse the same amount as established in this administrative regulation for a service or item covered pursuant to 907 KAR 10:012 and this administrative regulation.

Section 20. Matters Subject to an Appeal.[21- Appeals. (1) An administrative review shall not be available regarding[for the following]:

(a) 1. The methodologies used in determining the:

- a. Statewide APR-DRG base rate;
- b. Policy adjusters;
- c. Corridor adjustment factors; or
- d. Cost outlier;

(b) The[A] determination of the requirement, or the proportional amount, of an aggregate target payment[a budget neutrality] adjustment in the prospective payment rate;

(c)[or (b)] The establishment of:

- 1. DRGs including APR-DRGs[Diagnostic related groups];
- 2. The methodology for the classification of an inpatient discharge within an APR-[a-]DRG; or

3. An appropriate weighting factor which reflects the relative hospital resources used with respect to a discharge within an APR-DRG; or

(d) Any differences noted in the calculations of, or data not matching the actual source documents used to calculate the, APR-DRG relative weights; statewide APR-DRG base rate; policy adjusters; or corridor adjustment factors that would result in either a one (1) percent or less change in the statewide APR-DRG base rate or a one (1) and a half percent change in the statewide pay-to-cost ratio[a-DRG.

~~(2) An appeal shall comply with the review and appeal provisions established in 907 KAR 1:671.]~~

Section 21. Appeal Process. (1) An appeal shall comply with the requirements and provisions established in this section of this administrative regulation.

(2)(a) A request for a review of an appealable issue shall be received by the department within sixty (60) calendar days of the date of receipt by the provider of the department's notice of rates set under this administrative regulation.

(b) The request referenced in paragraph (a) of this subsection shall:

- 1. Be sent to the Office of the Commissioner, Department for Medicaid Services, Cabinet for Health and Family Services, 275 East Main Street, 6th Floor, Frankfort, Kentucky 40621-0002; and
- 2. Contain the specific issues to be reviewed with all supporting documentation necessary for the departmental review.

(3)(a) The department shall review the material referenced in subsection (2) of this section and notify the provider of the review results within thirty (30) days of its receipt except as established in paragraph (b) of this subsection.

(b) If the provider requests a review of a non-appealable issue under this administrative regulation, the department shall:

- 1. Not review the request; and
- 2. Notify the provider that the review is outside of the scope of this section.

(4)(a) A provider may appeal the result of the department's review, except for a notification that the review is outside the scope of this section, by sending a request for an administrative hearing to the Division for Administrative Hearings (DAH) within thirty (30) days of receipt of the department's notification of its review decision.

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(b) A provider shall not appeal a notification that a review is outside of the scope of this section.

(5)(a) An administrative hearing shall be conducted in accordance with KRS Chapter 13B.

(b) Pursuant to KRS 13B.030, the secretary of the Cabinet for Health and Family Services delegates to the Cabinet for Health and Family Services, Division for Administrative Hearings (DAH) the authority to conduct administrative hearings under this administrative regulation.

(c) A notice of the administrative hearing shall comply with KRS 13B.050.

(d) The administrative hearing shall be held in Frankfort, Kentucky no later than ninety (90) calendar days from the date the request for the administrative hearing is received by the DAH.

(e) The administrative hearing date may be extended beyond the ninety (90) calendar days by:

- 1. A mutual agreement by the provider and the department; or
- 2. A continuance granted by the hearing officer.

(f)1. If the prehearing conference is requested, it shall be held at least thirty (30) calendar days in advance of the hearing date.

2. Conduct of the prehearing conference shall comply with KRS 13B.070.

(g) If a provider does not appear at the hearing on the scheduled date and the hearing has not been previously rescheduled, the hearing officer may find the provider in default pursuant to KRS 13B.050(3)(h).

(h) A hearing request shall be withdrawn only under the following circumstances:

- 1. The hearing officer receives a written statement from a provider stating that the request is withdrawn; or
- 2. A provider makes a statement on the record at the hearing that the provider is withdrawing the request for the hearing.

(i) Documentary evidence to be used at the hearing shall be made available in accordance with KRS 13B.090.

(j) The hearing officer shall:

- 1. Preside over the hearing; and
- 2. Conduct the hearing in accordance with KRS 13B.080 and 13B.090.

(k) The provider shall have the burden of proof concerning the appealable issues under this administrative regulation.

(l)1. The hearing officer shall issue a recommended order in accordance with KRS 13B.110.

2. An extension of time for completing the recommended order shall comply with the requirements of KRS 13B.110(2) and (3).

(m)1. A final order shall be entered in accordance with KRS 13B.120.

2. The cabinet shall maintain an official record of the hearing in compliance with KRS 13B.130.

3. In the correspondence transmitting the final order, clear reference shall be made to the availability of judicial review pursuant to KRS 13B.140 and 13B.150.

Section 22.[23.][22.] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Supplemental Medicaid Schedule KMAP-1"; 2013[January 2007] edition;

(b) "Supplemental Medicaid Schedule KMAP-4"; 2013[January 2007] edition; [and]

(c) "Supplemental Medicaid Schedule KMAP-6", 2013 edition; and

(d) "CMS Manual System Pub 100-03 Medicare National Coverage Determinations Transmittal 101", June 12, 2009 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

LAWRENCE KISSNER, Commissioner

AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: March 13, 2014

FILED WITH LRC: March 14, 2014 at 11 a.m.

CONTACT PERSON: Tricia Orme, tricia.orme@ky.gov, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort,

Kentucky 40601, phone (502) 564-7905, fax (502) 564-7573.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Stuart Owen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the Department for Medicaid Services (DMS) reimbursement policies for care provided by inpatient acute care hospitals (reimbursed via a diagnosis-related group methodology) to Medicaid recipients who are not enrolled with a managed care organization. Managed care organizations are not required to reimburse in the same manner as DMS for services provided by an inpatient acute care hospital.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the Kentucky Medicaid program reimbursement policies for hospitals reimbursed via a diagnosis-related group methodology.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the Kentucky Medicaid program reimbursement policies for hospitals reimbursed via a diagnosis-related group methodology.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the authorizing statutes by establishing the Kentucky Medicaid program reimbursement policies for hospitals reimbursed via a diagnosis-related group methodology.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment replaces the current diagnosis related group (DRG)-based reimbursement methodology (which is based on a Medicare DRG grouper) with a methodology based on a system owned by 3M known as the "3M™ All Patient Refined DRG (APR DRG) Classification System." The 3M APR-DRG system is currently used by at least nine (9) states' Medicaid programs including border states Tennessee and West Virginia.

The 3M DRG system more accurately captures and identifies the resources involved in caring for inpatient hospital patients due to enhanced identification of the patients' conditions. For example, this system includes four (4) severity-of-illness levels and four (4) risk-of-mortality levels within each diagnosis related group (DRG). 3M's software classifies patients using clinical logic that assesses factors such as age, comorbidities, primary diagnosis, and necessary procedures. Additionally, it captures information on the full array of patients (regardless of payor source, i.e. Medicare, Medicaid, private insurance, no insurance) in an inpatient acute care hospital. The 3M system also contains more neonatal DRGs than the version (Medicare grouper) currently used by DMS. The amendment also establishes that DMS will reimburse for organ transplants through the DRG methodology (this administrative regulation) – currently DMS pays for organ transplants via another administrative regulation (907 KAR 1:350) at eighty (80) percent of the hospital's usual and customary charge not to exceed \$75,000; establishes that DMS's reimbursement for out-of-state hospitals (other than Vanderbilt Medical Center and a children's hospital located in a Metropolitan Statistical Area whose boundaries overlap Kentucky) will be eighty (80) percent of the in-state APR-DRG base rate multiplied by APR-DRG relatives weights [previously DMS paid such a hospital the hospital's Medicare base rate multiplied by 0.7065 and the Kentucky-specific DRG relative weights after the relatives weights had been reduced by twenty (20) percent]; revises the matters subject to appeal, based on the new methodology; and states the appeals process for appealing hospital reimbursement. Previously, the administrative regulation did not state the appeals process.

The amendment after comments clarifies in "Table 1. Kentucky Medicaid Cost Center to Medicare Cost Report Cost Center Crosswalk" that the Kentucky Medicaid Cost Center "Supplies or equipment" which crosswalks to Medicare Cost Center 55 includes 55.3; revises language regarding graduate medical education

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payments to clarify that graduate medical education (GME) payments will not be based on indirect medical education (IME) resident counts; establishes that when two APR-DRG facilities merge, the two (2) facilities' data will be merged and one (1) revised corridor adjustment factor will be calculated for the merged facility; eliminates the statement that if a per diem facility and an APR-DRG facility merge, the merged facility's reimbursement will be based on the APR-DRG methodology; replaces the effective date of April 1, 2014 with "upon adoption of this administrative regulation"; and revises/clarifies language regarding policy adjusters for newborn and maternity APR-DRGs to ensure that the result is an adjuster of 1.45.

(b) The necessity of the amendment to this administrative regulation: Adopting the new DRG reimbursement model is necessary to enhance DMS's reimbursement by using a system that more accurately captures and identifies (for reimbursement purposes) the resources involved in caring for inpatient acute care hospital patients as well as adopting a model that is compatible with the new international coding system (for health care conditions) that is mandated to become effective October 1, 2014. The current coding system is the International Classification of Diseases -9 or ICD-9. The updated system (which is ICD-10) becomes effective October 1, 2014. The ICD-10 system contains much more detail than the current system and DMS's current DRG reimbursement model is incompatible with the ICD-10 system. The new methodology established in this administrative regulation (the APR-DRG model) is compatible with ICD-10 and would enable DMS to pay for acute care hospital claims. The existing DRG model would not enable DMS to pay for acute care hospital claims. The amendment to the cost centers' crosswalk is necessary (in response to public comments) to clarify that cost center 55 includes cost center 55.3; the graduate medical education amendment is necessary (in response to public comments) to align the policy with Medicare principles; the amendment regarding two (2) APR-DRG facilities' merger is necessary to clarify policies in response to public comments; the deletion of the provisions regarding a merger of a per diem facility and an APR-DRG facility is necessary (in response to public comments) to make the language consistent with intent and practice; replacing references to "April 1, 2014" with "upon adoption of this administrative regulation" is necessary as the administrative regulation will not be adopted by April 1, 2014; and revisions to the policy adjuster language regarding newborn and maternity APR-DRGs is necessary to ensure that the resulting adjuster is 1.45 (as stated in the administrative regulation.)

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by enhancing DMS's reimbursement by using a reimbursement model that more accurately captures and identifies (for reimbursement purposes) the resources involved in caring for inpatient acute care hospital patients as well as adopting a reimbursement model that is compatible with the upcoming coding classification system change from ICD-9 to ICD-10. The amendment after comments will conform to the content of the authorizing statutes by clarifying provisions.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the authorizing statutes by enhancing DMS's reimbursement by using a reimbursement model that more accurately captures and identifies (for reimbursement purposes) the resources involved in caring for inpatient acute care hospital patients as well as adopting a reimbursement model that is compatible with the upcoming coding classification system change from ICD-9 to ICD-10. The amendment after comments will assist in the effective administration of the authorizing statutes by clarifying provisions.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: The amendment applies to all inpatient acute care hospitals reimbursed by a diagnosis related grouper methodology. Currently, there are approximately sixty-five (65) acute care hospitals participating in the Kentucky Medicaid program.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment. No compliance action is mandated.

In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment imposes no cost on the regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Inpatient acute care hospitals will be reimbursed via a methodology designed to more accurately capture and reflect their costs.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The amendment does not result in additional costs to the Department for Medicaid Services for the first year.

(b) On a continuing basis: The amendment does not result in additional costs to the Department for Medicaid Services for subsequent years.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The sources of revenue to be used for implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX of the Social Security Act and matching funds of general fund appropriations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. Neither an increase in fees nor funding will be necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation neither establishes nor increases any fees.

(9) Tiering: Is tiering applied? Tiering is not applied as the amendment applies to all regulated entities.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 U.S.C. 1396a(a)(30) and 42 C.F.R. 447.205.

2. State compliance standards. KRS 205.520(3) states, "to qualify for federal funds the secretary for health and family services may by regulation comply with any requirement that may be imposed or opportunity that may be presented by federal law. Nothing in KRS 205.510 to 205.630 is intended to limit the secretary's power in this respect."

3. Minimum or uniform standards contained in the federal mandate. Medicaid reimbursement for services is required to be consistent with efficiency, economy and quality of care and be sufficient to attract enough providers to assure access to services. 42 U.S.C. 1396a(a)(30)(A) requires Medicaid state plans to: "... provide such methods and procedures relating to the utilization of, and the payment for, care and services available under the plan (including but not limited to utilization review plans as provided for in section 1903(i)(4)) as may be necessary to safeguard against unnecessary utilization of such care and services and to assure that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area." 42 C.F.R. 447.205 mandates that the state provide public notice of reimbursement changes.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The amendment does not impose stricter than federal requirements.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The policy is not stricter than the federal standard.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department for Medicaid Services (DMS) will be impacted by the amendment.

2. Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation authorizes the action taken by this administrative regulation.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? DMS anticipates no revenue above the current revenue level being generated for the first year for state or local government due to the amendment to this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? DMS anticipates no revenue above the current revenue level being generated in subsequent years for state or local government due to the amendment to this administrative regulation.

(c) How much will it cost to administer this program for the first year? The amendment does not result in additional costs to the Department for Medicaid Services for the first year.

(d) How much will it cost to administer this program for subsequent years? The amendment does not result in additional costs to the Department for Medicaid Services for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

PROPOSED AMENDMENTS

FINANCE AND ADMINISTRATION CABINET
Kentucky Teachers' Retirement System
(Amendment)

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Robert B. Barnes

102 KAR 1:270. Statement of member account.

RELATES TO: KRS 161.580

STATUTORY AUTHORITY: KRS 161.310

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.310 requires the Board of Trustees of the Kentucky Teachers' Retirement System to promulgate administrative regulations for the administration of the funds of the retirement system and for the transaction of business. KRS 161.580 requires the Board of Trustees to maintain an individual account for each member showing the amount of the member's contributions and accumulated interest. This administrative regulation establishes standards for the content and procedures for the distribution of [annual] statements of members' accounts.

Section 1. Each member shall be provided with a [an annual] statement of his or her account. Each member's [annual] statement shall contain the following information if applicable:

- (1) Date of birth;
- (2) Member identification;
- (3) Total service credit accrued or purchased [through the end of each fiscal year or as of the employee's termination date]; and
- (4) Total member contribution and interest accumulation [through the end of each fiscal year or as of the employee's termination date];
- (5) Final average salary used to determine benefits;
- (6) Benefit payable at normal retirement age; and
- (7) Date of eligibility for an unreduced benefit].

Section 2. Each member shall be provided [mailed] on at least an annual basis [to his or her last known address] a statement of his or her account. This statement may be provided to the member by mail delivery or by secure electronic means. Additionally, letters reflecting account status shall be mailed to inactive members with vested benefits who request a refund of their accumulated contributions and interest. In addition to the information listed in Section 1 of this administrative regulation, the letter shall inform the member that refunding the account will result in the member forfeiting a retirement benefit to which the member would otherwise be entitled. Letters shall be mailed to each member's last known home address prior to payment of a refund of contributions.

DR. TOM SHELTON, Chairperson

APPROVED BY AGENCY: December 16, 2013

FILED WITH LRC: March 13, 2014 at 8 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, 22 April 2014, at 9:00 a.m. at the Kentucky Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by 15 April 2014, five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given the opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation until 30 April 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Robert B. Barnes, Deputy Executive Secretary of Operations and General Counsel, Kentucky Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, phone (502) 848-8508, fax (502) 573-0199.

(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes standards for the content and procedures for distribution of statements of members' accounts.

(b) The necessity of this administrative regulation: This administrative regulation sets forth the content of, and procedures for distribution of, statements of members' accounts.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting forth the information contained in, and the procedures for distribution of, statements of members' accounts.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by providing the specific information to be provided in and the methods of distribution of, statements of members' accounts.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendments acknowledge the ongoing implementation of new information technology that will allow members to access their account information at any time through such means as web account portals being developed by the retirement system. They also remove references to three types of information to be provided in statements of members' accounts since these three items are more usefully and accurately provided in retirement estimate letters available from the retirement system.

(b) The necessity of the amendment to this administrative regulation: To acknowledge the efficiency that is available from the implementation of new information technology and to further acknowledge that certain information is more usefully and accurately disseminated by retirement estimate letters rather than by member statements.

(c) How the amendment conforms to the content of the authorizing statutes: The amendments provide the methods of distribution of statements of members' accounts and the information to be contained therein, such individual member account information being required to be maintained by statute.

(d) How the amendment will assist in the effective administration of the statutes: The amendments provide the methods of distribution of statements of members' accounts and the information to be contained therein.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: Members will need to notify the retirement system if they wish to receive their statement of accounts via secure electronic means.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the members of the retirement system.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Members will be able to obtain their statement of accounts quicker via secure electronic means.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There is no cost to implement this regulation.

(b) On a continuing basis: There is no continuing cost.

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(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: Administrative expenses of the retirement system are paid by trust and agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding required.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied, as all members are treated the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Teachers' Retirement System.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.310 and KRS 161.580.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There are no additional costs. Costs for postage may decrease dependent upon the number of members who opt for delivery of statements of account via secure electronic means rather than via U.S. mail.

(d) How much will it cost to administer this program for subsequent years? The number of members who choose delivery of their statement of accounts via electronic means rather than U.S. mail will increase over time.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A
Expenditures (+/-): N/A
Other Explanation:

FINANCE AND ADMINISTRATION CABINET
Kentucky Teachers' Retirement System
(Amendment)

102 KAR 1:320. Qualified domestic relations orders.

RELATES TO: KRS 161.220, 161.716, 403.190, 26 U.S.C. 414(p)

STATUTORY AUTHORITY: KRS 161.310, 161.700

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.310 requires the Board of Trustees of the Kentucky Teachers' Retirement System (KTRS) to promulgate all administrative regulations for the administration of the funds of the retirement system. KRS 161.700 requires the Board of Trustees of KTRS to promulgate administrative regulations setting forth the requirements, procedures, and forms for the approval and processing of qualified domestic relations orders impacting the benefits of participants of the retirement system. This administrative regulation establishes these requirements.

Section 1. Definitions. (1) "Alternate Payee" is defined by KRS 161.220(26).

(2) "Benefits" means a monthly service or disability retirement allowance or refund payable at the request of a participant covered by KTRS who terminates employment in a KTRS covered position prior to becoming eligible to receive a retirement allowance.

(3) "Member" is defined by KRS 161.220(4).

(4) "Participant" is defined by KRS 161.220(24).

(5) "Qualified domestic relations orders" or "QDRO" is defined by KRS 161.220(25).

Section 2. (1) A QDRO shall state the following:

(a) The member's name, KTRS member identification number, and last-known mailing address;

(b) The alternate payee's name and last known mailing address;

(c) Whether the order applies to an active account from which the member is not currently receiving a retirement allowance, or to a retired account from which the member is currently receiving a retirement allowance and the date on which the member retired the account;

(d) The date of marriage;

(e) The date of decree of dissolution of marriage;

(f) That the order is for the purpose of property division;

(g) Whether the alternate payee shall receive payments under Option A, Option B or Option C;

(h) The amount of the participant's monthly retirement allowance or termination refund to be paid by KTRS to the alternate payee as either;

1. A fixed dollar amount; or

2. The percentage calculated under Section 7(1) or (2) of this administrative regulation;

(i) When payments shall begin;

(j) When payments shall cease;

(k) That the alternate payee shall be paid in the same form as the participant;

(l) If the alternate payee spouse shall share in the participant's cost of living adjustments if the QDRO awards a fixed dollar amount to the alternate payee;

(m) Who shall be responsible for payment of the KTRS processing fee; and

(n) All information required on the Qualified Domestic Relations Order to Divide Kentucky Teachers' Retirement System Benefits.

(2) A QDRO shall be:

(a) Approved by KTRS as to enforceability and compliance with the requirements of KRS 161.700 and this administrative regulation;

(b) Approved and submitted by the participant and alternate payee or their legal counsel;

(c) Signed by the judge of a court of competent jurisdiction;

(d) Filed with the clerk of the court; and

(e) Certified by the clerk of the court.

Section 3. Administrative Provisions. (1) Upon entry of a final divorce decree, the participant shall forward a copy of the decree to KTRS and:

(a) If the participant is a retired member, request:

1. A Change of Option Following Termination of Marriage form, if the participant wants to change his or her retirement option, which shall be done within sixty (60) days of the final divorce decree;

2. A Change of Beneficiary form, if the participant had chosen retirement Option I or Option II and does not want to change his or her retirement option, but wants to name a new beneficiary;

3. A Designation of Beneficiary for KTRS Life Insurance Benefit form, if the participant wants to designate a beneficiary other than his or her estate; or

4. A W-4P Withholding Certificate for Pension or Annuity Payments, if the participant wants to change the amount of federal tax withheld from his or her retirement benefit; or

(b) If the participant is an active member, he or she shall request:

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1. A Designation of Beneficiary for KTRS Retirement Account Balance form, if the participant wants to designate a beneficiary other than his or her estate; or

2. A Designation of Beneficiary for KTRS Life Insurance Benefit form, if the participant wants to designate a beneficiary other than his or her estate.

(2) Thirty (30) days prior to filing the QDRO with KTRS, the participant or alternate payee shall present a written request for benefits information for divorce purposes. The participant, alternate payee or third party, including the party's legal counsel, shall provide a completed KTRS Authorization for Release of Information form with the request.

(3)(a) For a QDRO directed to an active account from which a participant is not currently receiving a retirement allowance, KTRS shall forward a KTRS Report for Current Year Earnings and Contributions form to the participant's employer upon receipt of the written request and release.

(b) The employer shall return the completed form to KTRS within ten (10) work days.

(4) If the QDRO is directed to an account from which the participant is not currently receiving a retirement allowance, KTRS shall not project future earnings or future service. KTRS shall provide:

(a) The participant's total accrued service credit, including service credit purchased during the marriage, and the member account balance, including the total amount of accrued contributions and interest, as posted at the end of each fiscal year during the marriage and for which an employer annual report has been received by KTRS and for which the member has not received a refund; and

(b) An estimate of the monthly retirement allowance the participant would receive if the participant retired without a statutory reduction of the basic retirement allowance based upon the participant's final compensation and total accrued service credit as of the date of dissolution of marriage.

(5) If the participant has retired, KTRS shall provide the amount of the participant's monthly retirement allowance and the participant's total accrued service credit, including any service credit purchased during the marriage. The parties, their legal counsel, or the court may use the information to decide what portion of the participant's account is marital. KTRS shall not decide whether, or if, any portion of the participant's account is marital and potentially subject to division.

(6) The participant or alternate payee or legal counsel shall submit a Qualified Domestic Relations Order to Divide Kentucky Teachers' Retirement System Benefits form to KTRS for review forty-five (45) days prior to filing the QDRO with the court. If more than one (1) of participant's accounts is subject to classification and division as marital property, a separate QDRO shall be issued for each KTRS account.

(7) KTRS shall not review the QDRO unless it is accompanied by the following:

(a) The KTRS Administrative Regulatory Compliance form, which has been approved by both the participant or alternate payee or their legal counsel;

(b) A fifty (50) dollar nonrefundable processing fee, by certified check or on the attorney's trust account, made payable to the Kentucky State Treasurer, except that a processing fee shall not be charged for a QDRO issued solely for child support;

(c) The KTRS Confidential Information form, which shall include the participant's and alternate payee's address, Social Security number, and date of birth;

(d) Copies of the participant's and alternate payee's signed Social Security cards;

(e) KTRS Authorization for Direct Deposit form; and

(f) Any other documents that are required to confirm additional service credit purchased, or sought to be purchased, for retirement calculation purposes under KRS 161.220 through 161.716, including KTRS Military Service Certification and Affidavit form, with a copy of discharge papers.

(8) Within twenty (20) days of receipt of the QDRO, KTRS shall notify the participant and alternate payee in writing whether the QDRO meets KTRS requirements. If the QDRO meets KTRS

requirements, KTRS shall approve the QDRO and circulate an original, signed QDRO for signature by the participant and alternate payee for submission to the court. If the participant or alternate payee is represented by legal counsel, the approved QDRO shall instead be provided to their legal counsel for signature by counsel and submission to the court. KTRS shall forward a W-4P Withholding Certificate for Pension or Annuity Payments form to the alternate payee.

(9) If the QDRO does not meet KTRS requirements, KTRS shall notify the participant and alternate payee in writing, identifying those provisions which are not in compliance and the amendments needed to bring the QDRO into compliance. If the participant or alternate payee is represented by legal counsel, this notice shall instead be provided to their legal counsel. The amended QDRO shall be submitted to KTRS for review and approval prior to filing with the court.

(10) KTRS shall reject any QDRO entered by a court which has not been reviewed or approved by KTRS prior to its submission to the court. KTRS shall notify the participant, the alternate payee, or their legal counsel, and the court in writing, identifying those provisions which are not in compliance and the amendments needed to bring the QDRO into compliance before it shall be accepted by KTRS.

(11) If the QDRO is subsequently amended before filing with the court, the amended QDRO shall be resubmitted to KTRS with a twenty-five (25) dollar nonrefundable processing fee for review and approval.

(12) Following approval by the court, the participant, alternate payee, or legal counsel shall file a certified copy of the QDRO with KTRS.

(a) The QDRO shall not become effective until the certified copy is received by KTRS.

(b) Upon receipt of the certified copy, KTRS shall designate the participant's account for implementation of the QDRO.

(c) While a separate account balance shall not be maintained for the alternate payee, a separate payroll account shall be established.

(d) Payments to the alternate payee shall commence in the calendar month following the date that a certified copy of the QDRO is received by KTRS, if the alternate payee has supplied a correctly executed W-4P Withholding Certificate for Pension or Annuity Payments form.

(13) If KTRS is enforcing a QDRO which is subsequently amended or terminated by the court, then either the participant, alternate payee, or legal counsel shall submit a certified copy of the amended QDRO or order of termination to KTRS for processing.

(14) The participant, alternate payee, or legal counsel shall not submit a QDRO that is not final and under consideration by an appellate court.

(15) The alternate payee shall be responsible for notifying KTRS of any change in name,^[er] mailing address, or banking information.

(a) KTRS shall provide a Name or Change of Address form or Authorization for Direct Deposit form upon request.

(b) KTRS shall contact the alternate payee at the last known mailing address on file to notify the alternate payee when an annuity benefit subject to the QDRO becomes payable.

(c) Other than sending a notice as established in paragraphs (a) and (b) of this subsection, KTRS shall have no duty or responsibility to search for, or locate, the alternate payee.

(d) If the notification sent to the alternate payee's last known address is returned due to the alternate payee's failure to notify KTRS of an address change, within sixty (60) days of the return of the notification to the alternate payee, the amounts otherwise payable to the alternate payee shall be paid to the participant until a new address is provided by the alternate payee.

(e) KTRS shall have no liability to the alternate payee with respect to amounts paid to the participant.

(16) The participant shall be responsible for notifying KTRS in writing of an event which causes benefit payments to the alternate payee spouse, child, or other dependent, to cease.

(a) The participant shall provide KTRS with a certified copy of

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the alternate payee's death certificate or marriage certificate.

(b) The alternate payee shall also be responsible for notifying KTRS in writing of the alternate payee's remarriage if, under the terms of the QDRO, that is an event that terminates the alternate payee's right to receive any payments.

(c) KTRS shall not be responsible for payments made to the alternate payee until it is given timely written notice of any event terminating those payments.

Section 4. A QDRO may apply to a participant's:

- (1) Retirement allowance;
- (2) Disability retirement allowance; or
- (3) Termination refund.

Section 5. A QDRO shall not apply to a participant's:

- (1) Survivor annuity that becomes payable after the member's death;
- (2) Survivor benefits that become payable after an active contributing member's death;
- (3) Accounts that are not vested at the time of the dissolution of marriage;
- (4) Life insurance benefit;
- (5) Refund as a result of an error;
- (6) Refund of an active or retired account in response to a member's death;
- (7) Health insurance; and
- (8) Any other payment or benefit not described in Section 4 of this administrative regulation.

Section 6. If an alternate payee has, under the terms of the QDRO, been awarded a share of the participant's annuity benefits and dies before the participant dies, retires, or withdraws his account, the entire remaining account value shall be restored to the participant.

Section 7. Calculation and payment. (1) If the participant has retired, the portion of the participant's benefits payable to the alternate payee as a percentage [shall be fifty (50) percent] of the participant's total service retirement allowance, disability retirement allowance, or refundable account balance, accrued through the date of dissolution of marriage, that is in excess of the retirement benefits of the alternate payee as provided under KRS 403.190(4), shall be calculated [multiplied] by the following fraction:

(a) The numerator of which shall be the participant's total full and fractional years of creditable KTRS service earned during the marriage, including service credit purchased during the marriage; and

(b) The denominator of which shall be the participant's total full and fractional years of KTRS service credit through the date of retirement [dissolution of the marriage].

(c) The resulting fraction shall be converted to a percentage which shall be divided by two (2).

(2) In the case of an active account, the portion of the participant's benefits payable to the alternate payee as a percentage of the participant's total service retirement allowance, disability retirement allowance, or refundable account balance, accrued through the date of dissolution of marriage, that is in excess of the retirement benefits of the alternate payee as provided under KRS 403.190(4), shall be calculated by the following fraction:

(a) The numerator of which shall be the participant's total full and fractional years of creditable KTRS service earned during the marriage, including service credit purchased during the marriage, as reported by the parties or their legal counsel in Option C of the QDRO; and

(b) The denominator of which shall be the participant's total full and fractional years of KTRS service credit as determined by KTRS at the time that the participant retires either by service retirement or disability retirement or requests a refund of his or her account balance.

(c) The resulting fraction shall be converted to a percentage which shall be divided by two (2).

(3) (2) If the participant is or will be receiving a disability

retirement allowance, the participant's total annuity benefit for purposes of this administrative regulation shall be calculated under the service retirement formula established under KRS 161.661(5), even if the entitlement period described under KRS 161.661(3) and (4) has not expired.

(4) If an alternate payee has, under the terms of the QDRO, been awarded a share of the participant's disability retirement allowance which is subsequently discontinued, the alternate payee shall not receive a benefit. Further, if a participant remains disabled at the end of his or her entitlement period, pursuant to KRS 161.661(5), the disability benefits shall be recalculated which may result in a lower monthly payment to both the participant and the alternate payee.

(5) [(3)] If the QDRO is directed to an account from which the participant is not receiving a retirement allowance, the participant's total annuity benefit shall be calculated without inclusion of the discounts required under KRS 161.620(1)(b) and (d).

(a) If at retirement the participant is subject to discounts required under KRS 161.620(1)(b) and (d), and if the QDRO establishes a set dollar amount to be withheld from the retirement benefits that are payable to the participant and to be paid to the alternate payee, KTRS shall reduce the amount to be paid to the alternate payee under the QDRO by the amount of the discounts.

(b) KTRS shall increase the amount paid to the alternate payee in amount equal to any discounts that are subsequently eliminated as the result of the participant's return to work after retirement under the provisions of KRS 161.605(11), upon the participant's resumption of receipt of retirement benefits.

(6) [(4)] If the QDRO is directed to an account from which the participant is not receiving a retirement allowance, and the participant at issuance of the QDRO is not eligible for calculation of his total annuity benefit based on his three (3) highest salaries as provided under KRS 161.220(9), then his total annuity benefit shall be calculated on his five (5) highest salaries.

(7) [(5)] The participant may select any retirement option, but payment to the alternate payee shall be measured as though the participant had chosen Option I, Straight Life Annuity with Refundable Balance, under KRS 161.620 and 102 KAR 1:150.

Section 8. Any person who attempts to make KTRS a party to a domestic relations action in order to determine an alternate payee's right to receive a portion of the annuity benefits payable to the participant shall be liable to KTRS for its costs and legal fees.

Section 9. KTRS and its staff shall have no liability for making or withholding payments in accordance with any of the provisions of this administrative regulation.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "KTRS Authorization for Release of Information", 15 January 2013;
 - (b) "KTRS Report for Current Year Earnings and Contributions", 14 July 2010;
 - (c) "Qualified Domestic Relations Order to Divide Kentucky Teachers' Retirement System Benefits", 14 March 2014 [15 January 2013];
 - (d) "KTRS Administrative Regulatory Compliance", 14 July 2010;
 - (e) "KTRS Confidential Information", 14 January 2013;
 - (f) "KTRS Authorization for Direct Deposit", 14 July 2010;
 - (g) "KTRS Military Service Certification and Affidavit", 14 July 2010;
 - (h) "KTRS Name or Change of Address", 14 July 2010;
 - (i) "Change of Option Following Termination of Marriage", 15 February 2002;
 - (j) "Change of Beneficiary", February 2002;
 - (k) "Designation of Beneficiary for KTRS Life Insurance Benefit", 15 January 2013;
 - (l) "Designation of Beneficiary for KTRS Retirement Account Balance", 15 January 2013; and
 - (m) "W-4P", 2013.
- (2) This material may be inspected, copied, or obtained,

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subject to applicable copyright law, at Kentucky Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

(3) W-4P may also be obtained at www.irs.gov/pub/irs-pdf/w4p.pdf.

DR. TOM SHELTON, Chairperson

APPROVED BY AGENCY: December 16, 2014

FILED WITH LRC: March 13, 2014 at 8 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, 22 April, 2014 at 9:00 a.m. at the offices of the retirement system at 479 Versailles Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by 15 April, 2014, five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation until 30 April, 2014. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Robert B. Barnes, Deputy Executive Secretary of Operations and General Counsel, Kentucky Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, phone (502) 848-8508, fax (502) 573-0199.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Robert B. Barnes

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements, procedures and forms for the approval and processing of qualified domestic relations orders ("QDRO") by Kentucky Teachers' Retirement System ("KTRS").

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish and ensure compliance with the amendments to KRS 161.700.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by (1) setting forth the procedures and timelines to be followed in filing a QDRO with KTRS, (2) setting the filing fees, (3) providing the formula for calculating the amount to be paid to the alternate payee, and (4) incorporating the forms required by KTRS.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by informing KTRS participants, their alternate payees, legal counsel and the courts what is required to expedite approval and implementation of a QDRO.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment (1) permits the retirement system to provide a retired member with information to assist the parties or legal counsel in determining the marital portion of the account; (2) require the alternate payee to provide a correctly completed W4P form; (3) require the alternate payee to notify the retirement system of any change in banking information; (4) clarifies the formula to be utilized to determine the portion of the participant's benefits to be paid to the alternate payee, dependent upon whether the participant has retired or is an active, contributing member; (5) puts the parties on notice that payments to an alternate payee may cease if the participant's disability benefits are discontinued; and (6) puts the parties on notice that payments to an alternate payee may decrease following a recalculation of benefits at the end of the participant's disability entitlement period. The QDRO form was amended to provide the parties with the option of having the

retirement system utilize the regulatory formula to calculate the amount to be paid to the alternate payee at the time of the participant's retirement. The parties or their legal counsel are to provide the number of years of the marriage to be used in the calculation.

(b) The necessity of the amendment to this administrative regulation: To clarify the formula to be utilized for calculating the marital and non-marital portions of both retired and active accounts, and putting the parties on notice of how changes in receipt of disability benefits may affect payments to an alternate payee, will reduce confusion and assist parties and their legal counsel in determining the appropriate amounts to be paid to the participant and the alternate payee.

(c) How the amendment conforms to the content of the authorizing statutes: The amendments to the administrative regulation and the QDRO form ensure that the appropriate division of the participant's account balance is achieved and funds are disbursed as required by law.

(d) How the amendment will assist in the effective administration of the statutes: The amendments to the administrative regulation and the QDRO form will ensure prompt and accurate payments are made to the participant and the alternate payee.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation applies to participants and alternate payees of participants of KTRS who are subject to a qualified domestic relations order.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: The participants, their alternate payees and legal counsel will have to (1) adhere to the requirements for providing the appropriate banking and tax documents, and (2) utilize the appropriate formula for calculation of the alternate payee's share.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be a \$50.00 initial processing fee and a \$25.00 processing fee for amended QDROs to be paid by the participant, the alternate payee or shared by both parties as ordered by the court.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Alternate payees will be permitted to access participants' retirement benefits which were previously exempt from distribution during dissolution of marriage.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There is no cost to implement this regulation.

(b) On a continuing basis: Continuing costs will be determined by the number of QDROs filed with KTRS and cannot be quantified at this point.

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: Administrative expenses of KTRS incurred in processing QDROs will be paid via the processing fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This regulation establishes the fees to be assessed for processing QDROs.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation establishes a fifty (50) dollar initial processing fee and a twenty-five (25) dollar processing fee for amended QDROs.

(9) TIERING: Is tiering applied? Tiering is not applied, as all participants and alternate payees of participants are treated the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Teachers' Retirement System.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.700, KRS 161, 310, KRS 161.480, 161.655.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Less than \$500 was generated during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Future revenue generated by this regulation will be dependent upon the number of QDROs filed with KTRS and cannot be quantified at this time.

(c) How much will it cost to administer this program for the first year? The cost in terms of staff time for processing the QDROs was less than \$1, 000.

(d) How much will it cost to administer this program for subsequent years? Future cost in terms of staff time for processing QDROs will depend upon the number of orders received and cannot be quantified at this time.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A
Expenditures (+/-): N/A
Other Explanation:

GENERAL GOVERNMENT CABINET
Board of Auctioneers
(Amendment)

201 KAR 3:025. Reciprocity requirements.

RELATES TO: KRS 330.070, 330.095

STATUTORY AUTHORITY: KRS 330.050(8)[Chapter 13A]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 330.050(8) authorizes the board to promulgate an administrative regulation necessary to implement KRS Chapter 330. KRS 330.095(1) establishes reciprocal licensing provisions for an auctioneer licensed in another jurisdiction that has licensing requirements equal to or substantially equivalent to Kentucky's requirements. This administrative regulation establishes~~To define~~ the requirements for a reciprocity license with another state which does not have an apprenticeship requirement for licensees.

Section 1. Due to the fact that some states do not require licensees to serve an apprenticeship, reciprocity with any state that does not require an apprenticeship shall be granted only after a licensee in that state who is a nonresident of Kentucky has held his or her license for a minimum of two (2) years~~[one (1) year]~~.

J. RANDALL BUSH, Chairman

APPROVED BY AGENCY: March 9, 2014

FILED WITH LRC: March 11, 2014 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 30, 2014 at 10:00 AM Eastern Time at the Kentucky Board of Auctioneers, 9112 Leesgate Rd. # 5, Louisville, Kentucky 40222-5054. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, or their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing

is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on April 30, 2014. Send written notifications of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen Van Zant, General Counsel, 2819 Ring Road, Elizabethtown, Kentucky 42701, phone (270) 765-4196, fax (270) 737-4790.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen Van Zant

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes reciprocal licensing provisions for an auctioneer licensed in another jurisdiction that has licensing requirements equal to or substantially equivalent to Kentucky's requirements. This amendment alters the apprentice requirement from one (1) year to two (2) years for nonresident applicants so that it is in accordance with KRS 330.070(1)(b) which was amended June 25, 2009.

(b) The necessity of this administrative regulation: This regulation ensures that reciprocal licensees satisfy a minimum apprentice period. This is a housekeeping amendment so that the period of apprenticeship in the regulation follows the requirement stated in statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 330.095(1) establishes reciprocal licensing provisions for an auctioneer licensed in another jurisdiction that has licensing requirements equal to or substantially equivalent to Kentucky's requirements. This regulation amends the regulation so that it matches the requirement stated in KRS 330.070(1)(b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This change unifies the regulation with the corresponding statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of: This amendment alters the apprentice requirement from one (1) year to two (2) years for nonresident licensees so that it is in accordance with KRS 330.070(1)(b) which was amended June 25, 2009.

(a) How the amendment will change this existing administrative regulation: This amendment alters the apprentice requirement from one (1) year to two (2) years for nonresident licensees so that it is in accordance with KRS 330.070(1)(b) which was amended June 25, 2009.

(b) The necessity of the amendment to this administrative regulation: The amendment brings consistency between the regulation and the statute.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment makes the regulation consistent with the statute.

(d) How the amendment will assist in the effective administration of the statutes: The amendment makes the regulation consistent with the statute.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will only affect nonresidents seeking a new license in Kentucky, estimated to be a dozen applicants per year, pursuant to a reciprocity agreement between the Commonwealth of Kentucky and their home state. The amendment will not affect those currently holding a Kentucky license.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified

in question (3) will have to take to comply with this administrative regulation or amendment: Nonresident applicants will have to serve the same two (2)-year apprentice period as that required of resident applicants.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Although this amendment increases the apprentice period, there is no direct monetary cost resulting from the change.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Increased training and experience due to the increase in the apprentice period.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost to the Kentucky Board of Auctioneers to implement this change.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will be unnecessary to increase fees to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This amendment does not increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. This administrative regulation treats all applicants, both resident and nonresident, the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will affect the Kentucky Board of Auctioneers and nonresident applicants for licenses.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 330.095 authorizes the Board of Auctioneers to enter into reciprocal licensing agreements with states that have equal or substantially similar education and training requirements. This administrative regulation helps define and implement reciprocal licensing and ensures substantially similar apprentice requirements for nonresident licensees.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. Revenue for the Kentucky Board of Auctioneers will be unchanged due to this amendment.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment will generate no additional revenue for the Kentucky Board of Auctioneers.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment will generate no additional revenue for the Kentucky Board of Auctioneers in subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to administer this amended regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost to administer this amended regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

- Revenues (+/-):
Expenditures (+/-):
Other Explanation:

GENERAL GOVERNMENT CABINET
Board of Auctioneers
(Amendment)

201 KAR 3:090. Administrative Fees for Applications and Services.

RELATES TO: KRS 330.070, [KRS] 330.192

STATUTORY AUTHORITY: KRS 330.050(8), 330.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 330.050(8) authorizes the Board of Auctioneers to promulgate administrative regulations as required to fulfill the duties and functions assigned to the board by KRS Chapter 330. KRS 330.070 authorizes the Board of Auctioneers to promulgate administrative regulations concerning license fees, late fees for continuing education completion, fees associated with pocket licenses, and change of address fees. KRS 330.192 authorizes the Board of Auctioneers to promulgate administrative regulations concerning the auctioneer's education, research, and recovery fund. This administrative regulation establishes necessary fees associated with acquiring and maintaining auctioneer licenses.

Section 1. License Application and Renewal Fees. (1) The license fee for each new applicant with the Kentucky Board of Auctioneers shall be \$125[\$400].

(2) The license renewal fee shall be paid as of June 30th of each year.

(a) The license renewal fee shall be \$125[\$400] if paid by June 30th of each year.

(b) The license renewal fee during the six (6) month grace period after June 30th shall be \$125[\$400], in addition to a late fee of \$125[\$400].

(c) The license renewal fee after the six (6) month grace period, but paid prior to June 30th of the following year, shall be \$125[\$400], in addition to another[a] late fee of \$125[\$400].

(3) The license renewal and late fees for apprentice auctioneers shall be equal to the fees set forth in subsection (2) of this section.

Section 2. Late Continuing Education Completion. A licensee who has failed to complete the required continuing education credits in the time period set forth by KRS 330.070 shall remit a fee of \$300, and in addition, shall complete twice the amount of continuing education credits set forth by statute within the following year.

Section 3. Replacement of License or Pocket License. (1) The fee for replacement of a license shall be fifteen (15) dollars.

(2) The fee for replacement of a pocket license shall be fifteen (15) dollars.

Section 4. Reactivation of License. The fee to reactivate a license which has previously been placed in escrow status shall be \$125[\$400]. In addition, the licensee shall have completed the continuing education credits set forth by KRS 330.070 for the current year.

Section 5. Change of Address Fees. (1) The fee for a Residential Change of Address shall be fifteen (15) dollars.

(2) The fee for a Business Change of Address shall be fifteen (15) dollars.

Section 6. Education, Research, and Recovery Fund. The Kentucky Board of Auctioneers may assess each new applicant and each renewal licensee an initial recovery fee and a renewal recovery fee, respectively, of thirty (30) dollars per year for the Education, Research, and Recovery Fund.

J. RANDALL BUSH, Chairman

APPROVED BY AGENCY: March 9, 2014

FILED WITH LRC: March 11, 2014 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on

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April 30, 2014, at 10:00 a.m. Eastern Time at the Kentucky Board of Auctioneers, 9112 Leesgate Rd., # 5, Louisville, Kentucky 40222-5054. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, or their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until 11:59 p.m. on April 30, 2014. Send written notifications of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen Van Zant, General Counsel, 2819 Ring Road, Elizabethtown, Kentucky 42701, phone (270) 765-4196, fax (270) 737-4790.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:

(1) Provide a brief summary of:

(a) What this administrative regulation does: In accordance with KRS 330.070 this regulation establishes fees associated with holding an auctioneer's license.

(b) The necessity of this administrative regulation: Clarifies fees associated with holding an auctioneer's license.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation specifies fees associated with holding an auctioneer's license as authorized by KRS 330.070.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation clarifies fees associated with holding an auctioneer's license.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of: This amendment implements the first fee increase in twelve (12) years for Kentucky auctioneer licenses and is less than the maximum amounts permitted by KRS 330.070.

(a) How the amendment will change this existing administrative regulation: This amendment increases by twenty-five (25) dollars the cost of obtaining a new license, the cost of renewing a license, the charge assessed for a late fee, and the cost of reactivating a license placed in escrow.

(b) The necessity of the amendment to this administrative regulation: The fee increase is necessary to cover operating expenses of the Kentucky Board of Auctioneers.

(c) How the amendment conforms to the content of the authorizing statutes: The increases in fees are within the limits established by KRS 330.070.

(d) How the amendment will assist in the effective administration of the statutes: There will be no change in the administration of the statutes.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect those persons holding a Kentucky auctioneer's license and an apprentice auctioneer's license, and also those holding a Kentucky auction house license. Currently, there are approximately 2,100 Kentucky residents holding a Kentucky auctioneer license, 327 individuals holding a reciprocal license, and eighty-seven (87) non-resident licensees.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This regulation will not cause auction licensees to take any additional actions than those actions already required to hold and maintain licenses.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost for a new applicant will be increased from \$100 to \$125. The cost of a renewal fee will be increased from \$100 to \$125. The cost of a replacement license will remain the same. The cost of a replacement pocket license will remain the same. The renewal late fee during the six (6) -month grace period will increase from \$100 to \$125. The cost to reactivate a license placed in escrow will increase from \$100 to \$125. The change of address fee will remain the same.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Fee revenue from licensees enables the Kentucky Board of Auctioneers to provide staff and office space to serve licensees, as well as investigative and legal staff to investigate and regulate the auction industry in Kentucky. Revenue from fees also allows the board to provide continuing education opportunities for licensees.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost to the Kentucky Board of Auctioneers to implement these changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is required for implementation and enforcement of this amendment to administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be a need to increase fees to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This amendment slightly increases fees associated with holding an auctioneer license.

(9) TIERING: Is tiering applied? Tiering is not applied. The Board of Auctioneers is not aware of any way it can further break down the cost for licensure application, renewal and other associated expenses in any other categories than that contained in this regulation. This administrative regulation treats all licensed auctioneers and auction houses the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will affect the Kentucky Board of Auctioneers and its licensees.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 330.070 authorizes the Board of Auctioneers to promulgate administrative regulations concerning license fees, late fees for continuing education completion, fees associated with pocket licenses, and change of address fees. KRS 330.192 authorized the Board of Auctioneers to promulgate administrative regulations concerning the auctioneer's education, research, and recovery fund. This administrative regulation establishes necessary fees associated with acquiring and maintaining auctioneer licenses.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. It is estimated that revenue for the Kentucky Board of Auctioneers will be increased.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? It is estimated that revenue for the Kentucky Board of Auctioneers will be increased \$50,000 for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? It is estimated that revenue for the Kentucky Board of Auctioneers will be increased \$50,000 for subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost to administer this regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**GENERAL GOVERNMENT CABINET
Kentucky Board of Dentistry
(Amendment)**

201 KAR 8:532. Licensure of dentists.

RELATES TO: KRS 39A.350-39A.366, 214.615, 218A.205, 304.040-075, 313.010(9), 313.030, 313.254

STATUTORY AUTHORITY: KRS 214.615(2), 218A.205, 313.021(1)(a), (b), (c), 313.035(1), (3), 313.254

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.035 and 218A.205 require the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dentists. This administrative regulation establishes requirements and procedures for licensure of dentists.

Section 1. General Licensure Requirements. An applicant desiring dental licensure in the Commonwealth shall at a minimum:

(1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;

(2) Submit a completed, signed, and notarized Application for Dental Licensure with an email contact address and with an attached applicant photo taken within the past six (6) months;

(3) Pay the fee required by 201 KAR 8:520;

(4) Not be currently subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(5) Provide proof of completion of the requirements of KRS 214.615(1);

(6) Complete and pass the board's jurisprudence exam;

(7) Provide proof of having current certification in cardiopulmonary resuscitation (CPR) which meets or exceeds the guidelines set forth by the American Heart Association;

(8) Submit to a nation-wide criminal background check by fingerprint through the Federal Bureau of Investigation or by the Department of Kentucky State Police;

(9) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;

(10) Provide proof that the applicant is a graduate of a Commission on Dental Accreditation (CODA) accredited dental school or college or dental department of a university;

(11) Provide proof that the applicant has successfully completed Part I and Part II of the National Board Dental Examination, which is written and theoretical, conducted by the Joint Commission on National Dental Examinations; and

(12) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

Section 2. Requirements for Licensure by Examination. (1) Each individual desiring initial licensure as a dentist by examination shall complete all of the requirements listed in Section 1 of this administrative regulation.

(2) Each individual desiring initial licensure as a dentist by examination shall successfully complete a clinical examination within the five (5) years preceding the filing of the application. ~~(a) Prior to July 15, 2013,~~ The board shall accept the following

regional clinical examinations:

~~(a)[4.]~~ The examination of the Council of Interstate Testing Agencies (CITA);

~~(b)[2.]~~ The examination of the Central Regional Dental Testing Service (CRDTS);

~~(c)[3.]~~ The examination of a North East Regional Board of Dental Examiners (NERB);

~~(d)[4.]~~ The examination of the Southern Regional Testing Agency (SRTA); and

~~(e)[5.]~~ The examination of the Western Regional Examining Board (WREB). ~~[(b) After July 15, 2013, the board shall only accept a nationalized clinical examination.]~~

(3) An individual desiring initial licensure as a dentist by examination more than two (2) years after fulfilling all of the requirements of his CODA accredited dental education shall:

(a) Hold a license to practice dentistry in good standing in another state or territory of the United States or the District of Columbia; or

(b) If the applicant does not hold a license to practice dentistry in good standing, complete a board approved refresher course prior to receiving a license to practice dentistry in the Commonwealth of Kentucky.

(4) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall not be allowed to sit for the examination again until the applicant has completed and passed a remediation plan approved by the board.

Section 3. Requirements for Licensure by Credentials. Each individual desiring initial licensure as a dentist by credentials shall:

(1) Complete all of the requirements listed in Section 1 of this administrative regulation;

(2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of Columbia; and

(3) Provide proof that, for five (5) of the six (6) years immediately preceding the filing of the application, the applicant has been engaged in the active practice of dentistry when he or she was legally authorized to practice dentistry in a state or territory of the United States or the District of Columbia if the qualifications for the authorization were equal to or higher than those of the Commonwealth of Kentucky.

Section 4. Requirements for Student Limited Licensure. (1) Each individual desiring a student limited license shall:

(a) Complete all of the requirements listed in Section 1 of this administrative regulation with the exception of subsections (10) and (11);

(b) Provide a letter from the dean or program director of a postgraduate, residency, or fellowship program in the Commonwealth of Kentucky stating that the applicant has been accepted into the program and the expected date of completion;

(c) Submit a signed Statement Regarding Student Licensure Limitations; and

(d) Submit an official final transcript of the applicant's dental coursework with the degree posted.

(2) An individual licensed under this section shall only practice dentistry in conjunction with programs of the dental school where the individual is a student and shall only provide professional services to patients of these programs.

(3) Licenses issued under this section shall be renewed with all other dental licenses issued by the board and shall automatically expire upon the termination of the holder's status as a student.

(4) A program enrolling an individual holding a student limited license shall notify the board in writing of the date the student graduates from or exits the program.

(5) Nothing in this section shall prohibit:

(a) A student from performing a dental operation under the supervision of a competent instructor within the dental school, college, or department of a university or private practice facility approved by the board. The board may authorize a student of any dental college, school, or department of a university to practice dentistry in any state or municipal institution or public school, or

under the board of health, or in a public clinic or a charitable institution. A fee shall not be accepted by the student beyond the expenses provided by the stipend;

(b) A student limited license holder from working under the general supervision of a licensed dentist within the confines of the postgraduate training program; and

(c) A volunteer health practitioner from providing services under KRS 39A.350-39A.366.

Section 5. Requirements for Faculty Limited Licensure. (1) Each individual desiring a faculty limited license shall:

(a) Complete all of the requirements listed in Section 1 of this administrative regulation with the exception of subsections (10) and (11);

(b) Provide a letter from the dean or program director of the dental school showing a faculty appointment with one (1) of the Commonwealth's dental schools;

(c) Submit a signed Statement Regarding Faculty Licensure Limitations; and

(d) Submit an official final transcript of his or her dental coursework with the degree posted.

(2) An individual licensed under this section shall only practice dentistry in conjunction with programs of the dental school where the individual is a faculty member and shall only provide professional services to patients of these programs.

(3) Licenses issued under this section shall be renewed with all other dental licenses issued by the board and shall automatically expire upon the termination of the holder's status as a faculty member.

(4) A program employing an individual holding a faculty limited license shall notify the board in writing of the date the licensee exits the program.

Section 6. Requirements for Licensure of Foreign Trained Dentists. (1) Each individual desiring licensure as a dentist who is a graduate of a non-CODA accredited dental program shall successfully complete two (2) years of postgraduate training in a CODA accredited general dentistry program and shall:

(a) Provide proof of having passed the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service with a score of 650 on the paper-based examination or a score of 116 on the internet-based examination, if English is not the applicant's native language;

(b) Submit a completed, signed, and notarized Application for Dental Licensure with an email contact address and with an attached applicant photo taken within the past six (6) months;

(c) Pay the fee required by 201 KAR 8:520;

(d) Not be currently subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(e) Provide proof of having completed the requirements of KRS 214.615(1);

(f) Complete and pass the board's jurisprudence exam;

(g) Provide proof of having current certification in cardiopulmonary resuscitation (CPR) that meets or exceeds the guidelines set forth by the American Heart Association;

(h) Submit to a criminal background check by fingerprint through the Federal Bureau of Investigation or by the Department of Kentucky State Police;

(i) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;

(j) Provide proof of having successfully completed two (2) years postgraduate training in a CODA accredited general dentistry program;

(k) Submit one (1) letter of recommendation from the program director of each training site;

(l) Provide proof of successful completion of Part I and Part II of the National Board Dental Examination, which is written and theoretical, conducted by the Joint Commission on National Dental Examinations within the five (5) years preceding application for licensure;

(m) Provide proof of successfully completing within the five (5)

years prior to application a clinical examination required by Section 2(2) of this administrative regulation; and

(n) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) An individual desiring initial licensure as a dentist who is a graduate of a non-CODA accredited dental program and applies more than two (2) years after fulfilling all of the requirements of his or her postgraduate training in a CODA accredited general dentistry program shall:

(a) Hold a license to practice dentistry in good standing in another state or territory of the United States or the District of Columbia; or

(b) If the applicant does not hold a license to practice dentistry in good standing, complete a board approved refresher course prior to receiving a license to practice dentistry in the Commonwealth of Kentucky.

Section 7. Requirements for Charitable Limited Licensure. (1) Each individual desiring a charitable limited license shall:

(a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;

(b) Submit a completed, signed, and notarized Application for Charitable Dental Licensure with an attached applicant photo taken within the past six (6) months;

(c) Not be subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(d) Have a license to practice dentistry in good standing in another state or territory of the United States or the District of Columbia; and

(e) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) An individual licensed under this section shall:

(a) Work only with charitable entities registered with the Cabinet for Health and Family Services that have met the requirements of KRS 313.254 and 201 KAR 8:581;

(b) Only perform procedures allowed by KRS 313.254(4) and (5) which shall be completed within the duration of the charitable event;

(c) Be eligible for the provisions of medical malpractice insurance procured under KRS 304.40-075;

(d) Perform these duties without expectation of compensation or charge to the individual, and without payment or reimbursement by any governmental agency or insurer;

(e) Have a charitable limited license that shall be valid for no more than two (2) years and shall expire during the regular dental renewal cycle; and

(f) Comply with reciprocity requirements if applicable.

1. A state that extends a reciprocal agreement shall comply with this section.

2. An individual shall notify the sponsor of a charitable clinic and the board of the intent to conduct or participate in the clinic.

3. An individual conducting or participating in a charitable clinic shall have a license to practice dentistry in the state in which the dentist practices.

(3) A dentist licensed under this section shall not be allowed to prescribe any medications while practicing in the Commonwealth.

Section 8. Requirements for Specialty Licensure. Each individual desiring initial licensure as a specialist as defined by KRS 313.010(9) shall:

(1) Submit a completed, signed, and notarized Application for Specialty Licensure with an attached applicant photo taken within the past six (6) months;

(2) Pay the fee required by 201 KAR 8:520;

(3) Hold an active Kentucky license to practice general dentistry prior to being issued a specialty license; and

(4) Submit satisfactory evidence of completing a CODA accredited graduate or postgraduate specialty program after graduation from a dental school.

Section 9. Minimum Continuing Education Requirements. (1)

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Each individual desiring renewal of an active dental license shall complete thirty (30) hours of continuing education that relates to or advances the practice of dentistry and would be useful to the licensee's practice.

(2) Acceptable continuing education hours shall include course content designed to increase:

(a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental treatment;

(b) Knowledge of pharmaceutical products and the protocol of the proper use of medications;

(c) Competence to diagnose oral pathology;

(d) Awareness of currently accepted methods of infection control;

(e) Knowledge of basic medical and scientific subjects including biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health;

(f) Knowledge of clinical and technological subjects;

(g) Knowledge of subjects pertinent to patient management, safety, and oral healthcare;

(h) Competency in assisting in mass casualty or mass immunization situations;

(i) Clinical skills through the volunteer of clinical charitable dentistry that meets the requirements of KRS 313.254;

(j) Knowledge of office business operations and best practices;

or

(k) Participation in dental association or society business meetings.

(3) A minimum of ten (10) hours shall be taken in a live interactive presentation format.

(4) A maximum of ten (10) hours total may be taken that meet the requirements of subsection (2)(i) - (k) of this section.

(5) All continuing education hours shall be verified by the receipt of a certificate of completion or certificate of attendance bearing:

(a) The signature of or verification by the provider;

(b) The name of the licensee in attendance;

(c) The title of the course or meeting attended or completed;

(d) The date of attendance or completion;

(e) The number of hours earned; and

(f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

(6) It shall be the sole responsibility of the individual licensee to obtain documentation from the provider or sponsoring organization verifying participation as established in subsection (5) of this section and to retain the documentation for a minimum of five (5) years.

(7) At license renewal, each licensee shall attest to the fact that he or she has complied with the requirements of this section.

(8) Each licensee shall be subject to audit of proof of continuing education compliance by the board.

Section 10. Requirements for Renewal of a Dental License. (1) Each individual desiring renewal of an active dental license shall:

(a) Submit a signed completed~~[signed, and notarized]~~ Application for Renewal of Dental Licensure with an email contact address~~and with an attached applicant photo taken within the past six (6) months~~;

(b) Pay the fee required by 201 KAR 8:520;

(c) Maintain with no more than a thirty (30) day lapse CPR certification that meets or exceeds the guidelines set forth by the American Heart Association unless a hardship waiver is submitted to and subsequently approved by the board;

(d) Meet the requirements of KRS 214.615(1) regarding HIV/AIDS education for healthcare providers;

(e) Obtain at least one and one-half (1.5) hours of continuing education in the use of the Kentucky All Schedule Prescription Electronic Reporting System, pain management, or addiction disorders per year or a total of three (3) hours in a two (2) year renewal cycle; and

(f) Meet the continuing education requirements as outlined in Section 9 of this administrative regulation except in the following cases:

1. If a hardship waiver has been submitted to and is subsequently approved by the board;

2. If the licensee graduated in the first year of the renewal biennium, in which case the licensee shall complete one-half (1/2) of the hours as outlined in Section 9 of this administrative regulation; and

3. If a licensee graduated in the second year of the renewal biennium, in which case the licensee shall not be required to complete the continuing education requirements outlined in Section 9 of this administrative regulation.

(2) If a licensee has not actively practiced dentistry in the two (2) consecutive years preceding the filing of the renewal application, he or she shall complete and pass a board approved refresher course prior to resuming the active practice of dentistry.

Section 11. Retirement of a License. (1) Each individual desiring retirement of a dental license shall submit a completed and signed Retirement of License Form.

(2) Upon receipt of this form, the board shall send written confirmation of retirement to the address provided by the licensee on the Retirement of License form.

(3) A licensee shall not retire a license that has a pending disciplinary action against it.

(4) Each retirement shall be effective upon the processing of the completed and signed Retirement of License Form by the board.

Section 12. Reinstatement of a License. (1) Each individual desiring reinstatement of a properly retired dental license shall:

(a) Submit a completed, signed, and notarized Application to Reinstatement of a Dental License with an attached applicant photo taken within the past six (6) months;

(b) Pay the fee required by 201 KAR 8:520;

(c) Show proof of having current certification in CPR that meets or exceeds the guidelines set forth by the American Heart Association;

(d) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dentistry held previously or currently in any state or jurisdiction;

(e) Submit to a nation-wide criminal background check by fingerprint through the Federal Bureau of Investigation or by the Department of Kentucky State Police; and

(f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) If an individual is reinstating a license that was retired within the two (2) consecutive years immediately preceding the filing of the reinstatement application, the individual shall provide proof of having met the continuing education requirements as outlined in Section 9 of this administrative regulation within those two (2) years.

(3) If the applicant has not actively practiced dentistry in the two (2) consecutive years immediately preceding the filing of the reinstatement application, the applicant shall complete and pass a refresher course approved by the board.

(4) If a license is reinstated in the first year of a renewal biennium, the licensee shall complete all of the continuing education requirements as outlined in Section 9 of this administrative regulation prior to the renewal of the license.

(5) If a license is reinstated in the second year of a renewal biennium, the licensee shall complete one-half (1/2) of the hours as outlined in Section 9 of this administrative regulation prior to the renewal of the license.

Section 13. Requirements for Verification of Licensure. Each individual desiring verification of a dental license shall:

(1) Submit a signed and completed Verification of Licensure or Registration Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 14. Requesting a Duplicate License. Each individual desiring a duplicate dental license shall:

(1) Submit a signed and completed Duplicate License or

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Registration Request Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 15. Issuance of Initial Licensure. If an applicant has completed all of the requirements for licensure within six (6) months of the date the application was received at the office of the board, the board shall:

(1) Issue a license in sequential numerical order; or

(2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

Section 16. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Dental Licensure", July 2010;

(b) "Statement Regarding Student Licensure Limitations", July 2010;

(c) "Statement Regarding Faculty Licensure Limitations", July 2010;

(d) "Application for Charitable Dental Licensure," March 2011;

(e) "Application for Specialty Licensure", July 2010;

(f) "Application for Renewal of Dental Licensure", January 2011;

(g) "Retirement of License Form", July 2010;

(h) "Application to Reinstate a Dental License", July 2010;

(i) "Verification of Licensure or Registration Form", July 2010;

(j) "Duplicate License or Registration Request Form", July 2010; and

(k) "American Heart Association CPR Guidelines", 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

DR. JASON E. FORD, DMD, Board President

APPROVED BY AGENCY: March 8, 2014

FILED WITH LRC: March 13, 2014 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Friday, April 21, 2014, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than five (5) work days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the emergency administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the emergency administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the administrative regulation to the contact person.

CONTACT PERSON: David J. Beyer, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email david.beyer@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David J. Beyer

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements and procedures for the licensure of dentists as mandated by KRS 313.035.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement KRS 313.035, which requires the board to promulgate administrative regulations regarding the licensure of dentists.

(c) How this administrative regulation conforms to the content

of the authorizing statute: This administrative regulation provides information necessary about the classification of and licensure of dentists, by examination or credentials, the licensure of specialists, student limited licenses, faculty limited licenses, reciprocity, retirement of a license, reinstatement of a license, charity licenses and renewal programs as required by KRS 313.035.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets out the procedure for the licensure of dentists, by examination or credentials, the licensure of specialists, student limited licenses, faculty limited licenses, reciprocity, retirement of a license, reinstatement of a license, charity licenses and renewal programs as required by KRS 313.035.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The reference to a "nationalized clinical examination" is being removed from Section 2 as a "nationalized clinical examination" currently does not exist as was anticipated when this regulation was originally enacted. The requirement for a "notarized" application and a "photo taken within the past six (6) months" is being deleted as it is no longer necessary.

(b) The necessity of the amendment to this administrative regulation: See (a) above.

(c) How the amendment conforms to the content of the authorizing statute: This administrative regulation establishes requirements and procedures for the licensure of dentists as mandated by KRS 313.035.

(d) How the amendment will assist in the effective administration of the statutes: Removes a mandate this is impossible to fulfill as a "nationalized clinical examination" currently does not exist as was anticipated when this regulation was originally enacted. Moreover, the amendment removes an unnecessary administrative burden by removing the requirement for a "notarized" application and a "photo taken within the past six (6) months."

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact 3,119 currently licensed dentists and approximately 125 new applicants per year. Additionally, the Kentucky Board of Dentistry will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There are no new actions for licensees to take in order to comply with this administrative regulation. The Kentucky Board of Dentistry is charged by KRS 313.035 to regulate the practice of dentistry in the Commonwealth.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): From 201 KAR 8:520E:

1. There will be no additional costs to licensees. The initial licensure fee for a general dental license applied for in a non-renewal year will remain the same as it has been under the current regulation which is \$325.

2. There will be no additional costs to licensees. The initial licensure fee for a general dental license applied for in a renewal year will remain the same as it has been under the current regulation which is \$175.

3. There will be no additional costs to licensees. The renewal fee for a general dental license appropriately renewed on or before the expiration of the license will remain the same as it has been under the current regulation which is \$295.

4. The renewal reinstatement fee for a general dental license renewed between January 1 and January 15 of the year following the expiration of the license will remain the same as it has been under the current regulation which is \$280 in addition to the renewal fee.

5. There will be no additional costs to licensees. The renewal

reinstatement fee for a general dental license renewed between January 16 and January 31 of the year following the expiration of the license will remain the same as it has been under the current regulation which is \$560 in addition to the renewal fee.

6. There will be no additional costs to licensees. The renewal reinstatement fee for a general dental license renewed on or after February 1 of the year following the expiration of the license will remain the same as it has been under the current regulation which is \$1,120 in addition to the renewal fee.

7. There will be no additional costs to licensees. The initial fee for a dental anesthesia or sedation permit will remain the same as it has been under the current regulation which is \$250.

8. There will be no additional costs to licensees. The renewal fee for a dental anesthesia or sedation permit will remain the same as it has been under the current regulation which is seventy-five (75) dollars and is in addition to the renewal fee for a general dental license.

9. There will be no additional costs to licensees. The initial fee for an anesthesia or sedation facility certificate will remain the same as it has been under the current regulation which is \$250.

10. The renewal fee for an anesthesia or sedation facility certificate will remain the same as it has been under the current regulation which is seventy-five (75) dollars.

11. There will be no additional costs to licensees. The specialty license application fee will remain the same as it has been under the current regulation which is \$100.

12. There will be no additional costs to licensees. The specialty license renewal fee will remain the same as it has been under the current regulation which is fifty (50) dollars and is in addition to the renewal fee for a general dental license.

13. There will be no additional costs to licensees. The fee for reinstatement of a properly retired general dental license will remain the same as it has been under the current regulation which is \$350.

14. There will be no additional costs to licensees. The fee for reinstatement of a properly retired specialty license will remain the same as it has been under the current regulation which is fifty (50) dollars and is in addition to the renewal fee for a general dental license. The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Kentucky Board of Dentistry is the regulatory agency and accrues no benefits from the regulations but rather provides enforcement of the chapter and processes for its licensees to legally practice dentistry in the Commonwealth.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

- (a) Initially: No additional costs are expected.
(b) On a continuing basis: No additional costs are expected.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The implementation and enforcement of this regulation are fully funded by licensing fees paid by dentists as part of compliance with this regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The fees found in 201 KAR 8:520 make the agency financially solvent.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? This administrative regulation

applies tiering by identifying each classification of licensure available to dentists in the Commonwealth of Kentucky. General dental licenses are the standard, full license type available, and applicants are therefore subject to the full complement of requirements. Reporting requirements are reduced for student, faculty, and charitable limited license applicants as they are subject to restrictions of practice. Specialty license holders are subject to additional reporting requirements as they hold a more advanced license than general dentists.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 2010 Ky. Acts ch. 85

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no new net fiscal effect on the Kentucky Board of Dentistry as the agency is a fully self-funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Compliance with this regulation will provide the agency with enough money to meet its budgetary obligations as set forth in HB 265 of the Regular Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Compliance with this regulation will provide the agency with enough money to meet its budgetary obligations as set forth in HB 265 of the Regular Session of the General Assembly.

(c) How much will it cost to administer this program for the first year? The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(d) How much will it cost to administer this program for subsequent years? The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

- Revenues (+/-):
Expenditures (+/-):
Other Explanation:

GENERAL GOVERNMENT CABINET
Kentucky Board of Dentistry
(Amendment)

201 KAR 8:550. Anesthesia and sedation.

RELATES TO: KRS 313.035

STATUTORY AUTHORITY: KRS 313.035(1)

NECESSITY, FUNCTION AND CONFORMITY: KRS 313.035(1) requires the board to promulgate administrative regulations related to conscious anesthesia and sedation permits. This administrative regulation establishes requirements for permits

to perform conscious sedation or anesthesia.

Section 1. Definitions. (1) "Advanced Cardiac Life Support" or "ACLS" means a certification that an individual has successfully completed an advanced cardiac life support course that meets or exceeds the standards established by the American Heart Association and incorporated by reference in 201 KAR 8:532.

(2) "Anesthesia" means an artificially induced insensibility to pain usually achieved by the administration of gases or drugs.

(3) "Anesthesia and sedation" means:

- (a) Minimal sedation;
- (b) Moderate sedation;
- (c) Deep sedation; and
- (d) General anesthesia.

(4) "Board" means the Kentucky Board of Dentistry.

(5) "Certified registered nurse anesthetist" means a registered nurse who is currently certified to practice nurse anesthesia in Kentucky.

(6) "Conscious sedation permit" means a permit that was issued by the board prior to February 1, 2011, that authorized the dentist to whom the permit was issued to administer parenteral sedation for the practice of dentistry.

(7) "Deep sedation" means a drug-induced depression of consciousness during which patients cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to independently maintain ventilatory function may be impaired. Cardiovascular function is usually maintained.

(8) "Enteral" means a technique of administration in which the agent is absorbed through the gastrointestinal (GI) tract or oral mucosa (oral, rectal, or sublingual).

(9) "Facility" means a location in which anesthesia or sedation is administered for the practice of dentistry.

(10) "Facility inspection" means an on-site inspection by the board or its designee to determine if a facility where the applicant proposes to provide anesthesia and sedation is adequately supplied, equipped, staffed, and maintained in a condition to support the provision of anesthesia and sedation services in a manner that meets the requirements of this administrative regulation.

(11) "General anesthesia" means a drug-induced loss of consciousness during which patients are not arousable even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation, drug-induced depression, or changes in neuromuscular function. Cardiovascular function may be impaired.

(12) "General anesthesia permit" means a permit that was issued by the board prior to February 1, 2011, that authorized the dentist to whom the permit was issued to administer general anesthesia for the practice of dentistry.

(13) "Incident" means dental treatment performed on a patient under minimal sedation, moderate sedation, deep sedation, or general anesthesia with unforeseen complications.

(14) "Incremental dosing" means administration of multiple doses of a drug until a desired effect is reached.

(15) "Minimal sedation" means a drug-induced state, with or without nitrous oxide to decrease anxiety, in which patients respond normally to tactile stimulation and verbal commands. Although cognitive function and coordination may be impaired, ventilatory and cardiovascular functions are maintained and do not require assistance.

(16) "Moderate enteral sedation" means a drug-induced depression of consciousness through the gastrointestinal tract or oral mucosa during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. Intervention is not required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(17) "Moderate parenteral sedation" means a drug-induced depression of consciousness that bypasses the gastrointestinal tract or oral mucosa during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile

stimulation. Intervention is not required to maintain a patent airway and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(18) "Moderate sedation" means a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. Intervention is not required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(19) "Nitrous oxide sedation" means a technique of inhalation sedation with nitrous oxide and oxygen.

(20) "Parenteral" means a technique of administration in which the drug bypasses the gastrointestinal tract, that is, through an intramuscular, intravenous, intranasal, submucosal, subcutaneous, or introsseous technique.

(21) "Pediatric Advanced Life Support" or "PALS" means a certification that an individual has successfully completed a pediatric advanced life support course that meets or exceeds the standards established by the American Heart Association and incorporated by reference in 201 KAR 8:532.

(22) "Sedation" means the reduction of stress or excitement by the administration of a drug that has a soothing, calming, or tranquilizing effect.

Section 2. Nitrous Oxide Sedation. (1) Nitrous oxide sedation may be used by a Kentucky-licensed dentist without a specific sedation permit or by a Kentucky-licensed dental hygienist certified to administer block and infiltration anesthesia and nitrous oxide analgesia.

(2) Equipment used in the administration of nitrous oxide sedation shall have functional safeguard measures that:

(a) Limit the minimum oxygen concentration to thirty (30) percent; and

(b) Provide for scavenger elimination of nitrous oxide gas.

(3) The dentist shall:

(a) Insure that a patient receiving nitrous oxide is constantly monitored; and

(b) Be present in the office while nitrous oxide is being used.

(4)(a) Under a dentist's direct supervision and direct orders, a dental assistant may administer nitrous oxide.

(b) A dental assistant may only deliver nitrous oxide at a rate specified by direct orders of a dentist~~[If a dental assistant administers nitrous oxide, the dental assistant shall administer the level prescribed by the dentist].~~

Section 3. Minimal Sedation Without a Permit. (1) A permit shall not be required for a dentist to administer minimal enteral sedation for patients age thirteen (13) and older.

(2) A dentist who intends to administer minimal sedation shall indicate the intent to administer minimal sedation in the patient's record.

(3) Medication used to produce minimal sedation shall not exceed the manufacturer's recommended dose (MRD) for unmonitored use by the individual. Additional dosing shall be within the MRD limits.

(4) A dentist who administers minimal sedation shall maintain a margin of safety and a level of consciousness that does not approach moderate sedation and other deeper states of sedation and general anesthesia.

(5) Nitrous oxide may be combined with an oral medication. If nitrous oxide is combined with an oral medication, the level of sedation shall be maintained at the level of minimal sedation.

Section 4. Permit and Location Certificate Required. (1) A dentist shall not administer an anesthetic technique in order to attain a level beyond minimal sedation for the practice of dentistry unless:

(a) The dentist holds an appropriate Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, or Deep Sedation or General Anesthesia permit issued by the board; or

(b) The dentist holds a conscious sedation or general anesthesia permit that shall be converted to a Minimal Pediatric

Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, or Deep Sedation or General Anesthesia permit at the next license renewal.

(2) A dentist shall not administer an anesthetic technique under a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, Deep Sedation or General Anesthesia, conscious sedation, or general anesthesia permit issued by the board at a facility unless:

(a) The facility has a current Anesthesia and Sedation Facility Certificate issued by the board; or

(b) The facility passed an inspection by the board for the purpose of issuing a conscious sedation or general anesthesia permit.

(3) A treating dentist who does not hold an anesthesia and sedation permit shall not allow a physician anesthesiologist, another dentist who holds an anesthesia and sedation permit, or a certified registered nurse anesthetist to administer an anesthetic technique in order to attain a level beyond minimal sedation for the practice of dentistry at a facility owned or operated by the treating dentist unless:

(a) The facility has a current Anesthesia and Sedation Facility Certificate issued by the board; or

(b) The facility passed an inspection by the board for the purpose of issuing a conscious sedation or general anesthesia permit.

Section 5. Classifications of Anesthesia and Sedation Permits. The following permits shall be issued by the board to a qualified licensed dentist:

(1) Minimal Pediatric Sedation permit that authorizes a dentist to use minimal enteral sedation for patients age five (5) to twelve (12) Medication or medications used to produce minimal sedation shall not exceed the manufacturer's recommended dose (MRD) for unmonitored use by the individual. Incremental dosing shall be prohibited. All dosing shall be administered in the dental office. A dentist who administers minimal sedation shall maintain a margin of safety and a level of consciousness that does not approach moderate sedation and other deeper states of sedation and general anesthesia. Nitrous oxide may be combined with an oral medication. If nitrous oxide is combined with an oral medication, the level of sedation shall be maintained at the level of minimal sedation;

(2) Moderate Enteral Sedation permit that authorizes a dentist to use moderate enteral sedation for patients age thirteen (13) and older;

(3) Moderate Parenteral Sedation permit that authorizes a dentist to use moderate parenteral sedation for patients age thirteen (13) and older;

(4) Moderate Pediatric Sedation permit that authorizes a dentist to use moderate sedation by any route of administration for patients age twelve (12) and under; and

(5) Deep Sedation or General Anesthesia permit that authorizes a dentist to use:

- (a) General anesthesia; or
- (b) Deep sedation.

Section 6. Qualifications for Obtaining a Minimal Pediatric Sedation Permit. To qualify for a Minimal Pediatric Sedation permit, an applicant shall:

(1) Submit an Application for Sedation or Anesthesia Permit;

(2) Pay the fee required by 201 KAR 8:520;

(3) Hold current certification in either ACLS or PALS or successfully complete a six (6) hour board-approved course that provides instruction on medical emergencies and airway management; and

(4) Provide proof of successful completion of:

(a) a Commission on Dental Accreditation (CODA) accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage minimal sedation; or

(b) Provide proof of successful completion of a board-approved course that shall consist of a minimum of twenty-four (24) hours of didactic instruction on pediatric minimal sedation by the enteral

route or the combination enteral and nitrous oxide route.

Section 7. Qualifications for Obtaining a Moderate Enteral Sedation Permit. To qualify for a Moderate Enteral Sedation permit, an applicant shall:

(1) Submit an Application for Sedation or Anesthesia Permit;

(2) Pay the fee required by 201 KAR 8:520;

(3) Hold current certification in either ACLS or PALS or successfully complete a six (6) hour board-approved course that provides instruction on medical emergencies and airway management; and

(4) Provide proof of successful completion of:

(a) A Commission on Dental Accreditation (CODA) accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage moderate sedation; or

(b) Provide proof of successful completion of a board-approved course that shall consist of a minimum of twenty-four (24) hours of didactic instruction plus management of at least ten (10) adult case experiences by the enteral route or the combination enteral and nitrous oxide route. These ten (10) cases shall include at least three (3) live (on sight) clinical dental experiences managed by participants in groups that shall not exceed five (5) individuals. These three (3) live (on-sight) experiences may be obtained by observing a permit level dentist in his or her office, and the remaining cases may include simulations and video presentations and shall include at least one (1) experience in returning a patient from deep to moderate sedation.

Section 8. Qualifications for Obtaining a Moderate Parenteral Sedation Permit. To qualify for a Moderate Parenteral Sedation permit, an applicant shall:

(1) Submit an Application for Sedation or Anesthesia Permit;

(2) Pay the fee required by 201 KAR 8:520;

(3) Hold current certification in either ACLS or PALS or successfully complete a six (6) hour board-approved course that provides instruction on medical emergencies and airway management; and

(4) Provide proof of successful completion of:

(a) A CODA-accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage moderate parenteral sedation; or

(b) Provide proof of successful completion of a board-approved course that shall consist of a minimum of sixty (60) hours of didactic instruction plus management of at least twenty (20) patients per course participant in moderate parenteral sedation techniques.

Section 9. Qualifications for Obtaining a Moderate Pediatric Sedation Permit. To qualify for a Moderate Pediatric Sedation permit, an applicant shall:

(1) Submit an Application for Sedation or Anesthesia Permit;

(2) Pay the fee required by administrative regulation;

(3) Hold current certification in either ACLS or PALS or successfully complete a six (6) hour board-approved course that provides instruction on medical emergencies and airway management; and

(4) Provide proof of successful completion of a CODA-accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage moderate sedation for patients age twelve (12) and under.

Section 10. Qualifications for Obtaining a Deep Sedation or General Anesthesia Permit. To qualify for a Deep Sedation or General Anesthesia permit, an applicant shall:

(1) Submit an Application for Sedation or Anesthesia Permit;

(2) Pay the fee required by administrative regulation;

(3) Hold current certification in either ACLS or PALS; and

(4) Provide proof of successful completion of:

(a) A board-approved Accreditation Council for Graduate Medical Education (ACGME) accredited post doctoral training program in anesthesiology which affords comprehensive and

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appropriate training necessary to administer deep sedation and general anesthesia;

(b) A board-approved nurse anesthesia program accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs that affords comprehensive and appropriate training necessary to administer deep sedation and general anesthesia;

(c) Successful completion of a minimum of two (2) years advanced clinical training in anesthesiology from a Joint Commission on Accreditation of Healthcare Organization (JCAHO) accredited institution that meets the objectives set forth in part two (2) of the American Dental Association's Guidelines for Teaching the Comprehensive Control of Anxiety and Pain in Dentistry; or

(d) Provide proof of successful completion of a CODA-accredited postdoctoral training program that affords comprehensive and appropriate training necessary to administer and manage deep sedation and general anesthesia.

Section 11. Multiple Application Levels Permitted. Dentists with education and training for more than one (1) level of sedation may mark their levels of qualification on the Application for Sedation or Anesthesia Permit, based on the requirements of Sections 6 through 10 of this administrative regulation.

Section 12. Location Requirement. A dentist holding a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, Deep Sedation or General Anesthesia, conscious sedation, or general anesthesia permit shall advise the board of the name and address of each facility where the dentist intends to or has ceased to administer anesthesia and sedation by submitting the Anesthesia and Sedation Permit Location Notification Form within ten (10) business days of the change.

Section 13. Anesthesia and Sedation Facility Certificates. (1) The owner or operator of a facility shall obtain an Anesthesia and Sedation Facility Certificate from the board for any location at which:

(a) A dentist holding a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, Deep Sedation or General Anesthesia, conscious sedation, or general anesthesia permit may administer anesthesia and sedation under the permit; or

(b) The treating dentist may allow a physician anesthesiologist, another dentist who holds an anesthesia and sedation permit, or a certified registered nurse anesthetist to administer an anesthetic technique in order to attain a level beyond minimal sedation for the practice of dentistry.

(2) A facility owner or operator desiring to obtain an Anesthesia and Sedation Facility Certificate shall:

(a) Submit an Application for an Anesthesia and Sedation Facility Certificate;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Successfully pass a facility inspection as outlined in Section 14 of this administration.

(3) A dentist currently in an advanced training course for sedation may request the Board of Dentistry complete a Sedation Facility Inspection prior to completion of the course.

(4) The owner or operator of a facility shall not allow an individual to administer anesthesia or sedation unless the individual is permitted to do so under this administrative regulation.

(5) The owner or operator of a facility shall maintain for five (5) years for inspection by the board the name and license number of each dentist, physician anesthesiologist, or certified registered nurse anesthetist who has administered anesthesia or sedation at that location.

(6) The owner or operator of a facility shall ensure that the facility:

(a) Remains properly equipped in accordance with Section 14 of this administrative regulation; and

(b) Remains properly staffed in accordance with Section 15 of this administrative regulation.

(7) In addition to the requirements contained in subsection (6) of this section, the owner or operator of a facility shall ensure that

the facility has appropriate nonexpired emergency and sedation medications.

Section 14. Facility Inspection Criteria. (1) To qualify for an Anesthesia and Sedation Facility Certificate, the facility shall pass an evaluation of facility equipment, medications, and clinical records.

(a) The following shall be provided by the facility to qualify:

1. Oxygen and gas delivery system, backup system fail-safe;

2. Gas storage facility;

3. Safety indexed gas system;

4. Suction and backup system;

5. Auxiliary lighting system;

6. Suitability of operating room to include:

a. Size, which shall be at a minimum ten (10) feet by eight (8) feet or eighty (80) square feet;

b. Operating primary light source and secondary portable backup source, unless back-up generator is available; and

c. Accessibility by emergency medical staff;

7. Recovery area, including oxygen, suction, and visual and electronic monitoring, which may include the operating room;

8. Preoperative medical history and physical evaluation form; and

9. Anesthesia and monitoring equipment checked to insure proper working order.

(b) The following shall be provided by the facility or by an individual listed in Section 22 of this administrative regulation:

1. Appropriate drugs for each procedure, all of which shall be unexpired, including reversal agents and emergency medications;

2. Appropriate devices to maintain an airway with positive pressure ventilation;

3. Anesthesia records, including monitoring and discharge records and a check sheet.

a. The check sheet shall be signed by the provider and the dentist and placed in each record.

b. If the dentist is the provider, only the dentist's signature shall be required;

4. Monitoring equipment, including pulse oximeter and blood pressure monitoring;

5. Electrocardiogram (EKG):

a. May be present for use by Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, and Moderate Pediatric Sedation permit holders for patients with significant cardiac history; and

b. Shall be present for use by Deep Sedation or General Anesthesia permit holders;

6. Defibrillator or automated external defibrillator (AED) for moderate and Deep Sedation or General Anesthesia permits; and

7. For deep sedation or general anesthesia in pediatric patients:

a. A precordial stethoscope; or

b. A pretracheal stethoscope.

(2) During a facility inspection, inspectors shall:

(a) Examine the facility's equipment to determine if it is in proper working order;

(b) Determine if appropriate emergency drugs are present; and

(c) Determine if emergency drugs are nonexpired.

Section 15. Inducing a Level of Sedation for a Patient. (1) Administration of minimal pediatric sedation, moderate enteral sedation, moderate parenteral sedation, moderate pediatric sedation, deep sedation, or general anesthesia to a patient requires at least the following appropriately trained individuals:

(a) The treating dentist;

(b) An individual trained and competent in basic life support (BLS) or its equivalent to assist the treating dentist; and

(c) Another individual trained and competent in BLS or its equivalent in close proximity to assist if needed.

(2) A dentist administering minimal pediatric sedation, moderate enteral sedation, moderate parenteral sedation, moderate pediatric sedation, deep sedation, or general anesthesia to a patient shall not leave the site until the patient:

(a) Is conscious;

- (b) Is spontaneously breathing;
- (c) Has stable vital signs;
- (d) Is ambulatory with assistance; and
- (e) Is under the care of a responsible adult.

(3) A treating dentist who allows a physician, another dentist, or certified registered nurse anesthetist to administer minimal pediatric sedation, moderate enteral sedation, moderate parenteral sedation, moderate pediatric sedation, deep sedation, or general anesthesia under Section 22 of this administrative regulation shall ensure that the physician, dentist, or certified registered nurse anesthetist shall not leave the site until the patient:

- (a) Is conscious;
- (b) Is spontaneously breathing;
- (c) Has stable vital signs;
- (d) Is ambulatory with assistance; and
- (e) Is under the care of a responsible adult.

Section 16. Conscious Sedation Permits and General Anesthesia permits. (1) A dentist who holds a current general anesthesia permit may continue to administer anesthesia and sedation consistent with a Deep Sedation or General Anesthesia permit until the expiration date of the permit.

(2) A dentist who holds a current conscious sedation permit and meets the requirements of Section 9(4) of this administrative regulation may continue to administer anesthesia and sedation consistent with a Moderate Pediatric Sedation permit until the expiration date of the permit.

(3) A dentist who holds a current conscious sedation permit and meets the requirements of Section 8 of this administrative regulation may continue to administer anesthesia and sedation consistent with a Moderate Parenteral Sedation permit until the expiration date of the permit.

(4) During the license renewal process, current general anesthesia permit holders shall convert the permit to a Deep Sedation or General Anesthesia permit.

(5) During the license renewal process, current conscious sedation permit holders shall convert the permit to a minimal pediatric sedation, moderate enteral sedation, moderate parenteral sedation, or moderate pediatric sedation permit.

(6) A dentist who currently practices enteral sedation without a permit may continue without a permit until January 1, 2012 and shall receive a Moderate Enteral Sedation permit by the submission of:

- (a) Twenty-four (24) hours of didactic education plus twenty (20) sedation records documenting their experience; and
- (b) Satisfactory completion of an on-site inspection as outlined in Section 14 of this administrative regulation.

Section 17. Issuance and Expiration of Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation and Deep Sedation or General Anesthesia Permits.

(1) Once an applicant has met the qualifications for obtaining a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, or Deep Sedation or General Anesthesia permit the board shall issue a permit in sequential numerical order.

(2) Each permit issued under this administrative regulation shall expire on the same date as the permit holder's license to practice dentistry.

Section 18. Renewal of Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, and Deep Sedation or General Anesthesia Permits. An individual desiring renewal of an active Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, and Deep Sedation or General Anesthesia permits shall:

- (1) Submit a completed and signed Application for Renewal of Sedation or Anesthesia Permit;
- (2) Pay the fee required by 201 KAR 8:520; and
- (3) Provide evidence to the board that the applicant meets the continuing education requirements outlined in Section 19 of this

administrative regulation.

Section 19. Continuing Education Requirements for Renewal of a Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation, or Deep Sedation or General Anesthesia Permit. (1) An individual desiring renewal of an active Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, or Moderate Pediatric Sedation permit shall:

(a) Complete at least six (6) hours of clinical continuing education related to sedation or anesthesia in a classroom setting that includes hands-on airway management during the two (2) year term of the permit; or

(b) Maintain ACLS or PALS certification.

(2) An individual desiring renewal of an active Deep Sedation or General Anesthesia permit shall:

(a) Complete not less than four (4) hours of on-sight clinical continuing education related to sedation or anesthesia during the two (2) year term of the permit; and

(b) Maintain ACLS or PALS certification.

(3) Continuing education required by this administrative regulation shall:

(a) Not be used to satisfy other continuing education requirements; and

(b) Be in addition to other continuing education requirements of 201 KAR 8:532.

Section 20. Facilities Inspected Prior to February 1, 2011. A facility owner or operator desiring to obtain an Anesthesia and Sedation Facility Certificate for a facility which passed an inspection by the board prior to February 1, 2011 shall provide proof to the board of having passed a facility inspection for the purpose of issuing a conscious sedation or general anesthesia.

Section 21. Issuance of an Anesthesia and Sedation Facility Certificate. Once an applicant has met the qualifications for obtaining an Anesthesia and Sedation Facility Certificate the board shall issue a certificate in sequential numerical order.

Section 22. Administration by a Physician Anesthesiologist, Dentist, or Certified Registered Nurse Anesthetist at the Facility of a Treating Dentist. (1) A treating dentist may allow at his or her dental facility, administration of sedation or anesthesia by a:

(a) Kentucky-licensed physician anesthesiologist or a Kentucky-licensed Certified Registered Nurse Anesthetist; or

(b) Dentist who holds an anesthesia and sedation permit.

(2) Administration by an individual listed in subsection (1)(a) of this section shall:

(a) Comply with this administrative regulation; and

(b) Not require board review.

(3) Nothing in this section shall preclude a dentist from working with a Kentucky-licensed physician anesthesiologist or a Kentucky-licensed Certified Registered Nurse Anesthetist in an ambulatory care center or hospital.

Section 23. Morbidity and Mortality Incident Reports. (1) A dentist shall report to the board, in writing, any death caused by or resulting from the dentist's administration of minimal sedation, moderate sedation, deep sedation, or general anesthesia within seven (7) days after its occurrence.

(2) A dentist shall report to the board, in writing, any incident that resulted in hospital in-patient admission caused by or resulting from the dentist's administration of minimal sedation, moderate sedation, deep sedation, or general anesthesia within thirty (30) days after its occurrence.

(3) The written report to the board required in subsections (1) and (2) of this section shall include:

(a) The date of the incident;

(b) The name, age, and address of the patient;

(c) The patient's original complete dental records;

(d) The name and license number of the licensee and the name and address of all other persons present during the incident;

(e) The address where the incident took place;

- (f) The preoperative physical condition of the patient;
 - (g) The type of anesthesia and dosages of drugs administered to the patient;
 - (h) The techniques used in administering the drugs;
 - (i) Any adverse occurrence including:
 - 1. The patient's signs and symptoms;
 - 2. The treatment instituted in response to adverse occurrences;
 - 3. The patient's response to the treatment; and
 - 4. The patient's condition on termination of any procedures undertaken; and
 - (j) A narrative description of the incident including approximate times and evolution of symptoms.
- (4) The duties outlined in this section shall apply to every dentist who administers any type of sedation or anesthesia.

Section 24. Registered Dental Assistant Duties permitted when working with Sedation Permit holders: (1) A registered dental assistant working with Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation and Deep Sedation or General Anesthesia permit holders may, under direct supervision:

- (a) Apply noninvasive monitors;
 - (b) Perform continuous observation of patients and noninvasive monitors appropriate to the level of sedation, during the pre-operative, intra-operative and post-operative (recovery) phases of treatment;
 - (c) Report monitoring parameters to the operating dentist on a periodic basis and when changes in monitored parameters occur;
 - (d) Record vital sign measurements in the sedation record; and
 - (e) Remove IV lines (Moderate Parenteral Sedation, Moderate Pediatric Sedation and Deep Sedation or General Anesthesia Permit holders only).
- (2) A registered dental assistant working with Minimal Pediatric Sedation, Moderate Enteral Sedation, Moderate Parenteral Sedation, Moderate Pediatric Sedation and Deep Sedation or General Anesthesia Permit holders, may under direct supervision assist in the management of emergencies.
- (3) A registered dental assistant working with Moderate Parenteral Sedation, Moderate Pediatric Sedation and Deep Sedation or General Anesthesia Permit holders may, under direct supervision:
- (a) Administer medications into an existing IV line upon the verbal order and direct supervision of a dentist with a Moderate Parenteral Sedation, Moderate Pediatric or Deep Sedation or General Anesthesia permit; and
 - (b) Establish an IV line under direct supervision if they have completed a course approved by the Board of Dentistry in intravenous access.

Section 25. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for Sedation or Anesthesia Permit", February 2011;
 - (b) "Application for Sedation or Anesthesia Facility Certificate", February 2011; and
 - (c) "Sedation of Anesthesia Permit Location Notification Form", February 2011.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday 8 a.m. through 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

DR. JASON E. FORD, DMD, Board President

APPROVED BY AGENCY: March 8, 2014

FILED WITH LRC: March 13, 2014 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Friday, April 21, 2014, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall

notify this agency in writing no later than five work days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the emergency administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the emergency administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the administrative regulation to the contact person.

CONTACT PERSON: David J. Beyer, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222; phone (502) 429-7280; fax (502) 429-7282; or email david.beyer@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David J. Beyer
Board of Dentistry

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 313.035(1) requires the board to promulgate administrative regulations related to conscious anesthesia and sedation permits. This administrative regulation establishes requirements for permits to perform conscious sedation or anesthesia.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement KRS 313.035(1) which requires the board to promulgate administrative regulations related to conscious anesthesia and sedation permits. This administrative regulation establishes requirements for permits to perform conscious sedation or anesthesia.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation is necessary to implement KRS 313.035(1) requires the board to promulgate administrative regulations related to conscious anesthesia and sedation permits. This administrative regulation establishes requirements for permits to perform conscious sedation or anesthesia.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary to implement KRS 313.035(1) requires the board to promulgate administrative regulations related to conscious anesthesia and sedation permits. This administrative regulation establishes requirements for permits to perform conscious sedation or anesthesia. The amendment clarifies that dental assistants may only deliver nitrous oxide at a rate specified by a dentist. The existing regulation created some confusion whether dental assistants had the authority to establish the rate on their own.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment clarifies that dental assistants may only deliver nitrous oxide at a rate specified by a dentist. The existing regulation created some confusion whether dental assistants had the authority to establish the rate on their own.

(b) The necessity of the amendment to this administrative regulation: The amendment clarifies that dental assistants may only deliver nitrous oxide at a rate specified by a dentist. The existing regulation created some confusion whether dental assistants had the authority to establish the rate on their own.

(c) How the amendment conforms to the content of the authorizing statute: KRS 313.035(1) requires the board to promulgate administrative regulations related to conscious anesthesia and sedation permits. This administrative regulation establishes requirements for permits to perform conscious sedation or anesthesia. The amendment clarifies that dental assistants may only deliver nitrous oxide at a rate specified by a dentist. The existing regulation created some confusion whether dental assistants had the authority to establish the rate on their own.

(d) How the amendment will assist in the effective

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

administration of the statutes: This administrative regulation and proposed amendment fulfills the requirements for KRS 313.035(1) which requires the board to promulgate administrative regulations related to conscious anesthesia and sedation permits. This administrative regulation establishes requirements for permits to perform conscious sedation or anesthesia. The amendment clarifies that dental assistants may only deliver nitrous oxide at a rate specified by a dentist. The existing regulation created some confusion whether dental assistants had the authority to establish the rate on their own.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will assist the dentists in Kentucky with employing properly training dental assistants for their offices and understanding what dental assistants are permitted to do pursuant to KRS 313.035. Currently, there are approximately 3,000 Kentucky dentists who could benefit from this amendment. Additionally, the Kentucky Board of Dentistry will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This regulation will not require any new actions on behalf of the dental assistant(s) as their registration is held by the dentist and not the board. The Kentucky Board of Dentistry is charged by KRS 313 et.seq to regulate the practice of dentistry in the Commonwealth.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no new cost to the individual with this amendment to the regulation. The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will assist the dentists in Kentucky with employing properly training dental assistants for their offices. Currently, there are approximately 3,000 Kentucky dentists who could benefit from this amendment. The Kentucky Board of Dentistry is the regulatory agency and accrues no benefits from the regulations but rather provides enforcement of the chapter and processes for its licensees to legally practice as a registered dental assistant in the Commonwealth.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost associated with this regulation. The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(a) Initially: No additional costs are expected.

(b) On a continuing basis: No additional costs are expected.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Dentistry is a fully self-funded agency and derives its funding from fees paid by its licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The fees found in 201 KAR 8:520 make the agency financially solvent.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all registered dental assistants.

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 2010 Ky. Acts ch. 85

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no new net fiscal effect on the Kentucky Board of Dentistry as the agency is a fully self-funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Compliance with this regulation will provide the agency with enough money to meet its budgetary obligations as set forth in HB 265 of the Regular Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Compliance with this regulation will provide the agency with enough money to meet its budgetary obligations as set forth in HB 265 of the Regular Session of the General Assembly.

(c) How much will it cost to administer this program for the first year? The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(d) How much will it cost to administer this program for subsequent years? The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**GENERAL GOVERNMENT CABINET
Kentucky Board of Dentistry
(Amendment)**

201 KAR 8:562. Licensure of dental hygienists.

RELATES TO: KRS 214.615, 304.40 - 075, 313.030, 313.040, 313.060, 313.080, 313.130, 313.254

STATUTORY AUTHORITY: KRS 214.615(2), 313.021(1)(a) - (c), 313.040(1), (2), (7), 313.254

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.040 requires the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dental hygienists. This administrative regulation establishes requirements and procedures for the licensure of dental hygienists.

Section 1. General Licensure Requirements. An applicant desiring licensure in the Commonwealth shall at a minimum:

(1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;

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(2) Submit a completed, signed, and notarized Application for Dental Hygiene Licensure with an email contact address and an attached applicant photo taken within the past six (6) months;

(3) Pay the fee required by 201 KAR 8:520;

(4) Not be currently subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(5) Provide proof of completion of the requirements of KRS 214.615(1);

(6) Complete and pass the board's jurisprudence exam;

(7) Provide proof of having current certification in cardiopulmonary resuscitation (CPR) that meets or exceeds the guidelines established by the American Heart Association, incorporated by reference in 201 KAR 8:532;

(8) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint;

(9) Provide verification within three (3) months of the date the application is received at the office of the board of any license to practice dental hygiene held previously or currently in any state or jurisdiction;

(10) Provide proof that the applicant is a graduate of a Commission on Dental Accreditation (CODA) accredited dental hygiene school or college or dental hygiene department of a university;

(11) Provide proof that the applicant has successfully completed the National Board Dental Hygiene Examination, which is written and theoretical, conducted by the Joint Commission on National Dental Examinations; and

(12) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

Section 2. Requirements for Licensure by Examination. (1) Each individual desiring initial licensure as a dental hygienist by examination shall complete all of the requirements established in Section 1 of this administrative regulation.

(2) Each individual desiring initial licensure as a dental hygienist by examination shall successfully complete a clinical examination within the five (5) years preceding the filing of his or her Application for Dental Hygiene Licensure. ~~[(a) Prior to July 15, 2013,] The board shall accept the following regional clinical examinations:~~

~~[(a)[4-] The examination of the Council of Interstate Testing Agencies (CITA);~~

~~[(b)[2-] The examination of the Central Regional Dental Testing Service (CRDTS);~~

~~[(c)[3-] The examination of the North East Regional Board of Dental Examiners (NERB);~~

~~[(d)[4-] The examination of the Southern Regional Testing Agency (SRTA); or~~

~~[(e)[5-] The examination of the Western Regional Examining Board (WREB). [(b) After July 15, 2013, the board shall only accept a nationalized clinical examination.]~~

(3) An individual desiring initial licensure as a dental hygienist by examination more than two (2) years after fulfilling all of the requirements of his CODA accredited dental hygiene education shall:

(a) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; or

(b) If the applicant does not hold a license to practice dental hygiene in good standing, complete a board-approved refresher course prior to receiving a license to practice dental hygiene in the Commonwealth of Kentucky.

(4) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall not be allowed to sit for the examination again until the applicant has completed and passed a remediation plan prescribed by the board based on the applicant's deficiencies.

Section 3. Requirements for Licensure by Credentials. Each individual desiring initial licensure as a dental hygienist by credentials shall:

(1) Complete all of the requirements established in Section 1 of

this administrative regulation;

(2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of Columbia; and

(3) Provide proof that, for five (5) of the six (6) years immediately preceding the filing of the application, the applicant has been engaged in the active practice of dental hygiene while he or she was legally authorized to practice dental hygiene in a state or territory of the United States or the District of Columbia if the qualifications for the authorization were equal to or higher than those of the Commonwealth of Kentucky.

Section 4. Requirements for Charitable Limited Licensure. (1) Each individual desiring a charitable limited license shall:

(a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;

(b) Submit a completed, signed, and notarized Application for Charitable Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) month;

(c) Not be subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(d) Have a license to practice dental hygiene in good standing in another state; and

(e) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) An individual licensed pursuant to this section shall:

(a) Work only with charitable entities registered with the Cabinet for Health and Family Services that have met requirements of KRS 313.254 and 201 KAR 8:580;

(b) Only perform procedures allowed by KRS 313.254, which shall be completed within the duration of the charitable event;

(c) Be eligible for the provisions of medical malpractice insurance procured pursuant to KRS 304.40-075;

(d) Perform these duties without expectation of compensation or charge to the individual and without payment or reimbursement by any governmental agency or insurer;

(e) Have a charitable limited license that shall be good for two (2) years and expire during the regular dental hygiene renewal cycle; and

(f) Comply with reciprocity requirements if applicable.

1. A state that extends a reciprocal agreement shall comply with this section.

2. An individual shall notify the sponsor of a charitable clinic and the board of the intent to conduct or participate in the clinic.

3. An individual conducting or participate in a charitable clinic shall have a license to practice dental hygiene in the state in which the dental hygienist practices.

Section 5. Minimum Continuing Education Requirements. (1) Each individual desiring renewal of an active dental hygiene license shall complete thirty (30) hours of continuing education that relates to or advances the practice of dental hygiene and would be useful to the licensee in his practice.

(2) Acceptable continuing education hours shall include course content designed to increase:

(a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental hygiene treatment;

(b) Knowledge of pharmaceutical products and the protocol of the proper use of medications;

(c) Awareness of currently accepted methods of infection control;

(d) Knowledge of basic medical and scientific subjects including, biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health;

(e) Knowledge of clinical and technological subjects;

(f) Knowledge of subjects pertinent to patient management, safety, and oral healthcare;

(g) Competency in assisting in mass casualty or mass immunization situations;

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(h) Clinical skills through the volunteer of clinical charitable dental hygiene that meets the requirements of KRS 313.254;

(i) Knowledge of office business operations and best practices; or

(j) Participation in dental or dental hygiene association or society business meetings.

(3) A minimum of ten (10) hours shall be taken in a live interactive presentation format.

(4) A maximum of ten (10) hours total may be taken that meet the requirements of subsection (2)(h) - (j) of this section.

(5) All continuing education hours shall be verified by the receipt of a certificate of completion or certificate of attendance bearing:

(a) The signature of the provider;

(b) The name of the licensee in attendance;

(c) The title of the course or meeting attended or completed;

(d) The date of attendance or completion;

(e) The number of hours earned; and

(f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

(6) It shall be the sole responsibility of the individual dental hygienist to obtain documentation from the provider or sponsoring organization verifying participation as established in subsection (5) of this section and to retain the documentation for a minimum of five (5) years.

(7) At license renewal, each licensee shall attest to the fact that he or she has complied with the requirements of this section.

(8) Each licensee shall be subject to audit of proof of continuing education compliance by the board.

Section 6. Requirements for Renewal of a Dental Hygiene License. (1) Each individual desiring renewal of an active dental hygiene license shall:

(a) Submit a completed, signed, ~~and notarized~~ Application for Renewal of Dental Hygiene Licensure with an email contact address ~~and an attached applicant photo taken within the past six (6) months~~;

(b) Pay the fee required by 201 KAR 8:520;

(c) Maintain with no more than a thirty (30) day lapse, CPR certification that meets or exceeds the guidelines established by the American Heart Association, incorporated by reference in 201 KAR 8:530, unless a hardship waiver is submitted to and subsequently approved by the board;

(d) Meet the requirements of KRS 214.615(1); and

(e) Meet the continuing education requirements as established in Section 5 of this administrative regulation except in the following cases:

1. If a hardship waiver has been submitted to and is subsequently approved by the board;

2. If the licensee graduated in the first year of the renewal biennium, in which case the licensee shall complete one-half (1/2) of the hours as established in Section 5 of this administrative regulation; and

3. If the licensee graduated in the second year of the renewal biennium, in which case the licensee shall not be required to complete the continuing education requirements established in Section 5 of this administrative regulation.

(2) If a licensee has not actively practiced dental hygiene in the two (2) consecutive years preceding the filing of the renewal application, he or she shall complete and pass a board-approved refresher course prior to resuming the active practice of dental hygiene.

Section 7. Retirement of a License. (1) Each individual desiring retirement of a dental hygiene license shall submit a completed and signed Retirement of License Form.

(2) Upon receipt of Retirement of License Form, the board shall send written confirmation of retirement to the last known address of the licensee.

(3) A licensee shall not retire a license that has pending disciplinary action against it.

(4) Each retirement shall be effective upon the processing of the completed and signed Retirement of License Form by the

board.

Section 8. Reinstatement of a License. (1) Each individual desiring reinstatement of a properly retired dental hygiene license shall:

(a) Submit a completed, signed, and notarized Application for Dental Hygiene Licensure with an email contact address and an attached applicant photo taken within the past six (6) months;

(b) Pay the fee required by 201 KAR 8:520;

(c) Show proof of having current certification in CPR that meets or exceeds the guidelines established by the American Heart Association, incorporated by reference in 201 KAR 8:532;

(d) Provide verification within three (3) months of the date the Application for Dental Hygiene Licensure is received at the office of the board of any license to practice dental hygiene held previously or currently in any state or jurisdiction;

(e) Submit to a criminal background check from the Administrative Office of the Courts in Kentucky, from the state or states of residence for the last five (5) years, or by fingerprint; and

(f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) If an individual is reinstating a license that was retired within the two (2) consecutive years immediately preceding the filing of the reinstatement application, the individual shall provide proof of having met the continuing education requirements as established in Section 5 of this administrative regulation within those two (2) years.

(3) If the applicant has not actively practiced dental hygiene in the two (2) consecutive years immediately preceding the filing of the Application to Reinstatement a Dental Hygiene License, the applicant shall complete and pass a refresher course approved by the board.

(4) If a license is reinstated in the first year of a renewal biennium, the licensee shall complete all of the continuing education requirements as established in Section 5 of this administrative regulation prior to the renewal of his license.

(5) If a license is reinstated in the second year of a renewal biennium, the licensee shall complete one-half (1/2) of the hours as established in Section 5 of this administrative regulation prior to the renewal of his license.

Section 9. Requirements for Verification of Licensure. Each individual desiring verification of a dental hygiene license shall:

(1) Submit a signed and completed Verification of Licensure or Registration Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 10. Requesting a Duplicate License. Each individual desiring a duplicate dental hygiene license shall:

(1) Submit a signed and completed Duplicate License or Registration Request Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 11. Requirements for Local Anesthesia Registration.

(1) An individual who has completed a course of study in dental hygiene at a board-approved CODA accredited institution on or after July 15, 2010, which meets or exceeds the education requirements as established in KRS 313.060(10) shall be granted the authority to practice local anesthesia upon the issuance by the board of a dental hygiene license.

(2) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to administer local anesthesia and does not qualify to do so pursuant to Section 12(1) of this administrative regulation shall complete a training and education course as described in KRS 313.060(10).

(3) The training and education course shall be offered by at least one (1) of the following institutions in Kentucky:

(a) University of Louisville School of Dentistry;

(b) University of Kentucky College of Dentistry;

(c) Western Kentucky University Dental Hygiene Program; and

(d) Kentucky Community Technical College System Dental Hygiene Programs.

(4) Training received outside of Kentucky shall be from a

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CODA accredited dental or dental hygiene school and shall meet the requirements established in KRS 313.060(10).

(5) Once the required training is complete the applicant shall:

(a) Complete the Dental Hygiene Local Anesthesia Registration Application; and

(b) Pay the fee required by 201 KAR 8:520.

(6) Individuals authorized to practice pursuant to this provision shall receive a license from the board indicating registration to administer local anesthesia.

(7) A licensed dental hygienist shall not administer local anesthesia if the licensee does not hold a local anesthesia registration issued by the board.

(8) A licensed dental hygienist holding a local anesthesia registration from the board who has not administered block anesthesia, infiltration anesthesia, or nitrous oxide analgesia for one (1) year shall complete a board-approved refresher course prior to resuming practice of that specific technique.

Section 12. Requirements for General Supervision Registration. (1) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to practice under general supervision shall:

(a) Complete the General Supervision Registration Application;

(b) Meet the requirements of KRS 313.040(7)(a);

(c) Document through payroll records, employment records, or other proof that is independently verifiable, the dates and hours of employment by a dentist in the practice of dental hygiene that demonstrate the required two (2) years and 3,000 hours of experience;

(d) Successfully complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies that shall include, at a minimum, the following topics:

1. Medical history, including American Society of Anesthesiologists (ASA) classifications of physical status;

2. Recognition of common medical emergency situations, symptoms, and possible outcomes;

3. Office emergency protocols; and

4. Prevention of emergency situations during dental treatments.

(2) An individual authorized to practice pursuant to these provisions shall receive a license from the board indicating registration to practice under general supervision.

(3) A dentist who employs a dental hygienist who has met the standards of this administrative regulation and who allows the dental hygienist to provide dental hygiene services pursuant to KRS 313.040(7) shall complete a written order prescribing the dental service or procedure to be done to a specific patient by the dental hygienist and shall retain the original order in the patient's dental record.

(4) The minimum requirements for the written order shall include:

(a) Medical history update;

(b) Radiographic records requested;

(c) Dental hygiene procedures requested;

(d) Name of the patient;

(e) Date of last oral examination;

(f) Date of the written order; and

(g) Signature of the dentist.

(5) The oral examination of the patient by the supervising dentist shall have been completed within the seven (7) months preceding treatment by the dental hygienist practicing under general supervision.

(6) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills necessary to perform dental hygiene services established in KRS 313.040(7) as part of the General Supervision Registration Application.

(7) The supervising dentist shall provide a written protocol addressing the medically compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of ASA I or ASA II as established in Guidelines for

Teaching Pain Control and Sedation to Dentists and Dental Students, 2007 Edition, American Dental Association.

(8) A licensed dental hygienist shall not practice under general supervision if the licensee does not hold a general supervision registration issued by the board.

Section 13. Requirements for Starting Intravenous Access Lines. (1) An individual licensed as a dental hygienist in Kentucky and not subject to disciplinary action pursuant to KRS Chapter 313 who desires to start an intravenous (IV) access line while under the direct supervision of a dentist who holds a sedation or anesthesia permit issued by the board shall:

(a) Submit a signed and completed Application for Intravenous Access Line Registration;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Submit documentation proving successful completion of a board-approved course in starting IV access lines.

(2) An individual authorized to practice pursuant to this provision shall receive a license from the board indicating registration to start IV access lines.

(3) A licensed dental hygienist shall not start an IV access line if the licensee does not hold a board-issued registration to start IV access lines.

Section 14. Requirements for Performing Laser Debridement.

(1) An individual licensed as a dental hygienist in Kentucky and not subject to disciplinary action pursuant to KRS Chapter 313 who desires to perform laser debridement while under the direct supervision of a dentist licensed by the board shall:

(a) Submit a signed and completed Application for Laser Debridement Registration;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Submit documentation proving successful completion of a board-approved course in performing laser debridement.

(2) An individual authorized to practice pursuant to this provision shall receive a license from the board indicating registration to perform laser debridement.

(3) A licensed dental hygienist shall not perform laser debridement if the licensee does not hold a registration to do so issued by the board.

Section 15. Requirements for Public Health Registered Dental Hygienist Registration. (1) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to practice as a public health registered dental hygienist shall:

(a) Submit a completed Public Health Registered Dental Hygienist Application;

(b) Meet the requirements established in KRS 313.040(8);

(c) Document through payroll records, employment records, or other proof that is independently verifiable, the dates and hours of employment by a dentist in the practice of dental hygiene that demonstrate the required two (2) years and 3,000 hours of experience; and

(d) During each renewal cycle, successfully complete a live three (3) hour course that has been approved by the board on the identification and prevention of potential medical emergencies that shall include, at a minimum, the following topics:

1. Medical history, including American Society of Anesthesiologists (ASA) classifications of physical status;

2. Recognition of common medical emergency situations, symptoms, and possible outcomes;

3. Office emergency protocols; and

4. Prevention of emergency situations during dental treatments.

(2) An individual authorized to practice pursuant to subsection (1) of this section shall receive a certificate from the board indicating registration to practice as a public health registered dental hygienist.

(3) A public health registered dental hygienist desiring to maintain certification as a public health registered dental hygienist shall be required to complete at least five (5) hours of continuing education in the area of public health or public dental health during each renewal cycle.

(4) Pursuant to KRS 313.040(8)(c), a public health registered dental hygienist may practice in a government-created public health program at the following sites:

(a) Local health departments;

(b) Public or private educational institutions that provide Head Start, preschool, elementary and secondary instruction to school-aged children under the jurisdiction of the State Board of Education, and that have an affiliation agreement with the health department of jurisdiction;

(c) Mobile and portable dental health programs under contract with a governing board of health; and

(d) Public or private institutions under the jurisdiction of a federal, state, or local agency.

(5) A public health registered dental hygienist shall perform dental hygiene services only under the supervision of the governing board of health, as required by KRS 313.040(3)(b), as established in KRS 313.040(8), and as identified by the Department for Public Health Practice Reference.

(a) These services shall be limited to preventative services.

(b) The public health registered dental hygienist shall only treat a patient who is in the ASA Patient Physical Status Classification of ASA I or ASA II as established in the current edition of Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, American Dental Association.

(c) The informed consent shall be required prior to preventative services and shall include:

1. The name of the public health entity, including the name of the dentist, that assumes responsibility and control;

2. An inquiry as to the current dentist; and

3. A statement that services are provided by a dental hygienist without the direct supervision of a dentist.

(d) This administrative regulation shall not preclude a Kentucky-licensed dentist from directly participating in a public health program referenced in subsection (4)(a)[4(a)], (b), (c), or (d) of this section[subsection].

Section 16. Issuance of Initial Licensure. If an applicant has completed the requirements for licensure the board shall:

(1) Issue a license in sequential numerical order; or

(2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

Section 17. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Dental Hygiene Licensure", January 2011;

(b) "Application for Charitable Dental Hygiene Licensure", July 2010;

(c) "Application for Renewal of Dental Hygiene Licensure", January 2011;

(d) "Retirement of License Form", July 2010;

(e) "Application to Reinstate a Dental Hygiene License", July 2010;

(f) "Verification of Licensure or Registration Form", July 2010;

(g) "Duplicate License or Registration Request Form", July 2010;

(h) "Dental Hygiene Local Anesthesia Registration Application", July 2010;

(i) "General Supervision Registration Application", July 2010;

(j) "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students", 2007 Edition;

(k) "Application for Intravenous Access Line Registration", July 2010;

(l) "Application for Laser Debridement Registration", July 2010; and

(m) "Application for Public Health Registered Dental Hygienist", May 2013.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m.

This material is also available on the board's Web site at <http://dentistry.ky.gov>.

DR. JASON E. FORD, DMD, Board President

APPROVED BY AGENCY: March 8, 2014

FILED WITH LRC: March 13, 2014 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Friday, April 21, 2014, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than five (5) work days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the emergency administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the emergency administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the administrative regulation to the contact person.

CONTACT PERSON: David J. Beyer, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email david.beyer@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David J. Beyer

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements and procedures for the licensure of dental hygienist as mandated by KRS 313.040. This administrative regulation also establishes the requirements for the administration of local anesthesia by a licensed dental hygienist as required in 2010 Ky. Acts ch. 85 sec. 10.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the requirements and procedures for the licensure of dental hygienist as mandated by KRS 313.040 and establishes the requirements for the administration of local anesthesia by a licensed dental hygienist as required in KRS 313.060.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation is necessary to implement KRS 313.040 and KRS 313.060, which requires the board to promulgate administrative regulations regarding the requirements the licensure of dental hygienist and the requirements for the administration of local anesthesia.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary to implement KRS 313.040 and KRS 313.060, which requires the board to promulgate administrative regulations regarding the requirements the licensure of dental hygienist and the requirements for the administration of local anesthesia.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The reference to a "nationalized clinical examination" is being removed from Section 2 as a "nationalized clinical examination" currently does not exist as was anticipated when this regulation was originally enacted. The requirement for a "notarized" application and a "photo taken within the past six (6) months" is being deleted as it is no longer necessary.

(b) The necessity of the amendment to this administrative regulation: See (a) above.

(c) How the amendment conforms to the content of the authorizing statute: This administrative regulation is necessary to implement KRS 313.040 and KRS 313.060, which requires the board to promulgate administrative regulations regarding the requirements the licensure of dental hygienist and the requirements for the administration of local anesthesia. The amendment deletes the reference to a "nationalized clinical

examination" from Section 2 as a "nationalized clinical examination" currently does not exist as was anticipated when this regulation was originally enacted. The requirement for a "notarized" application and a "photo taken within the past six (6) months" is being deleted as it is no longer necessary.

(d) How the amendment will assist in the effective administration of the statutes: Removes a mandate this is impossible to fulfill as a "nationalized clinical examination" currently does not exist as was anticipated when this regulation was originally enacted. Moreover, the amendment removes an unnecessary administrative burden by removing the requirement for a "notarized" application and a "photo taken within the past six (6) months."

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will impact 3,100 currently licensed dentists and approximately 125 new applicants per year. Additionally, the Kentucky Board of Dentistry will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There are no new actions for licensees to take in order to comply with this administrative regulation. The proposed amendment reduces administrative burdens on the licensee as they will no longer be required to obtain a notarized application for renewal of their license nor be required to provide a current photo. The Kentucky Board of Dentistry is charged by KRS 313.035 to regulate the practice of dentistry in the Commonwealth.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs to licensees. All fees currently set forth in 201 KAR 8:520 will remain the same. The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Kentucky Board of Dentistry is the regulatory agency and accrues no benefits from the regulations but rather provides enforcement of the chapter and processes for its licensees to legally practice dentistry in the Commonwealth.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(a) Initially: No additional costs are expected.

(b) On a continuing basis: No additional costs are expected.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The implementation and enforcement of this regulation are fully funded by licensing fees paid by dentists as part of compliance with this regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The fees found in 201 KAR 8:520 make the agency financially solvent.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? This administrative regulation applies tiering by identifying each classification of licensure available to dentists in the Commonwealth of Kentucky. General dental licenses are the standard, full license type available, and

applicants are therefore subject to the full complement of requirements. Reporting requirements are reduced for student, faculty, and charitable limited license applicants as they are subject to restrictions of practice. Specialty license holders are subject to additional reporting requirements as they hold a more advanced license than general dentists.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 2010 Ky. Acts ch. 85

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no new net fiscal effect on the Kentucky Board of Dentistry as the agency is a fully self-funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Compliance with this regulation will provide the agency with enough money to meet its budgetary obligations as set forth in HB 265 of the Regular Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Compliance with this regulation will provide the agency with enough money to meet its budgetary obligations as set forth in HB 265 of the Regular Session of the General Assembly.

(c) How much will it cost to administer this program for the first year? The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(d) How much will it cost to administer this program for subsequent years? The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

GENERAL GOVERNMENT CABINET Kentucky Board of Dentistry (Amendment)

201 KAR 8:571. Registration of dental assistants.

RELATES TO: KRS 214.615, 313.030, 313.045, 313.050, 313.080, 313.130

STATUTORY AUTHORITY: KRS 214.615(2), 313.021(1)(a), (b), (c), 313.030(3), 313.045

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.045(1) requires the board to promulgate administrative regulations relating to requirements and procedures for registration, duties, training, and standards of practice for dental assistants. This administrative regulation establishes the

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requirements and procedures for registration, duties, training, and standards of practice for dental assistants.

Section 1. Definitions. (1) "Coronal polishing" means a procedure that is the final stage of a dental prophylaxis on the clinical crown of the tooth after a dentist or a hygienist has verified there is no calcareous material.

(2) "Dental assistant" mean a person who is directly involved with the care and treatment of a patient under the direct supervision of a dentist and performs reversible procedures delegated by dentist licensed in the Commonwealth.

Section 2. General Registration Requirements and General Training Requirements. (1) A dentist licensed in the Commonwealth shall register all dental assistants in his or her practice on the Application for Renewal of Dental Licensure incorporated by reference in 201 KAR 8:530.

(2) The dentist shall retain in the personnel file for the registered dental assistant the following:

(a) A copy of the certificate of completion issued for the completion of the Coronal Polishing Course if the course has been taken by the dental assistant;

(b) A copy of the certificate of completion issued for the completion of the Radiation Safety Course if the course has been taken by the dental assistant;

(c) A copy of the certificate of completion issued for the completion of the Radiation Techniques Course if the course has been taken by the dental assistant;

(d) A copy of the certificate of completion issued for the completion of the Starting Intravenous Access Lines if the course has been taken by the dental assistant;

(e) A copy of proof of having current certification in cardiopulmonary resuscitation (CPR) that meets or exceeds the guidelines set forth by the American Heart Association, as incorporated by reference in 201 KAR 8:531; and

(f) A statement of the competency of procedures delegated to the dental assistant from the delegated duties list that includes the name of the:

1. ~~(#)~~ Individual trained; and

2. ~~(#)~~ Licensee attesting to the competency of the Dental Assistant.;

Section 3. Coronal Polishing Requirements. (1) A registered dental assistant may perform coronal polishing. If coronal polishing is performed by a registered dental assistant, the assistant shall have:

(a) Completed the training described in subsection (2) of this ~~section~~~~[administrative regulation]~~; and

(b) Obtained a certificate from the authorized institution.

(2) The required training shall consist of an eight (8) hour course taught at an institution of dental education accredited by the Council on Dental Accreditation to include the following:

(a) Overview of the dental team;

(b) Dental ethics, jurisprudence, and legal understanding of procedures allowed by each dental team member;

(c) Management of patient records, maintenance of patient privacy, and completion of proper charting;

(d) Infection control, universal precaution, and transfer of disease;

(e) Personal protective equipment and overview of Occupational Safety and Health Administration requirements;

(f) Definition of plaque, types of stain, calculus, and related terminology and topics;

(g) Dental tissues surrounding the teeth and dental anatomy and nomenclature;

(h) Ergonomics of proper positioning of patient and dental assistant;

(i) General principles of dental instrumentation;

(j) Rationale for performing coronal polishing;

(k) Abrasive agents;

(l) Coronal polishing armamentarium;

(m) Warnings of trauma that can be caused by improper techniques in polishing;

(n) Clinical coronal polishing technique and demonstration;

(o) Written comprehensive examination covering the material listed in this section, which shall be passed by a score of seventy-five (75) percent or higher;

(p) Completion of the reading component as required by subsection (3) of this ~~section~~~~[administrative regulation]~~; and

(q) Clinical competency examination supervised by a dentist licensed in Kentucky, which shall be performed on a live patient.

(3) A required reading component for each course shall be prepared by each institution offering coronal polishing education that shall:

(a) Consist of the topics established in subsection (2)(a) to (n) of this section;

(b) Be provided to the applicant prior to the course described in subsection (2) of this ~~section~~~~[administrative regulation]~~; and

(c) Be reviewed and approved by the board based on the requirements of subsection (2)(a) to (n) of this section.

(4) The institutions of dental education approved to offer the coronal polishing course in Kentucky shall be:

(a) University of Louisville School of Dentistry;

(b) University of Kentucky College of Dentistry;

(c) Western Kentucky University Dental Hygiene Program; and

(d) Kentucky Community Technical College System Dental Hygiene or Dental Assisting Programs.

(5) An institution of dental education from a state outside of Kentucky meeting the standards of the institutions listed in subsection (4) of this section shall be approved upon request to the Kentucky Board of Dentistry.

Section 4. X-rays by Registered Dental Assistants. A registered dental assistant may take x-rays under the direct supervision of a dentist licensed in Kentucky. If a registered dental assistant takes x-rays under the direct supervision of a dentist licensed in Kentucky, the dental assistant shall have completed:

(1) A six (6) hour course in dental radiography safety; and

(2) Four (4) hours of instruction in dental radiography technique while under the employment and supervision of the dentist in the office or a four (4) hour course in radiography technique.

Section 5. Requirements for Starting Intravenous Access Lines. (1) An individual registered as a dental assistant in Kentucky and not subject to disciplinary action under KRS Chapter 313 who desires to start intravenous (IV) access lines while under the direct supervision of a dentist who holds a sedation or anesthesia permit issued by the board shall submit documentation to the licensed dentist for whom the registered dental assistant will be providing services proving successful completion of a board-approved course in starting IV access lines based on:

(a) Patient Safety Techniques;

(b) Anatomy and physiology of the patient;

(c) Techniques in starting and maintaining an IV access line; and

(d) Appropriate methods of discontinuing an IV access line.

(2) A registered dental assistant shall not start an IV access line if the individual has not completed a Board approved course in IV access lines.

Section 6. A dental assistant operating under this administrative regulation shall be under the direct supervision of the dentist licensed in the Commonwealth. The dentist licensed in the Commonwealth shall accept sole responsibility for the actions of the dental assistant or dental auxiliary personnel while in the performance of duties in the dental office.

Section 7. Incorporation by Reference. (1) "Delegated Duty List", ~~November 2013~~~~[July 2010]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

This material is also available on the board's Web site at <http://dentistry.ky.gov>.

VOLUME 40, NUMBER 10 – APRIL 1, 2014

JASON E. FORD, DMD, President

APPROVED BY AGENCY: March 8, 2014

FILED WITH LRC: March 13, 2014 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Friday, April 21, 2014, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than five (5) work days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the emergency administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the emergency administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the administrative regulation to the contact person.

CONTACT PERSON: David J. Beyer, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email david.beyer@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David J. Beyer

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements and procedures for the registration of dental assistants and establishes the requirements for training in coronal polishing for registered dental assistants as required by KRS 313.045.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement KRS 313.045, which requires the board to promulgate administrative regulations regarding the requirements for the registration requirements, duties, training, and standards of practice for registered dental assistants.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation is necessary to implement KRS 313.045, which requires the board to promulgate administrative regulations regarding the requirements for the registration requirements, duties, training, and standards of practice for registered dental assistants.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary to implement KRS 313.045, which requires the board to promulgate administrative regulations regarding the requirements for the registration requirements, duties, training, and standards of practice for registered dental assistants.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Amendment adds subsection (5) to state an institution of dental education from a state outside of Kentucky providing coronal polishing and meeting the standards of the institutions listed in sub-section (4) of this section shall be approved upon request to the Kentucky Board of Dentistry. It also updates a list of delegated duties set forth in the original regulation. The new list is dated November 2013.

(b) The necessity of the amendment to this administrative regulation: Some dental assistants moving to Kentucky have received coronal polishing training at a school outside of Kentucky. But for this amendment, they would not be able to perform coronal polishing unless they attended one of the schools listed in subsection (4). The revised delegated duties list provides a more understandable list of duties that may be delegated to dental assistants.

(c) How the amendment conforms to the content of the

authorizing statute: This administrative regulation and the proposed amendment establishes requirements and procedures for the registration of dental assistants and establishes the requirements for training in coronal polishing for registered dental assistants as required by KRS 313.045. It also updates a list of delegated duties set forth in the original regulation. The new list is dated November 2013. The revised delegated duties list provides a more understandable list of duties that may be delegated to dental assistants.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation and proposed amendment fulfills the requirements for establishing training requirements on coronal polishing for registered dental assistants as required by KRS 313.045.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will assist the dentists in Kentucky with employing properly training dental assistants for their offices. Currently, there are approximately 3,000 Kentucky dentists who could benefit from this amendment. Additionally, the Kentucky Board of Dentistry will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This regulation will not require any new actions on behalf of the dental assistant(s) as their registration is held by the dentist and not the board. The Kentucky Board of Dentistry is charged by KRS 313 et.seq to regulate the practice of dentistry in the Commonwealth.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no new cost to the individual with this amendment to the regulation. The Board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will assist the dentists in Kentucky with employing properly training dental assistants for their offices. Currently, there are approximately 3,000 Kentucky dentists who could benefit from this amendment. The Kentucky Board of Dentistry is the regulatory agency and accrues no benefits from the regulations but rather provides enforcement of the chapter and processes for its licensees to legally practice as a registered dental assistant in the Commonwealth.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost associated with this regulation. The Board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(a) Initially: No additional costs are expected.

(b) On a continuing basis: No additional costs are expected.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Dentistry is a fully self-funded agency and derives its funding from fees paid by its licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The fees found in 201 KAR 8:520 make the agency financially solvent.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all registered dental assistants.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 2010 Ky. Acts ch. 85

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no new net fiscal effect on the Kentucky Board of Dentistry as the agency is a fully self-funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Compliance with this regulation will provide the agency with enough money to meet its budgetary obligations as set forth in HB 265 of the Regular Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Compliance with this regulation will provide the agency with enough money to meet its budgetary obligations as set forth in HB 265 of the Regular Session of the General Assembly.

(c) How much will it cost to administer this program for the first year? The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 an allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

(d) How much will it cost to administer this program for subsequent years? The board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 an allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

**GENERAL GOVERNMENT CABINET
Board of Nursing
(Amendment)**

201 KAR 20:360. Evaluation of prelicensure registered nurse and practical nurse programs.

RELATES TO: KRS 314.111

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to implement KRS Chapter 314. KRS 314.111 requires nursing programs to be approved by the board. This administrative regulation[regulations] establishes evaluative standards to assure that the programs of nursing provide the necessary instruction and services to prepare graduates for licensure eligibility as registered nurses or as practical nurses.

Section 1. Approval Status and Withdrawal of Approval. Approval status shall be based upon each program of nursing's performance and demonstrated compliance with 201 KAR 20:260 through 20:360. (1) Developmental approval shall be the designation granted to a proposed program of nursing to continue development of plans for program implementation.

(2) Initial approval shall be the designation granted to a new program of nursing upon admission of the first class, if provided the date of enrollment is within eighteen (18) months of board approval of the proposal. During the period of initial approval, reports documenting implementation of the proposal shall be submitted on a quarterly basis.

(3)(a) Full approval shall be the designation granted to a program of nursing that has implemented the proposal and that continues to meet the standards of 201 KAR 20:260 through 20:360.

(b) Monitoring status shall be the designation granted to a program of nursing as set forth in this paragraph.

1. A program of nursing that has achieved initial approval and fails to achieve the pass rate set by Section 2(4) of this administrative regulation for its first graduating class shall be placed on monitoring status.

2. A program of nursing that meets the standards of 201 KAR 20:260 through 20:360 including achieving the pass rate set by Section 2(4) of this administrative regulation shall be granted full approval status.

3. A program of nursing that has achieved full approval status and fails to meet one (1) or more of the standards of 201 KAR 20:260 through 20:360 including achieving the pass rate set by Section 2(4) of this administrative regulation for one (1) year shall be placed on monitoring status.

4. While on monitoring status, a program of nursing shall make significant progress to correct its deficiencies. A program of nursing shall not remain on monitoring status for more than three (3) consecutive years. The board shall conduct a yearly site visit. The program shall either attain full approval or be moved to conditional approval status.

(4) Conditional approval shall be the designation granted to a program of nursing if one (1) or more of the standards of 201 KAR 20:260 through 20:360 have not been met following monitoring status.

(a) Following the decision of the board to place a program of nursing on conditional approval status, the program administrator shall be notified of the areas of deficiency and the time frame allowed for corrective action to be implemented.

(b) The program administrator shall, within thirty (30) days of the notice of deficiencies being sent, file a plan of compliance to correct each of the deficiencies.

(c) The program administrator may, within thirty (30) days of the notice of the deficiencies, request to appear before the board to contest the board's determination of deficiencies.

(d) If the board's determination of deficiencies has not been contested or if the deficiencies[being] sent are upheld after a request to contest them, the board may conduct periodic evaluations of the program of nursing during the time of correction to determine that deficiencies have been corrected.

(e) If the plan of compliance is not completed[satisfactorily] within the time frame set by the board and if the program of nursing has not been granted additional time for completion, the conditional approval status of the program of nursing shall be adjusted to probationary status[probationary].

(5) Probationary status[Probationary approval] shall be the designation granted to a program of nursing if one (1) or more standards have continued to be unmet.

(a) Following the decision of the board to place a program of nursing on probationary[probationary] status, the program administrator shall be notified of the continued areas of deficiency. The probationary status shall not exceed one (1) academic year. A new student shall not be admitted to a program of nursing while it is on probationary status[A new student shall not be admitted until the time the program of nursing comes into compliance. This period of time shall not exceed one academic year].

(b) The program administrator shall, within thirty (30) days of

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the notice of the deficiencies being sent, file a plan to correct each of the identified deficiencies.

(c) The program administrator may, within thirty (30) days, of the notice of the deficiencies, submit a request to appear before the board to contest the board's determination of deficiencies.

(d) If the board's determination of deficiencies has not been contested or if the deficiencies are upheld after a request to contest them, the board shall ~~may~~ conduct quarterly~~periodic~~ evaluations of the program of nursing during the time of correction to determine that deficiencies have been corrected.

(6) If the program of nursing has not corrected the deficiencies within one (1) academic year of being placed on probationary~~probational~~ status, a hearing pursuant to KRS Chapter 13B shall be conducted to determine whether to withdraw approval of the program of nursing.

(7) If the board decides to withdraw approval of a program of nursing, upon the effective date of the decision, the program of nursing shall be removed from the official approved status listing. A program of nursing whose approval has been withdrawn shall:

(a) Allow a student who is currently enrolled in a nursing class to complete the program of nursing; or

(b) Assist a currently enrolled student to transfer to an approved program of nursing.

(8) A program of nursing whose approval has been withdrawn but continues to operate pursuant to subsection (7)(a) of this section shall be continuously monitored by the board until the program closes.

Section 2. Reports and Examination Pass Rates. (1) A program of nursing that prepares graduates for licensure shall meet all standards of 201 KAR 20:260 through 20:360 in order to retain full approval. Level of approval status shall be determined annually by the board on the basis of the program's annual report, NCLEX examination pass rates for first time test takers, and other pertinent data.

(2) A program of nursing shall submit an annual report regarding its compliance with administrative regulations 201 KAR 20:260 through 20:360. A secondary or distance learning site shall be treated independently for purposes of compliance with the regulatory standards.

(3) To verify continued compliance with these administrative regulations, the program administrator shall submit progress reports or periodic supplemental reports, complete~~completed~~ questionnaires, surveys, and other documents as requested by the board.

(4) A program of nursing shall maintain at least an eighty-five (85) percent annual pass rate for graduates taking the NCLEX-RN or NCLEX-PN for the first time. Pass rates shall be published on a calendar year basis for those graduates who have tested within twelve (12) months of the program completion date as reported by the program of nursing~~graduation~~.

(5) A program of nursing and a secondary~~or distance~~ learning site shall be evaluated individually concerning licensure examination results.

(6) If a program of nursing's pass rate for first time test takers is less than eighty-five (85) percent for a calendar year, the program administrator shall submit a self study report that evaluates factors that contributed to the graduates' performance on the NCLEX examination and a description of the corrective measures to be implemented.

Section 3. Factors That May Jeopardize Program Approval Status. Approval status may change for any of the following reasons:

(1) Deficiencies in compliance with 201 KAR 20:260 through 20:360;

(2) Noncompliance with the governing institution or program of nursing's stated philosophy, mission, program design, objectives/outcomes, or policies;

(3) Continual failure to submit records or reports to the board within the designated time frame;

(4) Failure to provide~~sufficient~~ clinical learning opportunities for students as described in 201 KAR 20:320, Section 2(7)(b) and

~~(c) to achieve stated objectives/outcomes;~~

(5) Failure to comply with requirements of the board~~or to respond to recommendations of the board~~ within the specified time;

(6) Failure to maintain the pass rate on the licensure examination for first time test takers as set by Section 2(4) of this administrative regulation; or

(7) Withdrawal of accreditation by a national nursing accrediting body recognized by the United States Department of Education.

Section 4. Program Evaluation. (1) The faculty shall engage in an evidence~~a research~~ based planning and evaluation process that incorporates a systematic review of the program of nursing that results in continuing improvement. This process shall result in an evaluation plan that is submitted to the board.

(2) The evaluation plan shall include evidence that data collection is evidence-based, on-going, and reflects the collection, aggregate~~aggregation~~ analysis, and trending of data.

(3) The evaluation plan shall provide evidence that the outcomes of the assessment process are used to improve the quality and strength of the program.

(4) The evaluation plan shall include specific responsibilities for data collection methods, individuals or groups responsible, frequency of data collection, indicators of achievement, findings, and outcomes for evaluating the following aspects of the program:

(a) Organization and administration of the program of nursing;

(b) Curriculum;

(c) Resources, facilities, and services;

(d) Teaching and learning methods including distance education;

(e) Faculty performance;

(f) Student achievement of program outcomes;

(g) Graduation rates;

(h) Licensure examination pass rates;

(i) Employment rates of graduates; and

(j) Clinical resources.

(5) If a program of nursing utilizes distance education for didactic instruction, it shall evaluate and assess the educational effectiveness of its distance education program to ensure~~insure~~ that the distance education program is substantially comparable to a campus based program.

Section 5. Voluntary Closure of a Program. (1) A governing institution seeking to close a program of nursing shall submit written notification to the board at least six (6) months prior to the planned closing date.

(2) A governing institution may choose one (1) of the following procedures for closing a program of nursing:

(a) The governing institution shall continue the program of nursing until the last class enrolled has graduated.

1. The program shall continue to meet the standards~~for approval~~ until all students enrolled in nursing courses have graduated or transferred.

2. The official closing of the program shall be the date on the degree, certificate, or diploma of the last graduate.

3. The governing institution shall notify the board in writing of the official closing date.

(b) The governing institution shall close the program following~~after~~ the transfer of students to other approved programs.

1. The program shall continue to meet the standards~~for approval~~ until all students have transferred.

2. The names of students who have transferred to approved programs and the date of the last student transfer shall be submitted to the board by the governing institution.

3. The date of the last student transfer shall be the official closing date of the program.

(3) Custody of records.

(a) The governing institution that continues to operate shall retain responsibility for the records of the students and graduates. The board shall be advised of the arrangement made to safeguard the records.

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(b) The governing institution that ceases to exist shall transfer the academic transcript of each student and graduate to the board for safekeeping.

1. The transcript of the student or graduate shall identify the date on which the program closed.

2. The board shall be consulted about the disposition of all other program records.

Section 6. Change in Ownership or Organization of the Governing institution. (1) The governing institution shall notify the board in writing of any intent to transfer administrative authority or ownership. The new administrative authority or owner shall inform the board of its plans for immediate and future operation.

(2) The board shall conduct a site visit to ~~ensure~~^{insure} adherence by the program of nursing to 201 KAR 20:260 through 20:360.

(3) Following this site visit, approval of the program of nursing shall continue under the new ownership or administrative authority if the approval standards continue to be met.

SALLY BAXTER, President

APPROVED BY AGENCY: February 21, 2014

FILED WITH LRC: March 13, 2014 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 24, 2014 at 10:00 a.m. (EST) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by April 17, 2014, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-3309, fax (502) 564-4251, email nathan.goldman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goldman

(1) Provide a brief summary of:

(a) What this administrative regulation does: It sets evaluative criteria and status for RN and LPN programs of nursing.

(b) The necessity of this administrative regulation: It is required by statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting standards and requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting standards and requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Most of the changes are KRS 13A housekeeping ones. However, the amendment does add a new approval status for schools: monitoring status.

(b) The necessity of the amendment to this administrative regulation: This new status will allow a school that does not meet the regulatory standards an opportunity to correct its deficiencies before being placed on conditional status.

(c) How the amendment conforms to the content of the authorizing statutes: The board is authorized by statute to set standards.

(d) How the amendment will assist in the effective

administration of the statutes: By creating a new approval status.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Programs of nursing, currently there are eighty-five (85).

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The schools will not need to take any new actions. They are required to meet all standards.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be in compliance with the regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is needed.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: It does not.

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Nursing, the Kentucky Department of Education, and school districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? No additional cost.

(d) How much will it cost to administer this program for subsequent years? No additional cost.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

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TOURISM, ARTS AND HERITAGE CABINET
Kentucky Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:132. Elk depredation permits, landowner
cooperator permits, and quota hunts.

RELATES TO: KRS 150.010, 150.170(4), 150.180, 150.990
STATUTORY AUTHORITY: KRS 150.025(1), 150.177,
150.178, 150.390(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.177 authorizes the department to issue special commission permits for game species to nonprofit wildlife conservation organizations. KRS 150.178 authorizes the department to issue cooperator permits to landowners who enroll property for public hunting access. KRS 150.390(3) authorizes the department to promulgate administrative regulations establishing the conditions under which depredation permits for elk may be issued. This administrative regulation establishes the requirements for the elk permit drawing and quota hunts, the conditions under which special commission and landowner cooperator permits can be used, procedures for elk damage abatement, and any postseason hunt held after the quota hunts.

Section 1. Definitions. (1) "Antlered elk" means an elk having visible polished antler protruding above the hairline.

(2) "Antlerless elk" means an elk without visible polished antler protruding above the hairline.

(3) "At-large north" means any portion of the elk zone not included in a limited entry area and that lies north of US Hwy 15.

(4) "At-large south" means any portion of the elk zone not included in a limited entry area and that lies south of US Hwy 15.

(5) "Bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that may lure, entice, or attract wildlife, but does not include the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planning or harvesting practices, foods available to wildlife through normal agricultural practices of livestock feeding if the areas are occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.

(6) "Baiting" means to place, deposit, tend, distribute, or scatter bait.

(7) "Electronic decoy" means a motorized decoy powered by electricity, regardless of source.

(8) "Elk" means *Cervus elaphus nelsoni*.

(9) "Elk Management Unit" or "EMU" means a designated area in the restoration zone with specific management restrictions for a post-season antlerless elk quota hunt.

(10) "Landowner cooperator" means a landowner or lessee who owns or leases at least 5,000 acres of land in the restoration zone and enters an agreement with the department to allow public access and hunting for at least five (5) years.

(11) "Limited Entry Area" or "LEA" means a designated area in the restoration zone with specific management restrictions.

(12) "Out-of-zone" means all counties not included in the restoration zone.

(13) "Restoration zone" means the following Kentucky counties: Bell, Breathitt, Clay, Floyd, Harlan, Johnson, Knott, Knox, Leslie, Letcher, Magoffin, Martin, McCreary, Perry, Pike, and Whitley.

(14) "Spike" means an elk having one (1) or two (2) antler points on each side.

(15) "Youth" means a person under the age of sixteen (16) by the first date of the hunt.

Section 2. Elk Damage Control. The department may authorize the removal or destruction of elk that are causing property damage.

A person authorized to destroy an elk shall:

(1) Attach a department-issued disposal permit to an elk prior to moving the carcass; and

(2) Not remove the disposal permit until the carcass is processed.

Section 3. Elk Quota Hunts. (1) The elk quota hunt application period shall be January 1 to April 30.

(2) An applicant shall:

(a) Complete the elk quota hunt application process on the department's Web site at fw.ky.gov; and

(b) Pay a nonrefundable application fee of ten (10) dollars.

(3) The commissioner may extend the application deadline if technical difficulties with the application system prevent applications from being accepted for one (1) or more days during the application period.

(4) There shall be a random electronic drawing from each applicant pool.

(5) Youth may enter a separate drawing pool for ten (10) either-sex elk permits that shall be valid for use during all elk seasons:

(a) Anywhere in the at-large north or at-large south portions of the restoration zone; or

(b) Within an LEA if the youth applies for and is drawn for an LEA, pursuant to Section 5(3) of this administrative regulation.

(6) A youth applicant shall not apply for the youth-only elk quota hunt more than once per application period.

(7) An applicant for the youth-only elk quota hunt may also apply for the regular quota hunts as established in subsection (12) of this section.

(8) A youth applicant drawn for the youth-only elk quota hunt shall not be drawn in any other elk quota hunt held during the same calendar year.

(9) A youth drawn for the youth-only elk quota hunt shall be ineligible to be drawn in the youth-only elk quota hunt in subsequent years.

(10) No more than ten (10) percent of all drawn applicants in each quota hunt pool shall be nonresidents.

(11) A quota hunt permit awarded from any department-administered drawing shall not be transferable.

(12) In addition to the youth-only quota hunt, there shall be four (4) separate regular elk quota hunts consisting of:

(a) Antlered archery and crossbow;

(b) Antlered firearms;

(c) Antlerless archery and crossbow; and

(d) Antlerless firearms.

(13) An applicant shall:

(a) Apply only once for an individual elk quota hunt;

~~(b) [Not apply for more than two (2) of the four (4) quota hunts established in subsection (12) of this section];~~

~~(c) [Not be eligible to be drawn in more than one (1) of the four (4) quota hunt pools];~~

~~(d) [(d)] Only be selected by a random electronic drawing; and~~
~~(e) [(e)] Pay a nonrefundable application fee of ten (10) dollars for each entry.~~

(14) A person who is drawn for an antlered elk quota hunt shall be ineligible to be drawn for any antlered elk quota hunt for the following three (3) years.

(15) A person who does not have access to the department's Web site to apply for any quota hunt may contact the department toll free at 1-800-858-1549 for assistance in applying.

Section 4. Landowner Cooperator Permits. (1) With the approval of the commission, the commissioner shall issue to a landowner cooperator:

(a) One (1) either-sex permit annually per 5,000 acres of land enrolled with the department in a hunting access agreement for the duration of the agreement;

(b) Two (2) antlerless-only permits annually per 5,000 acres of land enrolled with the department in a hunting access agreement for the duration of the agreement; or

(c) One (1) antlerless-only permit annually per 5,000 acres of land enrolled with the department in an elk hunting access

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agreement for the duration of the agreement.

(2) A recipient of a landowner cooperater permit shall comply with the season, bag limit, and hunter requirements in Sections 5 and 6 of this administrative regulation.

(3) A landowner cooperater permit shall be transferable, but shall only be used on the land for which the agreement was made.

(a) The permit may be transferred to any person eligible to hunt in Kentucky.

(b) Prior to hunting, the landowner cooperater or person who has received the transferred permit shall provide the department with the hunter's:

1. Name;
2. Social Security number;
3. Address; and
4. Telephone number.

(c) The permit shall not be transferable after being used for the harvest of one (1) elk.

(4) Public access agreements with the department shall be recorded in writing.

Section 5. Hunter Requirements. (1) A person shall carry proof of purchase of a valid Kentucky hunting license and valid elk permit while hunting, unless exempted by KRS 150.170.

(2) The statewide bag limit shall be one (1) elk per hunter per license year.

(3) A drawn hunter may apply to hunt in up to three (3) areas in any combination of limited entry and at-large areas by completing the application process on the department's Web site.

(a) Up to five (5) drawn hunters may apply for their LEA choices as a party.

(b) If the party is drawn for the LEA, all hunters in the party shall be assigned to that same LEA.

(c) If the number of slots remaining in the quota is less than the number of hunters in the next party selected, the entire party shall be assigned to the party's next choice ranking or to an at-large area.

(4) A hunter who does not apply for an LEA or is not drawn for an LEA shall be assigned by the department to either the:

- (a) At-large north portion of the elk zone; or
- (b) At-large south portion of the elk zone.

(5) A hunter drawn for an LEA may hunt only in the assigned LEA, except that a person who is drawn for any elk quota hunt may hunt on his or her land within the restoration zone.

(6) An elk hunter or any person accompanying an elk hunter shall comply with hunter orange requirements established in 301 KAR 2:172.

(7) An elk hunter shall not:

- (a) Take elk except during daylight hours;
- (b) Use dogs, except to recover wounded elk using leashed tracking dogs;
- (c) Hunt over bait inside the elk restoration zone;
- (d) Drive elk from outside the assigned area;
- (e) Take an elk while it is swimming;
- (f) Use electronic calls or electronic decoys; or
- (g) Take an elk if the hunter is in a vehicle, boat, or on horseback, except that a disabled hunter who has a hunting method exemption permit issued pursuant to 301 KAR 3:027 may use a stationary vehicle as a hunting platform.

(8) A person shall:

- (a) Obtain a vehicle tag from the department prior to hunting elk in the restoration zone; and
- (b) Display the vehicle tag in the windshield of the vehicle while hunting elk.

(9) A ~~youth~~~~person under sixteen (16) years old~~ shall be accompanied by an adult who shall remain in a position to take immediate control of the ~~youth's~~~~person's~~ firearm.

(10) An adult accompanying a ~~youth~~~~person under sixteen (16) years old~~ shall not be required to possess a hunting license or elk permit if the adult is not hunting.

(11) A hunter may use any deer hunting method authorized by 301 KAR 2:172.

(12) A person shall not use the items listed in paragraphs (a) through (f) of this subsection~~any of the following items~~ to take an

elk:

(a) Any weapon or device prohibited for deer hunting pursuant to 301 KAR 2:172;

(b) A modern firearm less than .270 caliber;

(c) A muzzle-loading firearm less than .50 caliber;

(d) A shotgun less than 20 gauge;

(e) Any arrow without a broadhead point;

(f) A handgun with a barrel length of less than six (6) inches, a bore diameter less than .270 inches (.270 caliber), and when fired, the bullet shall produce at least 550 ft/lbs of energy at 100 yards.

(13) A quota elk hunter shall only take an elk of the type and sex determined by the permit drawn.

(14) A hunter drawn for a firearms elk permit shall hunt only during the seven (7) day period assigned during the initial drawing.

(15) An individual who receives or is transferred a landowner cooperater permit or a special commission permit may hunt in all of the antlered-only or antlerless-only quota hunts and shall hunt in accordance with the seasons and limits established in Section 6 of this administrative regulation.

~~(16)~~(15) A person who is drawn for an archery or crossbow permit or has a landowner or special commission permit may hunt with a crossbow during all archery and crossbow seasons, if at the time of the hunt, the person:

(a) Is a youth;

(b) Is sixty-five (65) years or older; or

(c) Has a crossbow hunting method exemption permit for hunting deer pursuant to 301 KAR 3:027.

Section 6. Elk Quota Hunt Seasons and Limits. (1) A person drawn for an antlerless or antlered archery and crossbow permit shall not hunt when an elk firearms season is open.

(2) A person drawn for an antlered archery and crossbow permit shall use:

(a) Archery equipment to take an antlered elk beginning the third Saturday in September through the third Monday in January; and

(b) A crossbow to take an antlered elk:

1. For two (2) consecutive days beginning the third Saturday in October; and
2. From the second Saturday in November through December 31.

(3) A person drawn for an antlerless archery and crossbow permit shall use:

(a) Archery equipment to take an antlerless elk beginning the third Saturday in October through the third Monday in January; and

(b) A crossbow to take an antlerless elk:

1. For two (2) consecutive days beginning the third Saturday in October; and
2. From the second Saturday in November through December 31.

(4) A person drawn for an antlered firearms permit shall use a modern gun or muzzleloader to take an antlered elk during one (1) ~~of the following~~ two (2) seven (7) day periods randomly assigned by the department from the:

(a) First Saturday in October for seven (7) consecutive days; or

(b) Second Saturday in October for seven (7) consecutive days.

(5) A person drawn for an antlerless firearms permit shall use a modern gun or muzzleloader to take an antlerless elk during one (1) ~~of the following~~ two (2) seven (7) periods randomly assigned by the department from the:

(a) Second Saturday in December for seven (7) consecutive days; or

(b) Third Saturday in December for seven (7) consecutive days.

Section 7. LEA boundaries. (1) Caney LEA – Starting at the Intersection of State Hwy 550 and Kentucky 1697, the boundary proceeds north on State Hwy 550 through Mousie and Betty to the intersection with State Hwy 7 near Lackey. The boundary then goes south on State Hwy 7, past Dema to intersection with State Hwy 899. The boundary then goes south on State Hwy 899, through Pippa Passes to intersection with Kentucky 1697 at Alice

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Lloyd College. The boundary then goes west on Kentucky 1697 to intersection with State Hwy 550 in Garner, completing the boundary.

(2) Hazard LEA - Starting at the intersection of State Hwy 476 and State Hwy 80, the boundary proceeds east on Hwy 80 to the intersection with State Hwy 3209. The boundary then goes west on Hwy 3209 to the intersection with State Hwy 1087. The boundary then goes east on Hwy 1087 to the intersection with State Hwy 1098 near Yellow Mountain. The boundary then follows Hwy 1098 north and west to the intersection with State Hwy 15 near Quicksand. The boundary then goes south on Hwy 15 to the intersection with State Hwy 476 near Lost Creek. The boundary then goes south on Hwy 476 to the intersection with State Highway 80, completing the boundary.

(3) Straight Creek LEA - Starting at the intersection of State Hwy 66 and State Hwy 221 at Straight Creek, the boundary proceeds east on State Hwy 221 to the intersection with State Hwy 2009. The boundary then proceeds north along State Hwy 2009 to the intersection with US Route 421. The boundary then proceeds north on US Route 421 to the intersection with State Hwy 406 near Stinnett. The boundary then follows State Hwy 406 west to the intersection with State Highway 66. The boundary then follows State Hwy 66 south to the intersection with Hwy 221 to complete the boundary.

Section 8. Post-season Quota Hunt on Private Land. (1) A modern firearms quota hunt for antlerless elk and spikes shall take place beginning on the fourth Saturday in January for fourteen (14) consecutive days.

(2) Each hunter shall be randomly drawn from the pool of applicants who:

(a) Were not drawn for the previous elk quota hunts; and

(b) Are residents of counties included, wholly or in part, within an EMU boundary.

(3) A drawn applicant shall comply with the requirements in Section 5 of this administrative regulation except that an applicant may hunt only in the assigned EMU or on land the applicant owns within another EMU.

(4) EMU boundaries shall be:

(a) Knott County EMU - Starting at the intersection of KY Route 777 and KY Route 550 near Porter Junction, the boundary proceeds east along KY Route 777 to the intersection with KY Route 680. The boundary then proceeds east along KY Route 680 to the intersection with KY Route 122 at Minnie. The boundary proceeds south along KY Route 122 to the intersection with KY Route 1498 near Bevinville. The boundary then continues south on KY Route 1498 to the intersection with KY Route 7. The boundary then proceeds south on KY Route 7 to the intersection with KY Route 1410. The boundary then proceeds west on KY Route 1410 to the intersection with KY Route 160. The boundary then proceeds north on KY Route 160 to the intersection with KY Route 550 in Hindman. The boundary then proceeds north on KY Route 550 to the intersection with KY Route 7, with which KY Route 550 merges and both continue north, to the intersection with KY Route 777 near Porter Junction, thus completing the boundary.

(b) Stoney Fork EMU - Starting at the intersection of State Hwy 2058 and U.S. Hwy 421 near Helton, the boundary then proceeds south along U.S. Hwy 421 to the intersection of U.S. Hwy 421 and U.S. Hwy 119 near Harlan, then west along U.S. Hwy 119 to the intersection of U.S. Hwy 119 and U.S. Hwy 25E. The boundary then goes north following U.S. Hwy 25E to the intersection with State Hwy 66, then north on State Hwy 66 to the intersection of State Hwys 66 and 1850, then east along State Hwy 1850 to the intersection of State Hwys 1850 and 1780 at Warbranch. The boundary then proceeds south on State Hwy 1780 to its intersection with State Hwy 2058 near Spruce Pine, then east on State Hwy 2058 back to U.S. Hwy 421 at Helton, thus completing the boundary.

(5) Any public hunting area within an EMU shall be closed to elk hunting during this season.

Section 9. Tagging and Checking Requirements. (1) Immediately after taking an elk and prior to removing the hide or

head from the carcass, a hunter shall:

(a) Record on a hunter's log the following information:

1. The species harvested;
2. The sex of the animal;
3. Date of harvest; and
4. County of harvest; and

(b) Check the harvested elk by:

1. Calling (800) 245-4263 and providing the requested information; or

2. Completing the online check-in process at fw.ky.gov.

(2) If a harvested elk leaves the possession of the hunter, the hunter shall attach to the carcass a hand-made tag that contains the hunter's:

(a) Confirmation number;

(b) Name; and

(c) Telephone number.

(3) A person shall not provide false information in:

(a) Completing the hunter's log;

(b) Checking an elk; or

(c) Creating a carcass tag.

Section 10. Elk Hunting on Public Land. (1) A person drawn for an elk quota hunt or the recipient of a special commission permit may hunt on ~~the areas listed in paragraphs (a) through (f) of this subsection~~Wildlife Management Areas (WMA), Hunter Access Areas, state forests, the Big South Fork National River and Recreation Area, the Daniel Boone National Forest, and the Jefferson National Forest within the restoration zone pursuant to the conditions of the permit received.[-]

(a) Wildlife Management Areas;

(b) Hunter Access Areas;

(c) State forests;

(d) Big South Fork National River and Recreation Area;

(e) Daniel Boone National Forest; or

(f) Jefferson National Forest.

(2) Portions of Paintsville Lake WMA that lie out of the restoration zone are subject to the requirements established in Section 11 of this administrative regulation.

(3) Elk hunting shall not be allowed on public areas during quota deer hunts listed in 301 KAR 2:178.

(4) Paul Van Booven WMA.

(a) The archery and crossbow seasons shall be open as established in Section 6 of this administrative regulation.

(b) A firearm shall not be used to hunt elk.

(5) A person shall not mimic the sound of an elk on public land open to elk hunting from September 1 until the opening of the elk archery season.

Section 11. Out-of-zone Elk Hunting. (1) The methods for taking deer and the deer seasons established in 301 KAR 2:172 shall apply to a person taking elk outside of the restoration zone, except that a hunter shall not use any of the items listed in paragraphs (a) through (f) of this subsection~~[following]~~ to take elk:

(a) Any weapon or device prohibited for deer hunting pursuant to 301 KAR 2:172;

(b) A modern firearm less than .270 caliber;

(c) A muzzle-loading firearm less than .50 caliber;

(d) A shotgun less than twenty (20) gauge;

(e) Any arrow without a broadhead point; or

(f) A handgun:

1. With a barrel length of less than six (6) inches;

2. With a bore diameter of less than .270 caliber; and

3. That produces less than 550 foot-pounds of energy at 100 yards.

(2) Unless exempted by KRS 150.170, a person who is hunting out-of-zone elk shall possess:

(a) A valid Kentucky hunting license; and

(b) An out-of-zone elk permit.

(3) A person may take an elk of either sex, which shall not count toward the person's deer bag limit.

(4) Any elk harvested out-of-zone shall be telechecked pursuant to Section 9 of this administrative regulation.

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Section 12. A person who takes possession of any elk antler that has the skull or skull plate attached to it shall contact the department's Law Enforcement Division within twenty-four (24) hours to obtain a disposal permit.

Section 13. A person who is the recipient of a valid elk quota hunt permit, landowner cooperator permit, or special commission permit may defer use of the permit to the following year if:

- (1) There is a death of the permit holder's:
 - (a) Spouse;
 - (b) Child; or
 - (c) Legal guardian, if the permit holder is under eighteen (18) years old; and
- (2) The permit holder provides to the department a death certificate and one (1) of the following documents prior to May 1 of the year following the hunting season:
 - (a) A marriage certificate;
 - (b) A birth certificate; or
 - (c) An affidavit of paternity or maternity.

MATT SAWYERS, Acting Commissioner
ROBERT H. STEWART, Secretary

APPROVED BY AGENCY: March 12, 2014
FILED WITH LRC: March 13, 2014 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 22, 2014, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five (5) business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by April 30, 2014. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-9136, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rose Mack

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes the requirements for the elk permit drawing and quota hunts, the conditions under which special commission and landowner cooperator permits can be used, procedures for elk damage abatement, and any postseason hunt held after the quota hunts.
 - (b) The necessity of this administrative regulation: This administrative regulation is necessary to define the boundaries of the areas and units to which hunters are assigned, to establish hunting procedures, and to effectively manage elk in Kentucky.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish hunting seasons, bag limits, and the methods of taking wildlife. KRS 150.177 authorizes the department to issue special commission permits for game species to nonprofit wildlife conservation organizations. KRS 150.178 authorizes the department to issue cooperator permits to landowners who enroll property for public hunting access. KRS 150.390(3) authorizes the department to promulgate administrative regulations establishing the conditions under which depredation permits for elk may be issued.
 - (d) How this administrative regulation currently assists or will

assist in the effective administration of the statutes: This administrative regulation will assist the statutes by establishing the requirements for the elk permit drawing and quota hunts, the conditions under which special commission and landowner cooperator permits can be used, the procedures for elk damage abatement, and any postseason hunt held after the quota hunts.

- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: This amendment allows applicants to enter for each of the four (4) tag type drawings instead of just two (2). It creates a process for hunters who wish to be considered a "party" for the drawing of hunting areas to do so in order that they be assigned to the same area. It clarifies who shall report to the department the name and information for users of landowner-cooperator tags and that the week a firearms hunter is assigned cannot be changed.
 - (b) The necessity of the amendment to this administrative regulation: See 1 (b) above.
 - (c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.
 - (d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 35,000 to 60,000 people who apply to hunt elk in Kentucky each year; approximately 1,000 are drawn. People who own or lease land over 5,000 acres can enter into an agreement with the Department for public hunting access and receive elk tags, which they can transfer to another hunter (twenty-six (26) tags were issued for 2013).
 - (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
 - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Applicants are required to apply for elk quota hunts online at fw.ky.gov, and drawn hunters must apply online for an area assignment.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment does not change any costs to the entities identified in 3.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Hunters can now apply for four (4) chances to hunt elk versus two (2). Should two (2) or more people who are drawn wish to ensure they end up in the same assigned area, they will be able to apply for the area drawing as a party.
 - (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially: Other than a minor administrative cost, there will be no additional cost to the agency to implement this administrative regulation.
 - (b) On a continuing basis: There will be no additional cost to the agency on a continuing basis.
 - (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.
 - (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Additional fees for direct implementation of this regulation are not necessary, as infrastructure for conducting all aspects of elk management and quota hunts already exists.
 - (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees nor does it indirectly increase any fees.
 - (9) TIERING: Is tiering applied? Yes. Residents of the counties within the EMUs who are not drawn for the regular quota hunt shall be eligible for a late season depredation hunt. The purpose of this hunt is to allow residents to assist landowners in removing elk

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causing property damage in two (2) areas with chronic nuisance elk problems. Fewer than fifty (50) tags for antlerless and spike bulls will be drawn. These tags can only be used on private land within one of the two (2) Elk Management Units (EMUs). The number of tags to be issued will be determined by the level of nuisance elk cases or property damage caused by elk documented within the EMUs prior to January each year.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025, KRS 150.177, KRS 150.178, KRS 150.390.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? For the 2013 elk season, approximately 61,000 applications were purchased at ten (10) dollars per application (\$610,000 of revenue to the department). Approximately 890 of the 1,000 drawn hunters paid for elk permits, generating \$52,000 in additional revenue to the department. Total revenue directly generated by the elk hunts for the department was \$662,000.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Each year has brought increases in the number of applications and thus the direct revenue to KDFWR. There is also a positive economic impact to cities, counties and local businesses in and near the elk restoration zone as out of area hunters come in to scout and to hunt, but the specific dollar amount is unknown.

(c) How much will it cost to administer this program for the first year? There will be no additional costs for the first year. The department already has mechanisms in place for quota hunt application procedures, random drawings and other aspects of the elk hunts.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

- Revenues (+/-):
Expenditures (+/-):
Other Explanation:

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:020. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or any of its divisions. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes

the policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference. (1) "Department of Corrections Policies and Procedures," March 14, 2014[December 10, 2013], are incorporated by reference. Department of Corrections Policies and Procedures include:

- 1.2 News Media (Amended 3/14/14[12/08/09])
1.4 The Monitoring and Operation of Private Prisons (Amended 5/15/08)
2.1 Inmate Canteen (Amended 10/12/12)
2.12 Abandoned Inmate Funds (Amended 3/14/14[6/12/12])
3.1 Code of Ethics (Amended 12/10/13)
3.5 Sexual Harassment and Anti-Harassment (Amended 12/10/13)
3.9 Student Intern Placement Program (Added 9/13/2010)
3.10 Appearance and Dress for Nonuniformed Staff (Amended 9/13/10)
3.11 Drug Free Workplace Employee Drug Testing (Amended 12/10/13)
3.14 Employee Time and Attendance Requirements (Amended 3/14/14[Added 9/13/2010])
3.17 Uniformed Employee Dress Code (Amended 8/20/13)
3.22 Staff Sexual Offenses (Amended 12/10/13)
3.23 Internal Affairs Investigation (Added 8/25/09)
5.1 Research and Survey Projects (Amended 12/10/13)
5.3 Program Evaluation and Measurement (Amended 6/12/12)
6.1 Open Records Law (Amended 5/14/07)
8.2 Fire Safety (Amended 3/14/14[2/15/06])
8.7 Notification of Extraordinary Occurrence (Amended 3/14/14[12/13/05])
9.4 Transportation of Inmates to Funerals or Bedside Visits (Amended 12/17/12)
9.6 Contraband (Amended 3/14/14[6/12/12])
9.8 Search Policy (Amended 12/10/13)
9.13 Transport to Court - Civil Action (Amended 07/09/07)
9.18 Informants (Amended 9/13/10)
9.19 Found Lost or Abandoned Property (Amended 10/14/05)
9.22 Control and Use of Caustic/Toxic Materials (Added 3/14/14)[9.20 Electronic Detection Equipment (Amended 10/14/05)]
10.2 Special Management Inmates (Amended 8/20/13)
10.3 Safekeepers and Contract Prisoners (Amended 9/15/04)
11.2 Dietary Procedures and Compliance (Nutritional Adequacy of Inmate Diet) (Amended 3/14/14[5/15/08])
11.4 Alternative Dietary Patterns (Amended 3/14/14[5/15/08])
13.1 Pharmacy Policy and Formulary (Amended 3/14/14[8/25/09])
13.2 Health Maintenance Services (Amended 3/14/14[11/9/10])
13.3 Medical Alert System (Amended 3/14/14[10/14/05])
13.5 Advance Healthcare Directives (Added 4/12/05)
13.6 Sex Offender Treatment Program (Amended 5/15/08)
13.7 Involuntary Psychotropic Medication (Amended 10/14/05)
13.8 Substance Abuse Program (Amended 10/12/12)
13.9 Dental Services (Amended 10/14/05)
13.10 Serious Infectious Disease (Amended 3/14/14[12/13/05])
13.11 Do Not Resuscitate Order (Amended 8/9/05)
13.12 Suicide Prevention and Intervention Program (Added 8/25/09)
13.13 Mental Health Services (Added 8/20/13)
14.1 Investigation of Missing Inmate Property (Amended 10/14/05)
14.2 Personal Hygiene Items (Amended 8/20/13)
14.3 Marriage of Inmates (Amended 10/14/05)
14.4 Legal Services Program (Amended 3/14/14[07/09/07])
14.5 Board of Claims (Amended 10/14/05)
14.6 Inmate Grievance Procedure (Amended 3/14/14[8/20/13])
14.7 Sexual Abuse Prevention and Intervention Programs (Amended 12/10/13)
15.1 Hair, Grooming and ID Card Standards (Amended

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- 10/12/12)
- 15.2 Rule Violations and Penalties (Amended 3/14/14[9/13/10])
- 15.3 Meritorious Good Time (Amended 12/13/05)
- 15.4 Program Credit (Amended 6/12/12)
- 15.5 Restoration of Forfeited Good Time (Amended 5/14/07)
- 15.6 Adjustment Procedures and Programs (Amended 3/14/14[10/14/05])
- 15.7 Inmate ~~Accounts~~[~~Account~~—~~Restriction~~] (Amended 3/14/14[11/9/10])
- 15.8 Unauthorized Substance Abuse Testing (Amended 10/14/05)
- 16.1 Inmate Visits (Amended 10/12/12)
- 16.2 Inmate Correspondence (Amended 8/20/13)
- 16.3 Inmate Access to Telephones (Amended 10/12/12)
- 16.4 Inmate Packages (Amended 07/09/07)
- 17.1 Inmate Personal Property (Amended 8/20/13)
- 17.2 Assessment Center Operations (Amended 11/15/06)
- 17.3 Controlled Intake of Inmates (Amended 3/14/14[5/15/08])
- 17.4 Administrative Remedies: Sentence Calculations (Amended 4/10/06)
- 18.1 Classification of the Inmate (Amended 07/09/07)
- 18.2 Central Office Classification Committee (Amended 8/20/13)
- 18.5 Custody and Security Guidelines (Amended 3/14/14[6/12/12])
- 18.7 Transfers (Amended 07/09/07)
- 18.9 Out-of-state Transfers (Amended 2/15/06)
- 18.11 Placement for Mental Health Treatment in CPTU, KCIW-PCU, or KCPC (Amended 1/9/07)
- 18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill (Amended 2/15/06)
- 18.13 Population Categories (Amended 07/09/07)
- 18.15 Protective Custody (Amended 11/15/06)
- 18.16 Information to the Parole Board (Effective 3/14/14[11/15/06])
- 18.17 Interstate Agreement on Detainers (Amended 07/09/07)
- 18.18 International Transfer of Inmates (Amended 5/14/07)
- 19.1 Governmental Services Program (Amended 10/12/12)
- 19.2 Sentence Credit for Work (Added 2/13/04)
- 19.3 Inmate Wage/Time Credit Program (Amended 8/20/13)
- 20.1 Educational Programs and Educational Good Time (Amended 8/25/09)
- 21.1 Library Services (Added 3/14/14)
- 22.1 Privilege Trips (Amended 10/14/05)
- 22.2 Recreation and Inmate Activities (Added 3/14/14)
- 23.1 Religious Programs (Amended 8/20/13)
- 25.2 Public Official Notification of Release of an Inmate (Amended 10/14/05)
- 25.3 Prerelease Program (Effective 11/15/06)
- 25.4 Institutional Inmate Furloughs (Amended 07/09/07)
- 25.6 Community Center Program (Amended 07/09/07)
- ~~25.8 Extended Furlough (Amended 4/12/05)]~~
- 25.10 Administrative Release of Inmates (Amended 11/9/10)
- 25.11 Victim Services Notification (Amended 8/25/09)
- 26.1 Citizen Involvement and Volunteer Service Program (Amended 10/12/12)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m.

LADONNA H. THOMPSON, Commissioner
APPROVED BY AGENCY: March 6, 2014
FILED WITH LRC: March 14, 2014 at 10 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 22, 2014 at 9:00 a.m. in the at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) workdays prior to the hearing of their intent to attend. If no notification of

intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Department of Corrections, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation incorporates by reference the policies and procedures governing the Kentucky Department of Corrections including the rights and responsibilities of employees and the inmate population.

(b) The necessity of this administrative regulation: To conform to the requirements of KRS 196.035 and 197.020 and to meet ACA requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation governs the operations of the Kentucky Department of Corrections.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions. It provides direction and information to Corrections employees and inmates concerning the operations of the department.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment brings the Kentucky Department of Corrections into compliance with ACA standards and updates practices for the department and its institutions.

(b) The necessity of the amendment to this administrative regulation: To conform to the requirements of KRS 196.035 and 197.020.

(c) How the amendment conforms to the content of the authorizing statutes: It permits the Secretary of the Cabinet or his delegate and the Commissioner to implement or amend practices or procedures to ensure the safe and efficient operation of the Kentucky Department of Corrections.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides staff and inmates information concerning the effective and orderly management of the state correctional institutions.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects the Kentucky Department of Corrections, 3,939 employees, 21,388 inmates, visitors, volunteers, and others who enter state correctional institutions.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Staff and inmates will have to follow the changes made in the policies and procedures. The institutional employees and inmates of the Department of Corrections will have to change their actions to comply with any operational changes made by this regulation. Others who enter correctional institutions will have to comply with policies and procedures concerning entry, search, contraband and others when they enter an institution.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): An exact cost of compliance is unknown, but it is not anticipated that the amendment to this administrative regulation will increase current costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The operational changes will assist in the effective and orderly management of the state correctional institutions.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No increase in fees or funding is anticipated. The co-pay for inmate medical care is being lowered in the amendment.

(b) On a continuing basis: No increase in fees or funding is anticipated.

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: Kentucky Department of Corrections budgeted funds for the biennium.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No increase in fees or funding is anticipated.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The regulation establishes fees for inmates, e.g. health services co- pays. The amendments to the regulation do not establish additional fees or increase any existing fees. The co-pay for inmate medical care is being lowered in the amendment.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The amendments to this regulation impact the operation of the Kentucky Department of Corrections and each state correctional institution.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 196.035 and 197.020

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendments to this regulation do not create any additional revenue for the Kentucky Department of Corrections or other government entity.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amendments to this regulation do not create any additional revenue for the Kentucky Department of Corrections or other government entity.

(c) How much will it cost to administer this program for the first year? The amendments to this regulation impact how the Kentucky Department of Corrections and state correctional institutions operate. The costs for the amendments are not expected to increase costs for the Kentucky Department of Corrections budgeted funds for the biennium. The medical co-pay was only being collected at the level to which the fee is being changed.

(d) How much will it cost to administer this program for subsequent years? The amendments to this regulation impact how the Kentucky Department of Corrections and state correctional institutions operate. The costs for the amendments are not expected to increase costs for the Kentucky Department of Corrections budgeted funds for the biennium.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

TRANSPORTATION CABINET
Department of Highways
Division of Professional Services
(Amendment)

600 KAR 6:040. Prequalification of firms for engineering or engineering-related services.

RELATES TO: KRS Chapter 11A, 45A.800-45A.838, 121.056(2)[45A.835], 23 C.F.R. 172, 49 C.F.R. 18, 23 U.S.C. 112(b)(2)

STATUTORY AUTHORITY: KRS 45A.807(2), 45A.838[23 C.F.R. 172, 49 C.F.R. 18, 23 U.S.C.]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.807(2) requires the Transportation Cabinet to promulgate administrative regulations to implement its procurement of engineering or engineering-related services pursuant to KRS 45A.800 to 45A.838[45A.835]. KRS 45A.838 requires the cabinet to promulgate administrative regulations designating the type of project and a prequalified pool of firms established for each particular project. This administrative regulation establishes[sets forth] the procedure and standards for the prequalification of firms for engineering or engineering-related services while implementing the provisions of KRS 45A.800 to 45A.838[45A.835].

Section 1. Application for Prequalification of Engineering or Engineering-Related Services. (1) A firm applying[desiring consideration] for prequalification shall complete one (1) or more of the following forms as applicable[each qualification questionnaire pertaining] to the categories for which prequalification is desired[, as follows]:

(a) Consulting Engineer and Related Services Prequalification Application, TC Form 40-1;

(b) Prequalification Requirements for Geotechnical Drilling Services, TC Form 66-209;

(c) Prequalification Requirements for Geotechnical Engineering Services, TC Form 66-210; or

(d) Prequalification Requirements for Geotechnical Laboratory Testing Services, TC Form 66-211.

(2)(A) A firm desiring to be considered for an award as a prime shall provide:

1. An original certificate of a continuous professional liability policy in an amount not less than \$1,000,000 with the application established in subsection (1) of this section; and

2. Proof of current Kentucky workers compensation insurance coverage.

(b) A certificate of self-insurance shall not be accepted by the Transportation Cabinet.

(3) The completed prequalification form established in subsection (1) of this section and original certificate of a continuous professional liability policy shall be submitted to the Division of Professional Services[Program—Performance], Transportation Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622.

(4) If a prequalified firm ceases to exist or ceases to provide engineering services as a prime, it shall continue to maintain a minimum of \$1,000,000 in professional liability insurance for a project that was designed by the firm for two (2) years beyond the date the project was opened to traffic.

(5) In order to submit a proposal to the cabinet on a project, a firm shall file[have filed] the proof of professional liability insurance required by subsection (2)(a) of this section[in order to submit a proposal on a project to the Transportation Cabinet].

Section 2. Evaluation of Applications for Prequalification. (1)

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Each firm's qualifications for a requested prequalification category shall be reviewed by the offices or divisions within the cabinet that have~~[with]~~ expertise in ~~the[that]~~ requested prequalification category.

(2) The Division of Professional Services~~[Program Performance]~~ shall review and maintain the original certificate of continuous professional liability policy for ~~a[each]~~ firm desiring prequalification as a prime.

(3) The criteria for prequalification to be used by the user divisions and offices shall be the criteria ~~established~~~~[listed]~~ in the Procedures for Updating Prequalification for Engineering and Engineering-Related Services with the Department of Highways, located on the cabinet's Web site~~[Appendix to the Consulting Engineer and Related Services Prequalification Application]~~.

(4) The head of the user division or office shall notify the Division of Professional Services~~[Program Performance]~~ of its evaluation results.

(5)(a) The Transportation Cabinet shall~~[may]~~ verify the financial and other information included in the application ~~established~~ in Section 1(1) of this administrative regulation ~~from~~~~[of]~~ a firm if it is necessary to substantiate the information required by the prequalification criteria.

(b) Verification shall be accomplished in the same manner as an audit performed pursuant to 600 KAR 6:080.

(6)(a) The Division of Professional Services~~[Program Performance]~~ shall notify each firm of ~~the~~~~[all]~~ evaluation results involving that firm.

(b) If a firm is disapproved for ~~a~~~~[any]~~ requested prequalification category or service, the firm shall~~[also]~~ be notified of the appeals procedure ~~established~~~~[set forth]~~ in Section 6 of this administrative regulation.

Section 3. Annual Requalification. (1)~~[(a)]~~ A prequalified firm shall annually submit the following to the Division of Professional Services~~[Program Performance]~~ on or prior to its anniversary ~~date~~~~[dates]~~ of prequalification:

~~(a) An~~~~[1-]~~ Application for Prequalification for Engineering or Engineering-related Services with ~~a~~~~[-]~~ A firm desiring requalification shall complete each qualification questionnaire pertaining to the categories for which ~~requalification~~~~[prequalification]~~ is desired; and

~~(b)~~~~[2-]~~ An original certificate of continuous professional liability policy in an amount not less than \$1,000,000.

~~(2) A firm that is a prime or subconsultant in the current year or during the previous calendar year shall submit an~~~~(b) Within five (5) months of the end of the firm's fiscal year, an updated overhead submission packet shall be submitted to the Division of Audits External Audit Branch. The] overhead package within five (5) months of the end of the firm's fiscal year.~~

~~(3) The overhead package shall include the~~~~[following] business records established in paragraphs (a) through (g) of this subsection~~~~[that each firm keeps during the regular course of business activities]:~~

~~(a)~~~~[1-]~~ Schedule of Indirect Costs;

~~(b)~~~~[2-]~~ Schedule of Employees, Pay Rates, and Job Classifications;

~~(c)~~~~[3-]~~ Payroll register for the current year;

~~(d)~~~~[4-]~~ Detailed General Ledger for the ~~fiscal year~~~~;~~~~[audit period; and]~~

~~(e)~~~~[5- Certified or] Audited Financial Statement for the fiscal year or a financial statement certified as accurate by an officer of the company;~~

~~(f) Certification of final indirect costs; and~~

~~(g) AASHTO Internal Control Questionnaire for Consulting Engineers.~~

~~(4)(a) In even calendar years,~~~~[audit period. (2)] the annual application, Consulting Engineer and Related Services Prequalification Application, TC Form 40-1, shall include a completed set of the applicable~~~~[appropriate] qualification forms and a copy of the firm's current marketing brochure, if a brochure~~~~[one] exists, for each functional area for which the firm is requesting prequalification.~~

~~(b) In lieu of Consulting Engineer and Related Services Prequalification Application, TC Form 40-1, in odd calendar years a~~

~~firm may submit a letter that certifies that substantial changes have not occurred.~~

~~(c) If a substantial change has occurred, or if the firm is requesting prequalification for an additional area, the firm shall submit Consulting Engineer and Related Services Prequalification Application, TC Form 40-1.~~

~~(5)~~~~[(3)] Failure to submit the applicable forms required in Section 1(1) of this administrative regulation~~~~[completed forms] or the original certificate of a continuous professional liability policy by the firm's renewal date~~~~[in a timely manner] shall cause the removal of the firm's prequalification status.~~

~~(6)~~~~[(4)] The annual renewal application shall be evaluated in accordance with the requirements~~~~[provisions] of Section 2 of this administrative regulation.~~

Section 4. Changes in Firm. (1) A prequalified firm shall notify the Division of Professional Services of~~[Program Performance of the following]:~~

(a) A major change~~[either] increasing or decreasing the firm's professional or financial qualifications, capabilities, or personnel; or~~

(b) A change in ~~the~~:

1.~~[The] Address of the firm;~~

2.~~[The] Name of the firm;~~

3.~~[The] Continuous professional liability policy on file with the Division of Professional Services~~~~[Program Performance]; or~~

4. Firm's qualifications related to criteria established in Procedures for Updating Prequalification for Engineering and Engineering-Related Services with the Department of Highways~~[Another of the major qualification criteria].~~

(2) The user division or office shall review the updated information received from the firm and shall reclassify the firm~~[as appropriate] with respect to types of work and capacity~~~~[of the firm].~~

~~(3)(a) If a prequalified firm fails to notify the division of Program Performance of a change of the address, it may be removed from the list of prequalified firms until it notifies the division of its new address.~~

~~(b) If the change of address notification is submitted to the division of Professional Services prior to the firm's annual prequalification date and no other changes have occurred in the firm, the firm shall be restored to the list of prequalified firms.~~

~~(c) Removal from the list of prequalified firms pursuant to this subsection shall not be a basis for appeal under the provisions of Section 6 of this administrative regulation].~~

Section 5. Removal from List of Prequalified Firms. (1) A firm may be removed from the list of prequalified firms by the Consultant Prequalification Committee for ~~one~~ (1)~~[any]~~ of the following reasons:

(a) Failure to submit Consulting Engineer and Related Services Prequalification Application, TC Form 40-1~~[an annual application] on the firm's renewal~~~~[anniversary] date;~~

(b) Falsification of the firm's prequalification application as to its qualifications;

(c) Falsification of the firm's response to announcement of ~~a~~~~[any] project;~~

(d) Violation of the Executive Branch Ethics Law contained in KRS Chapter 11A;

(e) Falsification of the information provided to the Transportation Cabinet for audit purposes;

(f) Failure to have a current license from the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors;

(g) Failure to notify the Transportation Cabinet ~~within thirty (30) days of the loss of personnel that impacts~~~~[which has an impact on] the firm's prequalification or project management~~~~[within thirty (30) days];~~

(h) Violation of the firm's certification that the firm's owner, principals or partners, or ~~a~~~~[any] family member having an interest of ten (10) percent or more in a~~~~[any] business entity involved in the performance of the contract have not contributed more than the amount established~~~~[specified] in KRS 121.056(2) to the gubernatorial campaign of the current governor;~~

(i) Failure to maintain with the Division of Professional

~~Services[Program—Performance]~~ a current certificate of a continuous professional liability policy in an amount not less than \$1,000,000;

(j) Failure to annually submit an up-to-date overhead submission packet to the Division of Audit Services in accordance with Section 3(4) of this administrative regulation[Audits];

(k) Failure to perform on a project~~[in a manner acceptable to the Transportation Cabinet]~~; or

(l) Failure to provide~~[access to]~~ the information required by 600 KAR 6:080.

(2) The chairperson of the Consultant Prequalification Committee established in KRS 45A.825 shall notify the firm in writing of its proposed removal from the list of prequalified firms, the reason for the proposed removal, and the appeals procedure established in Section 6 of this administrative regulation.

Section 6. Appeal Procedure for Firms Not Prequalified or Removed from Prequalified List. (1) The cabinet shall establish a permanent Consultant Prequalification Committee to evaluate the statements of qualifications of firms ~~that~~[which] appeal a disapproval rating or removal from the list of prequalified firms.

(2) The members of the Consultant Prequalification Committee shall be the following, or the member's designee:

(a) Director, Division of Professional Services[~~Program Performance~~], Chairperson;

(b) Director, Division of Traffic Operations;

(c) Director, Division of Highway Design;

(d) Director, Division of Structural Design;

(e) Director, Division of Materials;

(f) Director, Division of Planning;

(g) Director, Division of Environmental Analysis;

(h) Director, Division of Maintenance; and

(i) Director, Division of Construction.

(3) ~~An appeal of the disapproval~~[A firm may appeal a disapproval relating to its request for approval] of a prequalification category shall be made as established in[pursuant to] Section 2 of this administrative regulation.

(4) ~~An appeal of the removal from the list of prequalified firms shall be made~~[A firm may appeal its removal from the list of prequalified firms] pursuant to Section 5 of this administrative regulation.

(5) An appeal~~[pursuant to this section of this administrative regulation]~~ shall be made in writing to the Chairperson of the Consultant Prequalification Committee within thirty (30) days of notification of the action of the Transportation Cabinet.

(6) The basis of the appeal and the relief sought shall be stated in the written communication to the chairperson.

(7)(a) Within sixty (60) days from receipt of an appeal, the committee members or their designees shall review the appeal and~~[shall]~~ make a decision regarding the appeal.

(b) If the firm agrees, the committee may delay its decision for an additional sixty (60) days while the committee meets with the firm to discuss the appeal.

(8) The committee shall notify the State Highway Engineer and the firm of its decision.

(9) If the firm's appeal is denied by the committee, the firm may appeal the decision within thirty (30) days of written notice relating to:

(a)~~[Relating to]~~ Nonqualification to the State Highway Engineer; or

(b)~~[Relating to]~~ Removal from the cabinet's list of prequalified firms to the Secretary of the Transportation Cabinet.

(10) The State Highway Engineer or Transportation Cabinet Secretary~~[, as appropriate,]~~ shall notify the firm of his or her decision within thirty (30) days. The decision of the State Highway Engineer or Transportation Cabinet Secretary shall be final.

Section 7. Conditional Prequalification. (1) The user division~~[or] office,~~ or Consultant Prequalification Committee may grant conditional prequalification if a[to a firm if the] firm:

(a) Has no direct highway or transportation experience but has identified personnel who have technical training~~[or] education,~~ and other types of experience ~~that~~[which] may allow the firm to perform

the required services; or

(b) Performed poorly on past projects for the cabinet or has been removed from the list of prequalified firms for performance-related reasons and has restructured itself to address the problems.

(2) After the firm has performed services for the cabinet in the category of work for which it was conditionally prequalified, it may request a prequalification determination from the committee. The request for a prequalification determination shall be in accordance with Section 1 of this administrative regulation.

(3) Denial of conditional prequalification of a firm to perform services for the cabinet shall not be appealed.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Consulting Engineer and Related Services Prequalification Application", TC 40-1, August, 2013[~~TC 40-1E, April 2006, edition~~];

(b) "Prequalification Requirements for Geotechnical Drilling Services", TC Form 66-209, January, 2014[~~TC 64-540, May 2005 edition~~];

(c) "Prequalification Requirements for Geotechnical Engineering Services", TC 66-210, January, 2014[~~TC 64-541, May 2005 edition~~];

(d) "Prequalification Requirements for Geotechnical Laboratory Testing Services", TC 66-211, January, 2014[~~TC 64-542, May 2005~~];

(e) "AASHTO Internal Control Questionnaire for Consulting Engineers", 2012 edition, AASHTO Web site, <http://audit.transportation.org/Documents/UAAG-3%20FINAL.pdf>, and

(f) "Procedures for Updating Prequalification for Engineering and Engineering-Related Services with the Department of Highways", Transportation Cabinet Web site, <http://transportation.ky.gov/Professional-Services/Documents/Prequalification,%20Criteria%20and%20Instructions.pdf>, November 7, 2013[~~Appendix to the Consulting Engineer and Related Services Prequalification Application, June 2004 edition; and (f) Application for Prequalification for Professional Engineering or Related Services, TC 40-1e, Rev. 4/06.~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Professional Services[~~Program—Performance~~], Transportation Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m.

MICHAEL W. HANCOCK, P. E., Secretary

MICHAEL HILL, Director

D. ANN DANVELO, Office of Legal Services

APPROVED BY AGENCY: March 5, 2014

FILED WITH LRC: March 6, 2014 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 22, 2014 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann DAngelo, Asst. General Counsel,

Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures and standards for the prequalification of firms for engineering or engineering-related services.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to update the procedures and standards for the prequalification of firms while implementing the provisions of KRS 45A.800 to 45A.838. It is also necessary to update the names of divisions within the cabinet.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 45A.807 requires the cabinet to promulgate administrative regulations to implement its procurement of engineering or engineering-related services.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will clarify and update the procedures and standards necessary to implement the provisions of KRS 45A.800 to 45A.838.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will update forms, procedures and the names of cabinet divisions. It will allow a firm in odd calendar years to submit a letter certifying that substantial changes have not occurred making the process more "user friendly". A full application is currently required. It will continue to be required only for notification of a substantial change, or if the firm is requiring prequalification in an additional area.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update and make the administrative regulation current.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies and updates the requirements of KRS 45A.800 to 45A.838.

(d) How the amendment will assist in the effective administration of the statutes: By updating the language and forms, engineering firms applying for prequalification will have the latest regulatory requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all engineering or engineering-related firms, the cabinet's Division of Professional Services, and Division of Audit Services.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There are no new requirements and no additional actions needed.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no fees involved with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Firms wishing to apply for prequalification will have the latest forms and requirements.

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation: There are no known costs associated with implementing this new administrative regulation.

(a) Initially: There are no known costs associated with implementing this new administrative regulation.

(b) On a continuing basis: There are no known costs

associated with implementing this new administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is required.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no need for the cabinet to increase fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established by this regulation either directly or indirectly.

(9) TIERING: Is tiering applied? Tiering is not applied. No distinction is made between engineering firms applying for prequalification.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? KYTC Division of Professional Services and Division of Audit Services.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 45A.807(2), 45A.838

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will not be an effect on expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? No costs are expected.

(d) How much will it cost to administer this program for subsequent years? No subsequent costs are expected.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Amendment)

804 KAR 9:050. Quota retail drink licenses.

RELATES TO: KRS 241.060, 241.065, 241.075, 242.125 [242.152], 242.127, 242.129, 243.030, 243.230

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(2) authorizes the board to limit the number of licenses of each kind or class to issue in this state or any political subdivision, and restrict the locations of licensed premises. This administrative regulation establishes quota retail drink licenses in cities that have become wet pursuant to KRS 242.125 separately from their respective counties that remain dry.

Section 1. Establishment of General City Quotas. (1) Except as provided in subsection (2) of this section and Section 4 of this administrative regulation, the number of quota retail drink licenses issued by the department in any city of the Commonwealth which becomes wet separately by virtue of a KRS 242.125 local option election held after January 1, 2013, shall be one (1) for every 2,500 persons resident in the city.

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(2) The minimum number of quota retail drink licenses issued by the department in any city shall be two (2) licenses.

(3) A wet fourth class city shall not receive any quotas under this section unless a majority of the votes cast in an election held under KRS 242.127 and KRS 242.129 are in favor of the sale of distilled spirits and wine by the drink for consumption on the premises.

(4) The estimates of population for Kentucky cities prepared by the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, shall be used, if available, in every year except a census year to determine the number of licenses prescribed by this administrative regulation. The United States Government census figures of population shall be used in a census year.

Section 2. Requests for Specific City Quota. (1) Three (3) years after the certification of a wet election pursuant to KRS 242.125 by a first, second, or third class city, or pursuant to KRS 242.127 and 242.129 for a fourth class city, the city may file a request to the board seeking a specific city quota to increase the number of quota retail drink licenses for the city from that established in Section 1 of this administrative regulation.

(2) Before seeking this request, the city shall publish a notice in the newspaper used by the city for legal notices advising the general public of the city's intent to request additional city quota licenses from the board. A city may petition the board for a specific quota increasing the number of quota retail drink licenses only once every three (3) years from the date of the denial or establishment of a specific city quota.

(3) A city's request to the board for a specific increased quota shall include:

(a) A certified copy of a city's governing body government resolution approving the request;

(b) A certified copy of the notice referenced in subsection (2) of this section; and

(c) An explanation why the city meets the criteria for a quota increase in conformity with Section 3 of this administrative regulation.

(4) Upon receiving a city request satisfying subsection (3) of this section, the board may promulgate, in conformity with KRS Chapter 13A, an amendment to Section 4 of this administrative regulation which sets a higher specific quota for the city.

(5) If the board rejects a request made under this section, the board shall notify the city of its decision by registered mail at the address given in the request. Within thirty (30) days after the date of the mailing of the notice, the city may indicate, in writing, its desire for an administrative hearing before the board regarding its request. The hearing shall be conducted in accordance with the provisions of KRS Chapter 13B.

(6) In conformity with Section 4 of this administrative regulation, the department may publish notice of quota vacancies and issue quota retail drink licenses for the general quota number established by Section 1 of this administrative regulation. A licensee that holds a quota retail drink license assumes the business risk that the number of quota licenses might be increased.

(7) Any specific city quota for quota retail drink licenses set by the board in subsection (4) of this section shall not exceed a ratio of one (1) for every 1,500 persons resident in the city.

(8) This section shall not guarantee that a city will receive the requested specific city quota even if the board promulgates an initial amendment pursuant to subsection (4) of this section. The city shall bear the burden of showing the increase is necessary due to a change in circumstances from the previous request and that current needs are not being met by the current license holders.

Section 3. Criteria for Consideration. The board may consider the following information in its determination of a city's request for an increased quota made under Section 2(3) of this administrative regulation:

(1) Population served by the city;

(2) Total retail sales of the city for the most recent past fiscal year;

(3) Retail sales per capita for the most recent past fiscal year;

(4) Total alcohol sales in the city for the most recent fiscal year;

(5) Tourist destinations in the area; and

(6) Other economic and commercial data offered to show the city's capacity to support additional licenses.

Section 4. Establishment of Specific City Quotas. (1) Danville, which repealed prohibition on March 2, 2010, shall have six (6) quota retail drink licenses.

(2)[Section 2-] Radcliff, which repealed prohibition on October 4, 2011, shall have eight (8) quota retail drink licenses.

(3)[Section 3-] Somerset, which repealed prohibition on June 26, 2012, shall have five (5) quota retail drink licenses.

(4)[Section 4-] Murray, which repealed prohibition on July 17, 2012, shall have seven (7) quota retail drink licenses.

FREDERICK HIGDON, Chairman

ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: March 13, 2014

FILED WITH LRC: March 13, 2014 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 25, 2014 at 9 a.m., EST, at the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Department in writing by April 18, 2014, five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit comments on the proposed administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Trey Hieneman, Special Assistant, Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, phone (502) 564-4850, fax (502) 564-7479.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Trey Hieneman

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes automatic quotas for cities that vote to go wet at a ratio of 1:2,500 people. The amendment also creates a mechanism for cities to petition the board to increase their quota. The amendment to this administrative regulation also establishes the retail liquor drink license quota for each of the following cities: Danville, Radcliff, Somerset, and Murray. The amendment to this administrative regulation establishes the method for filling quota vacancies and reducing quotas. Finally, the amendment clarifies that no city quota can exist in a wet county.

(b) The necessity of this administrative regulation: The existing administrative regulation establishes the number of quota licenses for cities based on population and monopoly avoidance while a different regulation, 804 KAR 9:010, establishes county quotas. This regulation is necessary to establish quotas for wet cities located within dry counties.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations. KRS 241.060(2) requires the board to limit in its sound discretion the number of licenses of each kind or class to be licensed in this state or any political subdivision, and restrict the locations of licensed premises. To this end, the Board may make reasonable division and subdivision of the state or any political subdivision into districts. Administrative regulations relating to the granting, refusal, and revocation of

licenses may be different within the several divisions or subdivisions.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statute. The amendment to this administrative regulation enables the board to execute its KRS 241.060(2) duty by setting quotas for newly wet cities situated in dry counties.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This administrative regulation establishes automatic quotas for cities that vote to go wet at a ratio of 1:2,500 people. The amendment also creates a mechanism for cities to petition the board to increase their quota. The amendment to this administrative regulation also establishes the retail liquor drink license quota for each of the following cities: Danville, Radcliff, Somerset, and Murray. The amendment to this administrative regulation establishes the method for filling quota vacancies and reducing quotas. Finally, the amendment clarifies that no city quota can exist in a wet county.

(b) The necessity of the amendment to this administrative regulation: The existing administrative regulation establishes the number of quota licenses for cities based on population and monopoly avoidance while a different regulation, 804 KAR 9:010, establishes county quotas. This amendment is necessary to establish quotas for wet cities located within dry counties.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations. KRS 241.060(2) requires the board to limit in its sound discretion the number of licenses of each kind or class to be licensed in this state or any political subdivision, and restrict the locations of licensed premises. To this end, the Board may make reasonable division and subdivision of the state or any political subdivision into districts.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation enables the board to execute its KRS 241.060(2) duty by setting quotas for newly wet cities situated in dry counties.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment to the administrative regulation will affect the Kentucky Department of Alcoholic Beverage Control ("Department") by providing a limited number of retail liquor drink licenses that may be issued to newly wet cities. It will affect the cities of Danville, Radcliff, Somerset, and Murray. Current quota retail package license holders in the aforementioned cities may be affected if the cities petition for additional licenses and the board approves the petition.

(4) Provide an analysis of how entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment:

(a) List the actions that each of the regulated entities in question (3) will have to take to comply with this administrative regulation or amendment: The impact of this amendment to the regulation will be minimal because the Department already issues state licenses and enforces alcohol laws and cities already issue city licenses.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cities identified in question (3) will have little to no cost. The cost impact on the licensees mentioned in question (3) is indeterminable, since the board must decide whether to increase the city's quota.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The cities in question (3) will have a set number of quota retail package licenses, with the potential to increase their number of licenses. The licensees mentioned in question (3) will receive no additional benefits.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No extra costs are anticipated to implement this administrative regulation amendment.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funding is used for the implementation and enforcement of the administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no anticipated increase in fees or funding necessary to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No tiering is applied. There are no costs associated with administering this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What unit, part, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation. The Commonwealth of Kentucky, Department of Alcoholic Beverage Control's licensing division will be required to process all applications and licenses issued by this administrative regulation. The cities of Danville, Radcliff, Somerset, and Murray are already required to process all applications and issue alcoholic beverage licenses in their respective cities. All cities who vote to repeal prohibition after January 1, 2013 will be affected by this regulation.

2. Identify each state or federal statute or federal regulation that authorizes the action taken by the administrative regulation. KRS 241.060(1) authorizes the board to promulgate administrative regulations. KRS 241.060(2) requires the board to limit in its sound discretion the number of licenses of each kind or class to be licensed in this state or any political subdivision, and restrict the locations of licensed premises.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) This amendment should generate revenue for the state and the cities regulated by this administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Under KRS 243.070(3)(b), the city of Danville could receive up to \$6,000.00 annually (\$1,000.00 per license) if six (6) quota retail package licenses were issued. Under KRS 243.030(7), the state would receive \$3,720.00 annually (\$620.00 per license) if six (6) quota retail package licenses were issued in the city of Danville. Under KRS 243.070(3)(b), the city of Radcliff could receive up to \$8,000.00 annually (\$1,000.00 per license) if eight (8) quota retail package licenses were issued. Under KRS 243.030(7), the state would receive \$4,960.00 annually (\$620.00 per license) if nine (9) quota retail package licenses were issued in Radcliff. Under KRS 243.070(3)(b), the city of Somerset could receive up to \$5,000.00 annually (\$1,000.00 per license) if five (5) quota retail package licenses were issued. Under KRS 243.030(7), the state would receive \$3,100.00 annually (\$620.00 per license) if five (5) retail liquor package licenses were issued in the city of Somerset. Under KRS 243.070(3)(b), the city of Murray could receive up to \$7,000.00 annually (\$1,000.00 per license) if seven (7) quota retail package licenses were issued. Under KRS 243.030(7), the state would receive \$4,340.00 annually (\$620.00 per license) if seven (7) quota retail package licenses were issued in the city of Murray.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Under KRS 243.070(3)(b), the city of Danville could receive up to \$6,000.00 annually (\$1,000.00 per license) if six (6) quota retail package licenses were issued. Under KRS 243.030(7), the state would receive \$3,720.00 annually (\$620.00 per license) if six (6) quota retail package licenses were issued in the city of Danville. Under KRS 243.070(3)(b), the city of Radcliff could receive up to

\$8,000.00 annually (\$1,000.00 per license) if eight (8) quota retail package licenses were issued. Under KRS 243.030(7), the state would receive \$4,960.00 annually (\$620.00 per license) if nine (9) quota retail package licenses were issued in Radcliff. Under KRS 243.070(3)(b), the city of Somerset could receive up to \$5,000.00 annually (\$1,000.00 per license) if five (5) quota retail package licenses were issued. Under KRS 243.030(7), the state would receive \$3,100.00 annually (\$620.00 per license) if five (5) retail liquor package licenses were issued in the city of Somerset. Under KRS 243.070(3)(b), the city of Murray could receive up to \$7,000.00 annually (\$1,000.00 per license) if seven (7) quota retail package licenses were issued. Under KRS 243.030(7), the state would receive \$4,340.00 annually (\$620.00 per license) if seven (7) quota retail package licenses were issued in the city of Murray.

(c) How much will it cost to administer this program for the first year? The cost to administer this amendment should be minimal, if any.

(d) How much will it cost to administer this program for subsequent years? The cost to administer this amendment should be minimal, if any.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation:

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Additional costs to administer these regulatory changes at the local government level for this year or subsequent years should be minimal or none.

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Aging and Independent Living
Division of Guardianship
(Amended)**

910 KAR 2:040. Service provisions for adult guardianship.

RELATES TO: KRS 202A, 202B, 209.990, 210.290(3), (4), 367.97524, 367.97527, 387.500-387.990, 389A.010, 389.015, 20 C.F.R. 416.212, 42 U.S.C. 1382(e)(1)(G)

STATUTORY AUTHORITY: KRS 387.600(1), 194A.050(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 387.600(1) authorizes the Cabinet for Health and Family Services to be appointed as limited guardian, guardian, limited conservator, or conservator to conduct an active guardianship or conservatorship program. KRS 194A.050(1) requires the secretary of the cabinet to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the commonwealth. This administrative regulation establishes service provisions for adult guardianship.

Section 1. Definitions. (1) "Adult" is defined by KRS 209.020.

(2) "Best interest" means a course of action that maximizes what is best for a ward and that includes consideration of the least intrusive, most normalizing, and least restrictive course of action possible given the needs of a ward.

(3) "BHDID" means the Department for Behavioral Health, Developmental and Intellectual Disabilities.

(4) "Conservator" is defined by KRS 387.510(1).

(5)[(4)] "Court" means a court of competent jurisdiction.

(6) "Department" means the Department for Aging and Independent Living (DAIL).

(7)[(5)] "Division" means the Division of Guardianship.

(8)[(6)] "DMHDDAS" means the Department for Mental Health, Developmental Disabilities and Addiction Services.

(7) "Fiduciary Services Branch" means a central office branch under the Division of Operations and Support[Guardianship].

(9)[(8)] "Field Services Branch" means a central office branch under the Division of Guardianship.

(10)[(9)] "Guardian" is defined by KRS 387.510(3).

(11)[(10)] "Guardian ad Litem" means a guardian appointed to represent the interests of a person with respect to a single action in

litigation.

(12) "Guardianship advisory committee" means a review panel of at least two (2) cabinet medical directors to review records to assist in decision making regarding end of life decisions.

(13)[(4)] "Informed consent" means a person's agreement to a particular course of action based on a full disclosure of facts needed to make the decision intelligently.

(14)[(4)] "Interested party" means an individual or agency interested in assuming duties and responsibilities on behalf of a ward.

(15)[(4)] "Least restrictive alternatives" means the guardianship options that have been exhausted such as:

- (a) Power of attorney;
- (b) Living wills;
- (c) Advanced directives;
- (d) Case management;
- (e) Representative payee;
- (f) Curator;
- (g) Trustee;
- (h) Health care surrogate;
- (i) Ex-parte order;
- (j) Emergency protective services;
- (k) Adult protective ongoing services; or
- (l) Informal network of support.

(16)[(4)] "Limited conservator" is defined by KRS 387.510(2).

(17)[(4)] "Limited guardian" is defined by KRS 387.510(4).

(18) "Nurse consultant" means a nurse consultant, inspector employed by the Cabinet for Health and Family Services.

(19)[(4)] "Provider" means a facility or entity providing services for a ward such as:

- (a) Self;
- (b) Caretaker;
- (c) Relative;
- (d) Group home placement;
- (e) Hospital;
- (f) Psychiatric hospital;
- (g)[(f)] Personal care home; or
- (h) Supports for Community Living facility.

(20) "Quit claim deed" means a document by which an individual disclaims an interest in a piece of real property and passes that claim to another person.

(21)[(4)] "Substituted judgment" means principle of decision-making made by the Field Services Branch which comports with the individual ward or beneficiary's known wishes expressed prior to the appointment of a guardian, if the individual was once capable of developing views relevant to the matter at issue and reliable evidence of these views remains.

(22)[(4)] "Successor guardian" means an individual, agency or corporation who is appointed to succeed a current guardian removed by the court.

(23)[(4)] "Quit claim deed" means a document by which an individual disclaims an interest in a piece of real property and passes that claim to another person.

(20) "Ward" is defined by KRS 387.510(15).

Section 2. Annual Court Report. (1) Within thirty (30) calendar days of the anniversary date of the guardianship appointment, the Field Services Branch shall submit to the court an annual report on the ward's personal status.

(2) In order to complete the annual report the Field Services Branch shall:

- (a) Visit the ward and use an Initial Field Visit Report to assess current physical condition and needs;
- (b) Review the ward's records at the ward's place of residence;
- (c) Consult with the provider concerning the ward's care;
- (d) Verify the names, addresses, and telephone numbers of the ward's relatives; and
- (e) Verify with Fiduciary Services Branch the ward's burial arrangements in accordance with 910 KAR 2:030, Section 12.

(3) The Field Services Branch shall:

- (a) Review, sign, and notarize an annual report; and
- (b) Maintain a scheduling system that ensures the timely filing of annual reports in court for each guardianship ward.

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Section 3. Renewal of Limited Appointments. (1) A limited guardian or limited conservator shall not be appointed for more than five (5) years pursuant to KRS 387.590(7).

(2) The Field Services Branch shall be responsible for initiating procedures for continued guardianship or conservatorship, if appropriate.

(3) To make this determination, the Field Services Branch shall review the last annual court report to determine if continued guardianship was recommended.

(4) The Field Services Branch shall secure a verified affidavit from a physician, psychiatrist, or social worker, not serving in the division, verifying the ward's petition to continue guardianship.

(5) At least sixty (60) calendar [~~60~~] days prior to the date of the expiration of the limited guardianship, the Field Services Branch shall file with the court the following:

(a) Petition for Relief Modification or Termination (AOC-795) issued by the Administrative Office of the Courts and available at www.courts.ky.gov;

(b) Application for Appointment for Fiduciary (AOC-745) issued by the Administrative Office of the Courts and available at www.courts.ky.gov; and

(c) A verified affidavit as specified in subsection (4) of this section.

(6) If the request for modification involves the removal of additional rights, the Field Services Branch shall request a jury trial.

(7) If required by the court, the Field Services Branch shall attend the renewal hearing and testify.

(8) Once a court order is issued, the Field Services Branch shall obtain a copy of the court documents.

Section 4. Restoration or Modification of Rights. (1) The Field Services Branch shall inform the ward of the restoration or modification of rights process.

(2) If a ward requests the restoration of his or her rights, the Field Services Branch shall assess and assist the ward's request.

(3) The Field Services Branch shall complete an assessment of the ward using the Initial Field Visit Report that includes:

(a) Community supports available to assist the ward;

(b) Less restrictive interventions that are available to the ward;

(c) Improvements in the ward's ability to manage personal or financial affairs;

(d) Risks and benefits of restoration or modification of rights; and

(e) A recommendation of what rights could be appropriately restored, including voting rights.

(4) If the assessment supports restoration or modification, the Field Services Branch shall assist the ward in preparation of the Petition for Relief Modification or Termination (AOC-795), issued by the Administrative Office of the Courts and available at www.courts.ky.gov, for submittal to the court.

(5) If the assessment does not support restoration or modification, the Field Services Branch shall advise the ward or other interested party after the assessment is complete that he or she may call or write the court to request restoration.

(6) If it is in the ward's best interest, the Field Services Branch shall work with the ward towards the goal of restoration or modification by developing a plan and setting attainable and measurable goals.

(7) The Field Services Branch shall involve community partners in formulating the plan to ensure focus on comprehensive services.

(8) The Field Services Branch shall agree on a time frame for evaluating the ward's progress.

(9) If the ward has some rights restored and the cabinet's appointment is modified, the Field Services Branch shall:

(a) Obtain a copy of the cabinet's new appointment; and

(b) Email notification of the change to the Fiduciary Services Branch.

(10) If the ward's rights are restored and the cabinet no longer serves in any capacity, the Field Services Branch shall:

(a) Obtain a copy of the court order indicating restoration;

(b) Notify Fiduciary Services Branch by email of the resignation

and the mailing address of the ward;

(c) Review the ward's records and hard copy file to determine if any original information or documentation should be sent to the Fiduciary Services Branch and, if so, forward the same to the Fiduciary Services Branch within ten (10) working days of the review;

(d) Inform the restored ward about procedures to apply for benefits; and

(e) Direct the restored ward to the Fiduciary Services Branch regarding additional financial questions.

Section 5. Securing Successor Guardian or Conservator. (1) The Field Services Branch shall advise or assist an interested party, if appropriate.

(2) The Field Services Branch shall discuss with the interested party:

(a) The possibility of he or she becoming guardian; and

(b) The following information:

1. Prior history and involvement of the interested party;

2. Willingness of the interested party to assist the ward; and

3. A criminal background check on the interested party with the county attorney.

(3) If the Field Services Branch determines the appointment of the interested party as successor guardian or conservator is in the best interest of the ward, the Field Services Branch shall assist the interested party with the completion and filing of:

(a) The Petition for Relief, Modification or Termination (AOC-795) issued by the Administrative Office of the Courts and available at www.courts.ky.gov; and

(b) An Application for Appointment for Fiduciary (AOC-745) issued by the Administrative Office of the Courts and available at www.courts.ky.gov, with the court.

(4) The Field Services Branch shall submit to the court a letter supporting appointment of the applicant for successor guardian or conservator.

(5) If the Field Services Branch does not agree that successor guardian or conservator appointment is in the best interest of the ward, the Field Services Branch shall:

(a) Advise the interested party that he or she may contact the court and make appropriate application; and

(b) Submit a letter to the court specifying the concerns regarding the application of appointment for successor guardian or conservator.

(6) The Field Services Branch shall be available to testify at the hearing to determine if a successor guardian or conservator is appointed by the court.

(7) If a successor guardian or conservator is appointed and the cabinet retains no responsibility, the Field Services Branch shall:

(a) Obtain a copy of the court order showing change in guardianship and verification that bond has been posted if surety has been ordered by the court;

(b) Notify Fiduciary Services Branch by email of the resignation;

(c) 1. Review the ward's records and hard copy file to determine if any original information or documentation should be sent to Fiduciary Services Branch for submission to the successor guardian or conservator; and

2. If so, forward the information or documentation to the Fiduciary Services Branch within ten (10) working days of the review;

(d) Inform the successor guardian or conservator about procedures to apply for benefits; and

(e) Direct the successor guardian or conservator to the Fiduciary Services Branch regarding additional financial questions.

(8) If the successor guardian or conservator is appointed in some capacity and the cabinet retains some level of responsibility, the Field Services Branch shall:

(a) Obtain a copy of the court order showing the change in guardianship and verification that bond has been posted if surety was required by the court;

(b) Notify the Fiduciary Services Branch by email of the change in the cabinet's responsibility;

(c) Inform the successor guardian or conservator about

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procedures to apply for relevant benefits; and

(d) Direct the successor guardian or conservator to the Fiduciary Services Branch regarding financial questions.

Section 6. Sale of Real of Estate. (1) If a ward of the cabinet has real property, the Field Services Branch and the Fiduciary Services Branch staff shall explore options for management of property and determine what is in the best interest of the ward.

(2) Information concerning the property valuation for tax purposes, the real estate or personal property, or offers to purchase the ward's property shall only be disclosed to the following authorized persons:

(a) Other staff employed by the cabinet's division such as:

1. Office of the Inspector General (OIG);
2. Office of Legal Services (OLS);
3. Ombudsman;
4. Adult Protective Services (APS); or
5. Child Protective Services (CPS);

(b) The insurance agent or claims representative of the insurance company that wrote the insurance policy on the property;

(c) The real estate agent and attorney with a provider agreement to manage property and legal matters for the service region; or

(d) The Guardian ad Litem appointed for the sale of the ward's property.

(3) If disposing of the ward's assets, the Field Services Branch shall make a reasonable effort to preserve the estate as designated in a ward's will or other estate planning devices executed by a ward prior to the finding of disability in accordance with KRS 387.700(1).

(4) The Field Services Branch shall review court appointment papers to ensure that the cabinet has the authority to handle real estate and personal property matters.

(5) As deemed necessary or mandatory by the court, the Field Services Branch shall secure an independent appraisal of real and personal property.

(6) The Field Services Branch shall secure an attorney to handle the sale of property pursuant to KRS 389A.010 and 389A.015.

(7)(a) The Field Services Branch shall ensure the cabinet only passes title by means of a Quit Claim Deed on behalf of the ward.

(b) A Quit Claim Deed passes only the interest held by the ward.

(c) Warranties shall not be expressed in a Quit Claim Deed.

(8) The Field Services Branch shall determine if a relative or other interested party is interested in purchasing real property and, if so, offer the property appraised by a realtor to the relative or other interested party.

(9) If the division determines it is in the ward's best interest to sell real and personal property, a public forum for sale shall include a:

- (a) Public auction;
- (b) Dealer consignment;
- (c) Yard sale; or
- (d) Realtor.

(10) The Field Services Branch shall dispose of remaining items that did not sell, if applicable, [items] through donation.

(11) The Field Services Branch shall seek eviction through the court if a person residing in the ward's property:

(a) Refuses to vacate the property;

(b) Is not paying rent; or

(c) Is causing damage to the property; ~~or (d) Refuses to vacate due to sale of the property].~~

(12) The Field Services Branch shall attend a closing on the ward's real property and shall sign documents such as a:

- (a) Quit Claim Deed;
- (b) Settlement Statement; or
- (c) Tax form.

Section 7. Guardianship Ongoing Service Provision. (1) The Field Services Branch:

(a) Shall have someone on call twenty-four (24) hours a day; and

(b) May have duties such as:

1. Managing assets, that may include managing or liquidating real and personal property;

2. Securing and giving consent for social services, medical services and living arrangements; or

3. Securing and granting permission for other needed support services necessary for the well-being of the ward.

(2) Pursuant to KRS 387.640(1), the cabinet as guardian shall have the general duty to assure that the personal, civil, and human rights of the ward are preserved and protected.

Section 8. Decision Making on Behalf of a Ward. (1) A decision made on behalf of a ward by the Field Services Branch shall be based on the principles of:

(a) Informed consent;

(b) Substituted judgment;

(c) Best interest; or

(d) Least restrictive alternative.

(2) The Field Services Branch shall use the following guidelines if making a decision on behalf of a ward:

(a) The exact request of the ward;

(b) Conditions identified necessitating action;

(c) Identify and determine alternatives that best meets the individual needs of the ward while placing the least restrictions on the ward's:

1. Freedom;

2. Rights; and

3. Ability to control the ward's own environment;

(d) Based on available information, determine whether the ward has previously stated preferences prior to the cabinet being made the ward's guardian;

(e) Communication of decisions with the ward;

(f) A determination of risks and benefits:

1. While balancing the ward's maximum self-determination; and

2. Maintaining the safety of the ward; and

(g) Directions from the court.

(3) The Field Services Branch shall make each decision by an informed decision based on the principle of informed consent.

(4) The Field Services Branch shall not use substituted judgment if:

(a) Following the ward's wishes causes substantial harm to the ward; or

(b) The Field Services Branch is unable to establish the ward's prior wishes.

(5) The Field Services Branch shall consider the least intrusive, best interest, and least restrictive alternative course of action possible to provide for the needs of the ward.

Section 9. Visiting the Ward at the Current Residence. (1) The Field Services Branch shall visit the ward[and current residence] at least every ninety (90) days with a minimum of two (2) visits being in the home environment annually[quarterly] to:

(a) Assess the suitability of the placement and ascertain a ward's needs;

(b) Consult with facility personnel regarding the cabinet's expectations; and

(c) Participate in the ward's care plan.

(2) If the Field Services Branch visits a facility and concerns are identified, and if the issue does not require intervention by regulatory or certifying agencies, the Field Services Branch shall:

(a) Bring it to the attention of the facility's administrator or designee; and

(b) Develop an agreement for corrective action with the facility administrator.

(3) If the issue is a regulatory issue related to health or safety, the Field Services Branch shall report immediately to the appropriate regulatory or certifying agency such as:

(a) OIG;

(b) ~~DBHDID[Department for Mental Health, Developmental Disabilities and Addiction Services (DMHDDAS)];~~ or

(c) The department.

(4) The Field Services Branch shall report known or suspected

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incidents of abuse, neglect, or exploitation to:

- (a) The Department for Community Based Services (DCBS) office;
 - (b) The Division of Protection and Advocacy (P&A)(DPA) if the Field Services Branch is aware the ward is a client of the P&A(DPA); or
 - (c) Other appropriate state agency.
- (5) The designated Field Services Branch shall complete the following duties:
- (a) Explain reporting requirements to the ward;
 - (b) Explain the investigative process of abuse, neglect, or exploitation that will ensue; and
 - (c) Offer the alleged victim appropriate assistance or referral as specified in subsection (4) of this section.

Section 10. Out of State Travel. (1) If a request is made for a ward to travel out of the state of Kentucky, the Field Services Branch shall consider the following:

- (a) Risk of or prior Absence Without Leave (AWOL);
 - (b) Medical issues of the ward that may require attention while out of state; and
 - (c) The ward's physical ability to handle the trip.
- (2) The Field Services Branch shall inform the provider of the provider's financial responsibility for any emergency medical treatment not covered by the ward's medical insurance or Kentucky Medicaid from the time the ward leaves the state of Kentucky until the ward is once again within the legal boundaries of the Commonwealth of Kentucky.
- (3) The Field Services Branch shall request a signed memorandum or letter from the provider detailing the following information:
- (a) The potential for AWOL risk and if measures will be taken to lessen the risk;
 - (b) Acceptance of the involved responsibilities of the ward; and
 - (c) Proposed dates of travel.
- (4) If the Field Services Branch determines that the provider has been responsible and agrees travel is in the best interest of the ward, the Field Services Branch shall share all necessary emergency contact numbers with the provider and request the provider to:
- (a) Make contact upon return to the state of Kentucky; and
 - (b) Carry a copy of the current court order appointing the cabinet as guardian in case of an emergency.

Section 11. Signing Documents on Behalf of a Ward or Reports to Courts. (1) The Field Services Branch shall review facility contracts to ensure a ward's rights are preserved.

- (2) The division shall not sign a contract for arbitration on behalf of a ward.
- (3) A division employee shall use proper signature designation as follows:
- (a) If signing on behalf of a ward, the wording shall be name of ward by name of cabinet guardianship employee on behalf of the cabinet as court appointed (type of appointment) for name of ward; or
 - (b) If signing a court document on behalf of the cabinet, the wording shall be name of guardianship employee on behalf of the Cabinet for Health and Family Services as court appointed (type of appointment) for name of ward.
- (4) A division employee shall use the term:
- (a) Conservator or limited conservator if the cabinet has been appointed for the sole purpose of performing the duties of a full or limited conservatorship; or
 - (b) Guardian or limited guardian in all other designations or combinations thereof.

Section 12. Client Placement and Movement. (1) To ensure a ward is receiving the least restrictive and highest quality services from the most appropriate provider, the Field Services Branch shall develop and maintain a working knowledge of:

- (a) Services;
- (b) Providers; and
- (c) Facilities in the community.

(2) The Field Services Branch shall consider various ancillary and support services and select a provider that best meets the needs of the individual ward.

(3) If the cabinet has responsibility for living arrangements of the ward, the Field Services Branch shall ensure that the ward is living in the most appropriate, least restrictive environment taking into consideration the ward's wishes and needs.

(4) A move to a new environment, including an intensive care facility for ~~intellectual disabilities~~~~mental retardation~~, nursing facility, or psychiatric hospital, may only be made after the Field Services Branch:

- (a) Evaluates physical and mental health needs by reviewing recommendations of treating professionals; and
 - (b) Determines care options.
- (5) The Field Services Branch shall, upon the move to a new environment:
- (a) Attend an initial care plan meeting; and
 - (b) Visit the ward:
 - 1. Within thirty (30) days of the move; and
 - 2. Within ninety (90) days of the move for a follow-up visit.
- (6) The Field Services Branch shall consider:
- (a) Any involuntary or long-term institutional placement of a ward to:

- 1. Minimize the risk of substantial harm to the ward; and
 - 2. Obtain the most appropriate care; and
 - (b) The ward benefits and entitlements driven by level of care in the placement.
- (7) The Field Services Branch shall notify the facility where the ward resides if the ward is listed on the Sex Offender Registry, has committed a sex crime or a crime against a minor, or is otherwise required to be on the registry pursuant to KRS 17.500 through 17.540.

Section 13. Supports for Community Living (SCL). (1) Unless a ward has been previously referred, the Field Services Branch shall refer a ward with ~~an intellectual disability~~~~a mental retardation~~ or developmental disability to ~~DBHDID~~~~DMHDDAS~~ for determination of Supports for Community Living (SCL) services in accordance with 907 KAR 1:145.

(2) The division shall monitor and access care in which a ward receives through SCL services.

Section 14. Bed Holds. (1) If the Field Services Branch receives notification that a ward is leaving a Medicaid nursing level of care or Medicaid Waiver program or has left a facility or placement, the Field Services Branch may:

- (a) Give verbal authorization for the bed to be reserved; and
 - (b) Authorize bed hold days in excess of the period covered by Medicaid, or other funding source, only if the availability of the ward's funds has been verified with the Fiduciary Services Branch.
- (2) If authorizing a bed hold, the Field Services Branch shall:
- (a) Verify the verbal authorization of a bed hold with:
 - 1. The facility holding the bed; and
 - 2. Written verification including the:
 - a. Client's name;
 - b. Date phone call was placed;
 - c. Date reservation begins;
 - d. Date reservation ends; and
 - e. Rate per day; and
 - (b) Email the Fiduciary Services Branch that a bed hold has been completed.

(3) If a ward is in a public assistance eligible facility such as a licensed personal care home or family care home, and moves to a temporary stay at a hospital, psychiatric hospital-state and private, or nursing facility, the ward may be entitled to retain the public assistance for three (3) months in accordance with 42 U.S.C. 1382(e)(1)(G) and 20 C.F.R. 416.212.

(4) In order to continue public assistance the following requirements shall be met:

- (a) A bed hold has been approved;
- (b) A physician certifies in writing within ten (10) calendar days of admission that the non Supplemental Security Income (SSI) recipient is unlikely to be confined for longer than ninety (90) full,

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consecutive days; and

(c) Fiduciary Services Branch provides the DCBS with the following:

1. Notification of the temporary admission; and
2. The physician statement as specified in paragraph (b) of this subsection.

(5) If the bed hold is not verified or a physician statement is not received within ten (10) calendar days, the ward shall lose eligibility for public assistance and all public assistance shall be returned by the Fiduciary Services Branch to the Kentucky State Treasury from the date of admission.

(6)(a) The Field Services Branch may only authorize a bed hold for a ward residing in other levels of care by verifying and documenting the availability of the ward's funds with the Fiduciary Services Branch.

(b) If funds are verified by the Fiduciary Services Branch, the Field Services Branch shall verify the verbal authorization of a bed hold as specified in subsection (2) of this section.

Section 15. Moving to a New Region. (1) If a ward is being considered for placement from one (1) service region to another, the sending region's Field Services Branch shall consult with the receiving service region's Field Services Branch to determine if the proposed placement meets the needs of the ward.

(2) If placement is appropriate, the Field Services Branch shall request that the receiving region's Field Services Branch visit and assess the ward within forty-five (45) calendar days of placement to ensure the ward is adjusting to the placement.

(3) Within seven (7) working days of the visit, the receiving region's Field Services Branch shall make a recommendation for case file transfer to the sending region as to the ward's adjustment to the placement.

(4) If the ward is not adjusting to placement in the receiving service region:

(a) The sending service region shall consult with the receiving service region for direction and possible resolution; and

(b) The receiving service region may revisit the ward to monitor the placement.

(5) If the ward is adjusting and placement is appropriate, the Field Services Branch shall request a transfer of the ward's case to the receiving region with the receiving region's approval.

(6) If the transfer of the case is considered appropriate, the Field Services Branch in the sending region shall:

- (a) Review the ward's file;
- (b) Ensure the annual report is current; and
- (c) Forward the ward's records and notification of transfer date to the Field Services Branch of the receiving region.

(7) The Field Services Branch in the receiving region shall:

- (a) Notify the court of new place of residence and transfer;
- (b) Assign a Field Services Worker in the new region; and
- (c) Ensure health insurance and Medicare Part D are in place and available.

(8) If any of the following apply, the ward shall not be transferred:

(a) Limited appointment that expires within the next sixty (60) days of transfer;

(b) If there are legal actions pending in the current service region including the sale of real or personal property;

(c) A relative or other interested party is petitioning to be appointed successor guardian or conservator;

(d) The ward is in a psychiatric hospital voluntarily or by commitment for a period of less than 360 days; or

(e) The ward has been approved for SCL funding and is awaiting a permanent placement.

(9) If the ward is still in an emergency appointment, the case shall not be transferred without the sending region's Field Services Branch reviewing the facts and making a determination if the transfer will be accepted by the court in the receiving service region.

Section 16. Personal Belongings. (1) If a ward is moved from one (1) facility to another, the Field Services Branch shall ensure that all personal belongings are safely moved with the ward within

thirty (30) calendar days of the move.

(2) If a ward is moved from a facility to a psychiatric hospital and the ward's personal belongings cannot be moved with the ward, the Field Services Branch shall:

(a)1. Determine if the prior facility charges a fee for storage; and

2. Through completion of a budget with the Fiduciary Services Branch, the availability of the ward's funds to cover the expense; and

(b)1. Store the belongings; or

2. Dispose of the belongings as specified in Section 6(10) of this administrative regulation.

Section 17. Physical Health Care Needs of a Ward. (1) The Field Services Branch may approve health care, treatment, or services of a ward as authorized by a court.

(2) The Field Services Branch may approve birth control measures for the ward and authorize intrusive measures such as insertion of intrauterine devices or birth control implants if:

(a) A medical opinion indicates that there is minimal risk for the ward; and

(b) The procedure is considered to be the least invasive and most appropriate method available.

(3)(a) The Field Services Branch may discuss with the ward or the ward's relative or other interested party the need for surgery or treatment if:

1. It is in the best interest of the ward; and

2. The ward's relative or other interested party has been involved with the ward's case.

(b) Discussion may include the possibility of the ward's relative or other interested party petitioning the court to be appointed as full guardian, guardian for personal affairs, or as limited guardian for medical affairs only.

(4) Unless emergency surgery or treatment is necessary to preserve the ward's life or to prevent serious impairment of the ward's physical health, the Field Services Branch shall seek, pursuant to KRS 387.660(3), the approval of a court for the:

(a) Removal of a bodily organ;

(b) Amputation of a limb; or

(c) Abortion or sterilization.

(5) The Field Services Branch shall document the health care services provided in the ward's case record including:

(a) Procedure to be performed;

(b) Name of the physician performing the procedure;

(c) Location where the procedure will be performed;

(d) Reason the procedure is needed;

(e) Less intrusive measures that have been tried, if applicable;

and

(f) Date the procedure is to be performed.

Section 18. Mental Health Care Needs of the Ward. (1) The Field Services Branch shall seek court approval for the following procedures:

(a) Electro-Convulsive Therapy (ECT); or

(b) Psychosurgery pursuant to KRS 387.660(3).

(2) The Field Services Branch may co-sign a provider's voluntary admission form if a ward is admitted to a mental health or intellectual disability~~[mental retardation]~~ facility and if the:

(a) Ward voluntarily signs the provider's voluntary admission form;

(b) Admitting physician deems the ward to be capable of voluntarily consenting to the treatment; and

(c)[The] Cabinet is authorized by the court to make medical decisions for the ward.

(3) If there is no other person willing to petition the court for the ward to be involuntarily admitted, and the ward meets criteria for involuntary admission to a mental health facility or intellectual disability~~[mental retardation]~~ facility, the Field Services Branch shall follow the procedures and may initiate the Administrative Office of the Court's Petition for Involuntary Hospitalization:

(a) In accordance with KRS Chapters 202A and 202B; and

(b) If the Field Service Branch determines it is in the best interest of the ward.

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Section 19. Nonemergency Removal of a Bodily Organ, Amputation of a Limb, Sterilization or Abortion. (1)(a) Unless emergency surgery or treatment is necessary to preserve the ward's life or prevent serious impairment of the ward's physical health, the Field Services Branch shall seek the approval of the court for the nonemergency removal of a bodily organ and the nonemergency amputation of a limb, sterilization or abortion pursuant to KRS 387.660(3).

(b) The nonemergency removal of a bodily organ may include an organ such as the:

1. Eye;
2. Kidney;
3. Liver;
4. Lung; or
5. Reproductive organs.

(c) The nonemergency amputation of a limb may include:

1. Arm;
2. Foot;
3. Hand; or
4. Leg.

(2) The Field Services Branch may discuss with the ward, ward's relative or other interested party:

- (a) The disposition of an amputated limb; or
- (b) Keeping the amputated limb for burial in accordance with 910 KAR 2:030, Section 12(6).

(3) In order to obtain approval of the court, the Field Services Branch shall obtain written statements from two (2) physicians, who have evaluated the ward and who are not in practice together to include the following:

- (a) Ward's name;
- (b) Date when the statement was written;
- (c) Physician's name, area of practice, address, telephone number, and signature;
- (d) Date the physician last evaluated the ward's condition;
- (e) Procedure to be performed;
- (f) Person who will perform the procedure;
- (g) Location where the procedure will be performed;
- (h) Date of the procedure;
- (i) Ward's prognosis if the procedure is performed;
- (j) Ward's prognosis if the procedure is not performed;
- (k) Risks of performing the procedure;
- (l) Physician's professional opinion as to why the benefits of having the procedure outweighs the risks involved; and
- (m) Alternative and less intrusive procedures that have been performed.

(4) The Field Services Branch shall prepare a written request for legal assistance with the OLS in anticipation of a motion and order that includes the:

- (a) Ward's name;
- (b) Date of adjudication;
- (c) Date the cabinet was appointed;
- (d) Type of appointment and any limitations;
- (e) County having current jurisdiction over the case;
- (f) Court's case number;
- (g) Procedure to be performed;
- (h) Reason the procedure needs to be performed;
- (i) Person who will perform the procedure;
- (j) Location where the procedure will be performed;
- (k) Date of the procedure;
- (l) Reference to the two (2) physicians who support the need for the procedure, who have evaluated the ward and who are not in practice together;
- (m) Names, relationships, and mailing addresses of relatives to be notified of the court hearing; and
- (n) Disposition of the amputated limb, if applicable.

(5) The Field Services Branch shall forward to the OLS the following:

- (a) The request for legal assistance;
- (b) A copy of the district court's AOC-785, Disability Judgment;
- (c) A copy of the district court's AOC-775, Order of Appointment of Guardian; and
- (d) The two (2) physicians' statements.

(6) If the motion and order have been received, the Field Services Branch shall file the following information with the court in the case:

(a) The motion and order prepared by OLS;

(b) The two (2) physicians' statements;

(c) An AOC-775, Order of Appointment of Guardian, available at the court of a ward's disability case; and

(d) An AOC-785, Disability Judgment, available at the court of a ward's disability case.

(7) If required by the court, the Field Services Branch shall attend the hearing on the motion and order.

(8) The Field Services Branch shall provide a certified copy of the signed order to the:

(a) Hospital where the surgery or treatment is to be performed; or

(b) Facility where the ward is residing so that the order can be sent with the ward to the hospital.

(9) The Field Services Branch shall grant permission for the procedure that has been approved by the court.

(10) The Field Services Branch shall arrange disposition of the amputated limb as specified in subsection (2)(a) of this section~~[19(2)(a) of this administrative regulation]~~.

(11) The Field Services Branch shall include an affidavit and other documentation of surgery in the next annual report to the court.

Section 20. Emergency Removal of a Bodily Organ, Amputation of a Limb, Sterilization, or Abortion. (1) If an emergency procedure needs to be performed within twenty-four (24) hours of notification of need from a physician to preserve the life or prevent serious impairment of the physical health of a ward, the Field Services Branch shall not seek court approval.

(2) The Field Services Branch shall notify the division of the need for an emergency procedure.

(3)(a) The Field Services Branch shall document the emergency need and time table for the procedure and request an affidavit of emergency need from the physician.

(b) The Field Services Branch may request a second opinion and an affidavit from the second physician to verify the need for surgery is an emergency.

(c) The Field Services Branch shall review the affidavit if the affidavit is received and authorized as an emergency procedure as appropriate.

(d) The Field Services Branch may discuss with the ward, ward's relative, or other interested party:

1. The disposition of an amputated limb; or
2. Keeping the amputated limb for burial in accordance with 910 KAR 2:030, Section 12(6).

(e) The Field Services Branch shall include the affidavit and other documentation to the event in the next annual report to the court.

Section 21. Involuntary Mental Health Treatment for Wards. (1)(a) If it is determined that a ward is in need of mental health hospitalization, the Field Services Branch shall suggest to the ward that he or she voluntarily seek treatment from a mental health professional or hospital.

(b) If the ward refuses to seek mental health services, and no other person is willing or able to file the petition, the Field Services Branch may:

1. Counsel community partners to petition; or
2. Initiate a petition for involuntary hospitalization if the ward meets the following criteria for involuntary admission for mental health treatment:

- a. The ward has a mental health diagnosis;
- b. The ward can benefit from mental health treatment;
- c. The involuntary admission is the least restrictive form of treatment; and
- d. The ward presents a danger or threat of danger to self or others.

(2) If the cabinet is the petitioner, the Field Services Branch shall:

- (a) Attend the mental inquest hearing; and
- (b) Testify at the request of the county attorney.

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Section 22. Involuntary Intellectual Disability~~[Mental Retardation]~~ Treatment for a Ward. (1) If it is determined that a ward is in need of mental retardation treatment, the Field Services Branch shall suggest to the ward that he or she voluntarily seek treatment from an intellectual disabilities~~[a mental retardation]~~ professional.

(2) If the ward refuses to seek intellectual disabilities~~[mental retardation]~~ treatment, and there is no other person willing or able to file the petition, the Field Services Branch may file a petition if the ward meets the following criteria for involuntary admission for intellectual disabilities~~[mental retardation]~~ treatment:

(a) The ward has an intellectual disability~~[a mental retardation]~~ diagnosis;

(b) The involuntary admission is the least restrictive form of treatment; and

(c) The ward presents a danger or threat of danger to self or others if not admitted to an intermediate care facility for mental retardation (ICF/MR).

(3) In the case of an involuntary admission to an intellectual disabilities~~[a mental retardation]~~ facility, the Field Services Branch shall:

(a) Request approval from the Commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities~~[Mental Health, Developmental Disabilities and Addiction Services (DMHDDAS)]~~ for the ward's admission to the facility; and

(b) Notify the Division of Protection and Advocacy.

(4) If the involuntary admission is granted, the Field Services Branch shall follow procedures as set out in KRS 387.660(1) for notification to the court.

(5) If the cabinet is the petitioner, the Field Services Branch shall:

(a) Attend the mental inquest hearing; and

(b) Testify at the request of the county attorney.

Section 23. Electro-convulsive Therapy and Psychosurgery. (1) Unless it is a necessary emergency medical procedure to preserve life or prevent serious impairment of the physical health of the ward, the Field Services Branch shall, for all forms of psychosurgery, seek approval from the court pursuant to KRS 387.600(3).

(2) The Field Services Branch shall inform the division of the requested procedure.

(3)(a) The Field Services Branch shall obtain written statements from two (2) psychiatrists who have evaluated the ward and who are not in practice together.

(b) The written statements shall include the following:

1. Ward's name;

2. Date when the statement was written;

3. Psychiatrist's name, area of practice, address, telephone number, and signature;

4. Last date the psychiatrist evaluated the ward's condition face-to-face;

5. Procedure to be performed;

6. Person who will perform the procedure;

7. Location where the procedure will be performed;

8. Date of the procedure;

9. Ward's prognosis if the procedure is performed;

10. Ward's prognosis if the procedure is not performed;

11. Risks of performing the procedure;

12. Psychiatrist's professional opinion as to why the benefits of having the procedure outweigh the risks involved; and

13. Alternative and less intrusive measures that have been performed.

(4) The Field Services Branch shall prepare a written request for legal assistance to the OLS that includes the:

(a) Ward's name;

(b) Date of adjudication;

(c) Date the cabinet was appointed;

(d) Type of appointment and any limitations;

(e) County having current jurisdiction over the case;

(f) Court's case number;

(g) Procedure to be performed;

(h) Reason the procedure needs to be performed;

(i) Person who will perform the procedure;

(j) Location where the procedure will be performed;

(k) Date of the procedure;

(l) Reference to the two (2) psychiatrists who support the need for the procedure; and

(m) Names, relationships, and mailing addresses of relatives to be notified of the hearing.

(5) Upon the completion of the written request, the Field Services Branch shall send to OLS the following and request that OLS prepare a motion and order requesting the consent for treatment:

(a) Request for legal assistance;

(b) A copy of the district court's AOC-785, Disability Judgment;

(c) A copy of the district court's AOC-775, Order of Appointment of Guardian; and

(d) Two (2) psychiatrists' statements.

(6) Once the motion and order requesting the consent for treatment have been received by the guardianship local office, the Field Services Branch shall file the following information with the court in the case:

(a) Motion and order prepared by OLS;

(b) Two (2) psychiatrists' statements;

(c) A copy of the district court's AOC-775, Order of Appointment of Guardian; and

(d) A copy of the district court's AOC-785, Disability Judgment.

(7) If required by the court, the Field Services Branch shall attend the hearing on the motion and order.

(8) The Field Services Branch shall provide a certified copy of the signed order by the court to the hospital where the procedure is to be performed or to the facility where the ward is residing so that the order can be sent with the ward to the hospital.

(9) The Field Services Branch shall include the following in the next annual report to the court:

(a) The requests for consent for treatment;

(b) Action taken by the court; and

(c) Treatment provided and resulting outcomes.

Section 24. Life Saving Measures. (1) The procedure for the Field Services Branch to request a change in code status from Full Code (FC) to Do Not Resuscitate (DNR) for a ward for whom the cabinet has the authority to make health care decisions shall include:

(a)1. Being advised by an attending physician, after clinical examination, that the ward~~[has a]~~:

a. Has a terminal condition;

b. Is permanently unconscious; or

c. Has a comorbid condition, in which two (2) or more coexisting medical conditions compromise the ward's chance of recovery or of benefiting from active treatment; and

2. The physician's request~~[physician requests]~~ that the ward's code status be changed to DNR;

(b)~~[Ensuring that the ward's code status remains FC until consultation has been sought with one (1) of the DCBS Adult Medical Support Section (AMSS) nurse consultants or the Health Care Advisory Committee to change the ward's code status to DNR; (c)]~~ Sending the DNR Request Form to be completed and signed by two (2) physicians, one (1) of whom shall be the attending physician; and

~~[c)]~~~~(d)]~~ Notifying and sending the signed DNR Request Form and diagnostic documentation or testing that documents the ward's condition is terminal or permanently unconscious to one (1) of the~~[AMSS]~~ nurse consultants.

(2) The~~[DCBS AMSS]~~ nurse consultant shall determine if the ward meets criteria according to the cabinet's protocol or defer the request to change the ward's code status to DNR to the Guardianship~~[Health Care]~~ Advisory Committee.

(3) The nurse consultant~~[AMSS]~~ shall notify the Field Services Branch of the determination that was made on the ward's code status.

(4) Upon receiving the determination for DNR, in support of changing the ward's code status to DNR, the Field Services Branch shall complete a hospital's or Emergency Medical Services' (EMS)

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Kentucky Emergency Medical Services Do Not Resuscitate Order.

(5) The Field Services Branch shall forward a copy of the approval and the DNR Order to all involved facilities.

(6) The Field Services Branch shall notify all involved facilities verbally of the DNR Order.

(7) If the ward's medical condition improves significantly, any party involved, including the Field Services Branch, may review and make a request to change the code status.

Section 25. Death of a Ward. (1) If a ward dies, the Field Services Branch shall contact the Fiduciary Services Branch within one (1) working day upon notification of the death and provide the:

- (a) Name of the ward;
- (b) Date of death;
- (c) Place of death;
- (d) Last residence;
- (e) Name, address and telephone number of the funeral home;

and

(f) Assets held by the field office or current placement.

(2) The Field Services Branch may contact the preferred funeral home and inform them of:

- (a) The ward's death and location of the body;
- (b) Any known relative or other interested party;
- (c) Any known prepaid burial assets; and
- (d) The fact that the cabinet shall not be held responsible for any burial arrangements or funeral expenses.

(3) The Field Services Branch shall ensure that a relative or other interested party is notified of the ward's death and funeral home.

(4) If there are no funds available for burial, the Field Services Branch shall attempt to contact a known relative or other interested party to determine their interest and ability to assist with burial expenses.

(5) The Field Services Branch may also seek assistance from the county Fiscal Court or local funeral homes.

(6) As the cabinet's decision-making authority ceases when the ward dies, the Field Services Branch shall not grant permission for:

- (a) Autopsies; or
- (b) Organ or tissue donations.

(7) If a ward dies in unusual or unknown circumstances, the Field Services Branch shall:

- (a) Make a referral to:
 - 1. APS; and
 - 2. County coroner, relative, or other interested party who may order an autopsy; and
- (b) Complete and submit to the department a Notice of Adult Fatality.

(8) If the Field Services Branch determines the ward's hard copy file is complete or no later than six (6) months from date of death, the file shall be forwarded by person or mail to the Fiduciary Services Branch.

Section 26. Cremations. (1) Pursuant to KRS 367.97524, a cremation authorization form shall be signed by an authorizing agent clearly stating the disposition of the cremated remains.

(2) Pursuant to KRS 367.97527, a ward may have established a prepaid cremation account prior to being determined to be disabled in order to specify how personal remains shall be handled.

(3) Other persons legally entitled to order the cremation and disposition of the adult's human remains shall be as listed in KRS 367.97501(1).

(4)(a) The Field Services Branch shall not sign a cremation authorization, or be allowed to establish a prepaid cremation account for a ward.

(b) If the ward funded a pre-paid cremation account prior to being adjudicated disabled, the ward's desire to be cremated shall be honored.

(c) If the ward has not signed a preneed authorization and there are no adult relatives who are willing to serve as the authorizing agent, the coroner may seek an order in district court authorizing the ward's cremation.

Section 27. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Initial Field Visit Report", [edition] 3/09;
- (b) "DNR Request Form", [edition] 3/09; and
- (c) "Notice of Adult Fatality", [edition] 3/09.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Aging and Independent Living, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

DEBORAH S. ANDERSON, Commissioner
AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: March 7, 2014

FILED WITH LRC: March 7, 2014 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 21, 2014, at 9:00 a.m. in the Cabinet for Health and Family Services Auditorium, Health Services Building, 275 East Main Street, Suite B, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by April 14, 2014, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments to:

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5W-B, Frankfort, Kentucky 40621, tricia.orme@ky.gov, phone 502-564-7905; fax 502-564-7573.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Phyllis Sosa

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the service provisions for adult guardianship.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to administer services to adults the Cabinet has been appointed as guardianship.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 387.600(1) authorizes the courts to appoint the Cabinet for Health and Family Services as guardian to individuals who have been determined to have a disability and are unable to make their own decisions. KRS 194A.050(1) authorizes the Cabinet for Health and Family Services to adopt regulations as necessary to implement programs. This administrative regulation establishes standards of service provision to individuals who have been appointed to the Cabinet as a ward of the state.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide guidance to the Cabinet and Department on the provision of services and staff requirements in providing for the needs of individuals appointed to the Cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendments to 910 KAR 2:040 updates definitions, and the Life Saving Measures, Do Not Resuscitate (DNR) requirements to allow a more timely decision for the hospitals and doctors involved in the case and removes responsibility from the Department for Community Based Services for review placing the review with an available reviewer within the Cabinet who has the court ordered responsibility for decisions.

(b) The necessity of the amendment to this administrative regulation: It is necessary to amend the Life Saving Measures regarding Do Not Resuscitate to provide the doctors and hospitals

a more timely review of documentation and decision.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies and establishes standards for the provision of services to individuals appointed to the Cabinet.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will provide guidance to the Cabinet staff to implement the requirements of KRS 387.600(1).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Cabinet for Health and Family Services, Department for Aging and Independent Living, Department for Community Based Services, over 3,600 wards of the state, hospitals, doctors and health care providers requesting DNR's on patients that are wards of the state.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: DAHL will implement the DNR review process and obtain guidance from other Cabinet entities as needed to expedite a decision regarding a DNR.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): DAHL will review documentation submitted by the doctors and hospital staff to ensure the ward meets the criteria for DNR prior to submitting the request for additional review by a Cabinet nurse consultant to determine the approval or denial of a DNR. The wards that are being considered for DNR will have the decision made in a more timely manner and will either determine that a DNR will not be initiated or the individual that does meet the criteria will not have life prolonging procedures that are painful and ultimately don't sustain life. The doctors and hospital staff will receive approval or denial in a timely manner and will know how to proceed when an individual has coded.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional costs to implement this amended regulation.

(b) On a continuing basis: No additional costs to implement this amended regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? The Guardianship program is funded 100 percent through state general funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in funding is necessary to implement this regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There are no fees established in this administrative regulation.

(9) TIERING: Is tiering applied? Tiering is not applied since policy is administered the same statewide.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Department for Aging and Independent Living

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 387.600(1), KRS 202A, 202B, 209.990, 210.290(3), (4), 387.97524, 367.97527, 387.500-387.990, 389A.010, 389.015, 20 C.F.R. 416.212, 42 U.S.C. 1382(e)(1)(G)

(3) Estimate the effect of this administrative regulation on the

expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate additional revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years: This administrative regulation will not generate additional revenue.

(c) How much will it cost to administer this program for the first year? For FY 2014, the program will cost \$6,314,200 in state general funds.

(d) How much will it cost to administer this program for subsequent years? In subsequent years, \$6,314,200 in state general funds will be required to administer this program.

Note: if specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Family Support
(Amendment)

921 KAR 2:055. Hearings and appeals.

RELATES TO: KRS Chapter 13B, 45.237, 205.211, 205.231, 205.237, 45 C.F.R. 205.10, 30 U.S.C. 901-944, 38 U.S.C. 1101-1163, 1501-1525, 42 U.S.C. 401-434, 601-619, 1381-1383f, 8621-8630, 45 U.S.C. 231-231v

STATUTORY AUTHORITY: KRS 13B.170, 194A.010(2), 194A.050(1), 205.231(5), 42 U.S.C. 602, 8624

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.010(2) requires the Cabinet for Health and Family Services to administer income-supplement programs that protect, develop, preserve, and maintain families and children in the Commonwealth. KRS 194A.050(1) requires the secretary to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. 42 U.S.C. 602 and 42 U.S.C. 8624 require states receiving Temporary Assistance for Needy Families(TANF) and Low Income Home Energy Assistance Program (LIHEAP) grants, respectively, to provide a grievance procedure for participants and outline this procedure in the applicable state plan. KRS Chapter 13B establishes the hearing process to be followed in the Commonwealth, and KRS 205.231(5) requires the cabinet to promulgate administrative regulations for the hearing process. This administrative regulation establishes the requirements to be followed in conducting a hearing related to the Kentucky Transitional Assistance Program (K-TAP), the Low-Income Home Energy Assistance Program (LIHEAP), or the State Supplementation Program (SSP).

Section 1. Hearing Information. (1) A participant shall be informed of:

(a) The right to a hearing;

(b) The procedures for requesting a hearing, as defined in Section 3 of this administrative regulation; and

(c) Who may represent the participant in a hearing as defined in Section 2 of this administrative regulation.

(2) When the participant files an application, the cabinet shall inform the participant of the right to hearing both orally and in writing.

(3) When an action is taken which affects the benefits of the

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participant, the cabinet shall inform the participant of the right to hearing in writing.

Section 2. Request for a Hearing. (1) An individual shall request a hearing by:

- (a) Completing and submitting a PAFS-78, Request for Hearing, Appeal, or Withdrawal;
 - (b) Submitting a written request; or
 - (c) Making an oral request.
- (2) The hearing request may be:
- (a) Submitted to the local Department for Community Based Services office; or
 - (b) Sent to the Cabinet for Health and Family Services, Division of Administrative Hearings, Families and Children Administrative Hearings Branch, 275 East Main, Frankfort, Kentucky 40621.
- (3) The reason for the hearing shall be included in the hearing request.

Section 3. Timeframe for Hearing Request. (1) A written or oral request for a hearing shall be considered timely if received by the cabinet within:

- (a) Forty (40) days of the date of the advance notice of adverse action;
 - (b) Thirty (30) days of the notice of:
 - 1. Denial of an application; or
 - 2. Decrease or discontinuance of an active case; or
 - (c) The time period the action is pending if the hearing issue is a delay in action.
- (2) If a hearing officer determines an appellant meets good cause criteria in accordance with subsection (3) of this section, the appellant may be granted up to an additional thirty (30) days to submit a hearing request.
- (3) An appellant may be granted good cause by the cabinet:
- (a) For:
 - 1. A delay in requesting a hearing;
 - 2. A delay in requesting a continuation of benefits;
 - 3. Failure to appear for a hearing; or
 - 4. Postponement of a scheduled hearing; and
 - (b) If the appellant:
 - 1. Was away from home during the entire filing period;
 - 2. Is unable to read or to comprehend the right to request a hearing on an adverse action notice;
 - 3. Moved, resulting in delay in receiving or failure to receive the adverse action notice;
 - 4. Had a household member who was seriously ill; or
 - 5. Was not at fault for the delay of the request, as determined by the hearing officer.

Section 4. Continuation of Assistance Program Benefits. (1) If a hearing is requested, benefits shall remain inactive or reduced pending the issuance of a final order unless the appellant requests a continuation of benefits.

- (2) Benefits shall be reinstated to the benefit level that was received prior to the adverse action being taken if the request for a continuation of benefits is received within:
- (a) Ten (10) days of the date on the notice of adverse action; or
 - (b) Twenty (20) days of the date on the notice of adverse action or notice if the reason for delay meets the good cause criteria contained in Section 3(3) of this administrative regulation.
- (3) If the program benefit has been reduced or discontinued as a result of a change in law, administrative regulation, or policy of the cabinet, subsection (2) of this section shall not apply.
- (4) If the action taken by the agency is upheld, continued or reinstated benefits shall be:
- (a) Considered overpayments as defined in KRS 205.211; and
 - (b) Collected in accordance with KRS 45.237.

Section 5. Hearing Notification. (1) The Division of Administrative Hearings, Families and Children Administrative Hearings Branch shall acknowledge a hearing request.

(2) In accordance with KRS 13B.050, the notice of the hearing

shall contain information regarding the:

- (a) Hearing process, including the right to case record review prior to the hearing;
 - (b) Right to representation;
 - (c) Availability of free representation by legal aid or assistance from other organizations within the community; and
 - (d) Time and location of the hearing.
- (3) The cabinet may deny or dismiss a hearing request in accordance with 45 C.F.R. 205.10(a)(5)(v).

Section 6. Withdrawal or Abandonment of Request. (1) The appellant may withdraw a hearing request prior to the:

- (a) Hearing; or
 - (b) Final order being issued if the hearing has already been conducted.
- (2) The cabinet shall consider a hearing request abandoned if the appellant or authorized representative fails to:
- (a) Appear for the scheduled hearing without notifying the cabinet prior to the hearing; and
 - (b) Establish good cause for failure to appear, in accordance with the criteria specified in Section 3(3) of this administrative regulation, within ten (10) days of the scheduled hearing date.

Section 7. Appellant's Hearing Rights. (1) In addition to the rights described in Section 6 of this administrative regulation, the appellant shall have the right to submit additional information in support of the claim.

- (2) The appellant shall have the right to a medical assessment or professional evaluation at the expense of the cabinet by a source:
- (a)[person] Not associated with the original action; and
 - (b) Agreeable to both the appellant and the cabinet if:
 - 1. The hearing[~~:-(a)]~~ involves medical issues; and
 - 2.[(b)] The hearing officer considers it necessary.
- (3) If a request for a medical assessment at cabinet expense is received and denied by the hearing officer, the denial shall:
- (a) Be in writing; and
 - (b) Specify the reason for the denial.

Section 8. Postponement of a Hearing. (1) An appellant shall be entitled to a postponement of a hearing if the:

- (a) Request for the postponement is made prior to the hearing; and
 - (b) Need for the delay is due to an essential reason beyond the control of the appellant in accordance with good cause criteria contained in Section 3(3) of this administrative regulation.
- (2) The hearing officer shall decide if a hearing is postponed.
- (3) The postponement of a hearing shall not exceed thirty (30) days from the date of the request for postponement.

Section 9. Conduct of a Hearing. (1) A hearing shall be:

- (a) Scheduled by the hearing officer; and
 - (b) Conducted in accordance with KRS 13B.080 and 13B.090.
- (2) A hearing officer shall make an effort to conduct a hearing at a location within the state that is convenient for the appellant and other parties involved.
- (3) To secure all pertinent information on the issue, the hearing officer may:
- (a) Examine each party or witness who appears; and
 - (b) If necessary, collect additional evidence from a party.
- (4)(a) If consent is obtained from each party required to testify under oath, a telephonic hearing may be conducted.
- (b) Parties to a telephonic hearing shall:
 - 1.[(a)] Submit all available documentary evidence to be used during the hearing to the hearing officer and the opposing party prior to the hearing being convened; and
 - 2.[(b)] Within the timeframe specified by the hearing officer, mail the hearing officer and opposing party any documents or written materials that:
 - a.[1-] Are introduced as evidence into the hearing record; and
 - b.[2-] Have not been supplied to the opposing party prior to the hearing.
- (5) If evidence addressed in subsection (4)(b) of this section is

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not provided to the hearing officer and the opposing party, the evidence may be excluded from the hearing record.

Section 10. Recommended Order. (1) After the hearing has concluded, the hearing officer shall draft a recommended order in accordance with KRS 13B.110, which:

- (a) Summarizes the facts of the case;
- (b) Specifies the:
 - 1. Reasons for the recommended order; and
 - 2. Address to which a party in the hearing may send an exception to the recommended order; and
- (c) Identifies the:
 - 1. Findings of fact;
 - 2. Conclusions of law;
 - 3. Supporting evidence; and
 - 4. Applicable state and federal regulations.

(2) A copy of the recommended order shall be sent simultaneously to the:

- (a) Appellant or representative;
- (b) Appeal Board for Public Assistance established in accordance with KRS 205.231[Local Department for Community Based Services office and the office's management]; and
- (c) Department for Community Based Services' Division of Family Support.

Section 11. Written Exceptions and Rebuttals. (1) If a party to a hearing disagrees with the recommended order, the party may file a written exception in accordance with KRS 13B.110(4) with the Appeal Board for Public Assistance[Commissioner of the Department for Community Based Services or designee].

- (2) A written exception[exceptions] or rebuttal shall:
 - (a) Be filed within fifteen (15) days of the date the recommended order was mailed;
 - (b) Be based on facts and evidence presented at the hearing;
 - (c) Not refer to evidence that was not introduced at the hearing; and
 - (d) Be sent to each other party involved in the hearing.

Section 12. Appeal Board Review. (1) In accordance with KRS 13A.120 and 205.231, the Appeal Board for Public Assistance shall send a written acknowledgement of the exception to the recommended order and subsequent appeal to the:

- (a) Parties to the hearing; and
- (b) Commissioner of the Department for Community Based Services.

(2) The acknowledgement shall:

- (a) Offer the opportunity to:
 - 1. File a brief; or
 - 2. Request permission to submit new or additional evidence;

and

(b) State the tentative date on which:

- 1. A brief, new evidence, or new exhibit are to be received by the Appeal Board for Public Assistance for consideration; and
- 2. The Appeal Board for Public Assistance shall consider the appeal.

(3) The Appeal Board for Public Assistance shall consider:

- (a) The records of the hearing; and
- (b) New evidence or exhibits introduced before the Appeal Board for Public Assistance in accordance with this section.

(4) If an appeal is being considered on the record, the parties may:

- (a) Submit written arguments; and
- (b) Be allowed to present oral arguments at the Appeal Board for Public Assistance's discretion. Telecommunications may be utilized for the presentation of oral arguments.

(5) If needed, the Appeal Board for Public Assistance may request additional evidence to resolve the appeal[Final Order. Unless the issue is remanded to the hearing officer for further action, the commissioner or designee shall issue a final order within forty-five (45) days of receipt of the recommended order.

Section 13. Appeal of the Final Order. (1) A participant or authorized representative may appeal a final order by filing an

~~appeal to an appeal board appointed in accordance with KRS 205.231(3).~~

~~(2) A request for appeal of a final order shall be submitted either orally or in writing to the:~~

- ~~(a) Local Department for Community Based Services office; or~~
- ~~(b) Appeal board.~~

~~(3) The date a request is received by the cabinet is considered the date the request is filed.~~

~~(4) An appeal request shall be considered timely if the request is received within:~~

- ~~(a) Twenty (20) days of the date the final order was mailed; or~~
- ~~(b) Thirty (30) days of the date the final order was mailed if good cause, in accordance Section 3(3) of this administrative regulation, is met.~~

~~Section 14. Appellant's Rights Prior to Appeal Board Consideration. (1) An appeal to the appeal board shall be acknowledged in writing to the appellant and authorized representative.~~

- ~~(2) The acknowledgment shall:~~
 - ~~(a) Advise the appellant that:~~
 - ~~1. A brief may be filed; or~~
 - ~~2. New evidence or exhibits may be submitted in accordance with Section 15(1)(b) of this administrative regulation; and~~
 - ~~(b) State the date by which the appellant's brief, new evidence, or new exhibits are to be received by the appeal board for consideration.~~

~~Section 15. Appeal Board Review. (1) The appeal board shall consider:~~

- ~~(a) The records of the hearing; and~~
- ~~(b) New evidence or exhibits introduced before the appeal board in accordance with subsection (2) or (3) of this section.~~

~~(2) The appeal board shall provide an appellant opportunity to submit new evidence or exhibits available since the hearing.~~

~~(3) If an appeal is being considered on the record, the parties may:~~

- ~~(a) Submit written arguments; and~~
- ~~(b) Be permitted to present oral arguments if a party provides justification to the board that the party cannot present new evidence or exhibits available since the hearing in writing. Telecommunications may be utilized for the presentation of oral arguments].~~

~~Section 13.[16.] The Appeal Board Decision. (1) The decision of the Appeal Board for Public Assistance shall be in accordance with KRS 13A.120 and 205.231.~~

~~(2) The Appeal Board for Public Assistance shall be allowed to reverse the decision in subsection (1) of this section if the following criteria are met:~~

~~(a) The correct determination of eligibility based on incapacity or disability is the only issue being considered in the appeal board decision; and~~

~~(b) Within twenty (20) days of the Appeal Board for Public Assistance's decision, the appellant, or household member whose incapacity or disability is the issue of the hearing, receives and provides to the appeal board an award letter for benefits based on disability including:~~

- ~~1. Supplemental Security Income pursuant to 42 U.S.C. 1381-1383f;~~
- ~~2. Retirement, Survivors, and Disability Insurance, pursuant to 42 U.S.C. 401-434;~~
- ~~3. Federal Black Lung Benefits pursuant to 30 U.S.C. 901-944;~~
- ~~4. Railroad Retirement Benefits pursuant to 45 U.S.C. 231-231v; or~~
- ~~5. Veterans Administration Benefits based on 100 percent disability pursuant to 38 U.S.C. 1101-1163 or 1501-1525.~~

~~(3) A party aggrieved by the Appeal Board for Public Assistance's decision shall have the right to pursue judicial review of the decision in accordance with KRS 13B.140 and 13B.150.~~

~~Section 14.[17.] Payments of Assistance. (1) Payments of assistance shall be made within ten (10) days of the receipt of a~~

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final order issued by the Appeal Board for Public Assistance[er a decision of the appeal board] and shall include:

- (a) The month of application; or
- (b) If it is established that the appellant was eligible during the entire period in which assistance was withheld, a month in which incorrect action of the cabinet adversely affected the appellant.

(2) For reversals involving reduction of benefits, action shall be taken to restore benefits within ten (10) days of the receipt of a final order issued by the Appeal Board for Public Assistance[er a decision of the appeal board].

Section 15.[48-] Limitation of Fees. (1) The cabinet shall not be responsible for payment of attorney fees.

(2) Pursuant to KRS 205.237, an attorney representing an appellant shall not charge more than the following amounts for his services:

- (a) Seventy-five (75) dollars for preparation and appearance at a hearing before a hearing officer;
- (b) Seventy-five (75) dollars for preparation and presentation, including any briefs, of appeals to the appeal board;
- (c) \$175 for preparation and presentation, including pleadings and appearance in court, of appeals to the circuit court; or
- (d) \$300 for preparatory work, briefs, and other materials related to an appeal to the Court of Appeals.

(3) The cabinet shall approve the amount of a fee, if the:

- (a) Appellant and legal counsel agree to the fee; and
- (b) Fee is within the maximums specified in subsection (2) of this section.

(4) Collection of an attorney fee shall:

- (a) Be the responsibility of the counsel or agent; and
- (b) Not be deducted from the benefits provided to an appellant.

Section 16. Incorporation[49.-Incorporated] by Reference. (1) The form, "PAFS-78, Request for Hearing, Appeal, or Withdrawal", 6/14[edition 03/13], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

TERESA C. JAMES, Commissioner
AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: March 7, 2014

FILED WITH LRC: March 7, 2014 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2014 at 9:00 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 14, 2014, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until April 30, 2014. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573, email tricia.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact: Elizabeth Caywood

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements to be followed in conducting a hearing related to the Kentucky

Transitional Assistance Program (K-TAP), the Low-income Home Energy Assistance Program (LIHEAP), and the State Supplementation Program (SSP).

(b) The necessity of this administrative regulation: This administrative regulation is needed to establish uniform standards for conducting hearings regarding public assistance programs.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing hearings process for K-TAP, LIHEAP, and SSP.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing the hearings process for public assistance programs.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will change the existing administrative regulation by reassigning the final order responsibility from the Commissioner of the Department for Community Based Services to the Appeal Board for Public Assistance; revising the non-discrimination statement on material incorporated by reference; and making other technical corrections in accordance with KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: The Cabinet for Health and Family Services has undertaken a comprehensive review of its administrative hearing and complaint processes for various improvements, including timeliness, congruency with KRS Chapter 13B requirements, and objectivity. The amendment to this administrative regulation is necessary to align hearings for public assistance with the reassignment of final order responsibilities from the Commissioner of the Department for Community Based Services to the Appeal Board for Public Assistance and to assure congruency with another simultaneously filed administrative regulation, 921 KAR 3:070, which governs hearings for the Supplemental Nutrition Assistance Program (SNAP). Because the incorporated material is also used by SNAP applicants/recipients, the U.S. Department of Agriculture-Food and Nutrition Service (FNS) requires that the material contains certain statements regarding nondiscrimination (7 C.F.R. 273.2). Recently, FNS revised the required nondiscrimination statement, which necessitated revision to this administrative regulation's incorporated material. This amendment is also necessary to comply with KRS Chapter 13A.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the authorizing statutes by aligning hearing processes for public assistance programs with the forthcoming reassignment of final order responsibilities to enhance timeliness, objectivity, and congruency with KRS Chapter 13B and federal law requirements; and by ensuring compliance with federal requirements regarding programmatic notice of applicants'/recipients' nondiscrimination rights.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist in the effective administration of the statutes through its enhancement of hearing processes for public assistance programs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect families who are receiving assistance from K-TAP, LIHEAP, and SSP. Material incorporated by reference, the form PAFS-78, Request for Hearing, Appeal, or Withdrawal, is also used by recipients of SNAP benefits. In November 2013, there were 23,432 K-TAP families; 6,291 Kinship Care families; 408,474 SNAP families; and 3,060 State Supplementation recipients. LIHEAP served 130,481 households in Federal Fiscal Year 2013.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Parties to an administrative hearing will direct exceptions to recommended orders to the Appeal Board for Public Assistance, rather than the Commissioner of the Department for Community Based Services.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The amendment to this administrative will create no new or additional cost for the regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment to this administrative regulation improves upon existing cabinet procedures and intends to ensure overall cabinet timeliness, objectivity, and compliance with KRS Chapter 13B.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The amendment to this administrative regulation is not projected to initially create new or additional costs for the administrative body.

(b) On a continuing basis: The amendment to this administrative regulation is not projected to create new or additional costs for the administrative body on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding will be General Funds and federal funds made available through the Temporary Assistance for Needy Families and Low Income Home Energy Assistance Program Block Grants. The funding has been appropriated in the enacted budget.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation establishes the maximum fees outlined to be paid by the appellant to legal representation in accordance with KRS 205.237. This administrative regulation does not directly or indirectly increase or change any fees.

(9) TIERING: Is tiering applied? Tiering is not applied, because this administrative regulation is applied in a like manner statewide.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 U.S.C. 601-619, 8621-8630

2. State compliance standards. KRS 13B.170, 194A.010(2), 194A.050(1), 205.231(5)

3. Minimum or uniform standards contained in the federal mandate. The provisions of the administrative regulation comply with the federal mandate.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will impose no stricter, additional, or different responsibilities or requirements than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation will impose no stricter, additional or different responsibilities or requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Cabinet for Health and Family Services will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13B.170, 194A.010(2), 194A.050(1), 205.231(5),

42 U.S.C. 601-619, 8621-8630

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This program has been operational for numerous years and will not generate any new or additional revenues in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any new or additional revenues in subsequent years.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not result in any new or additional cost in the first year.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not result in any new or additional cost in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

- Revenues (+/-):
Expenditures (+/-):
Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Family Support
(Amendment)

921 KAR 3:070. Fair hearings.

RELATES TO: KRS Chapter 13B, 45.237, 205.231, 7 C.F.R. 273.16

STATUTORY AUTHORITY: KRS 13B.170, 194A.010(2), 194A.050(1), 205.231(5), 7 C.F.R. 271.4, 273.15

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.010(2) requires the Cabinet for Health and Family Services to administer income-supplement programs that protect, develop, preserve, and maintain families and children in the Commonwealth. KRS 194A.050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. 7 C.F.R. 271.4 requires each state to administer a Supplemental Nutrition Assistance[Food Stamp] Program (SNAP). 7 C.F.R. 273.15 requires the agency administering SNAP[the Food Stamp Program] to provide a hearing system for any SNAP[Food Stamp Program] applicant or recipient who is dissatisfied with an agency decision or action. KRS Chapter 13B establishes the hearing process to be followed in the Commonwealth. This administrative regulation establishes the fair hearing procedures used by the cabinet in the administration of the Supplemental Nutrition Assistance[Food Stamp] Program.

Section 1. (1) An opportunity for a fair hearing shall be provided to a household aggrieved by an action or inaction:

- (a) On the part of the cabinet; and
(b) That affects the SNAP[food stamp] benefits of the household.
(2) A fair hearing shall be conducted;
(a) On a state level;
(b) By a hearing officer assigned by the Division of Administrative Hearings, Families and Children Administrative Hearings Branch; and
(c) 1. At the local office administering the benefits of the appellant; or
2. An alternate site, if the appellant:

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- a. Is unable to travel to the local office; and
- b. Requests an alternate site.

(3) If consent is obtained from each party required to testify under oath, a telephonic hearing may be conducted.

(4) If a participant or authorized representative speaks a language other than English, the cabinet shall insure that the hearing procedures are translated and explained in accordance with 7 C.F.R. 273.15(i).

Section 2. Notification of Hearing Rights. (1) At the time of application, a participant shall receive written notification of the:

- (a) Right to a hearing;
- (b) Procedures for requesting a hearing, as specified in Section 4 of this administrative regulation; and
- (c) In accordance with 7 C.F.R. 273.15(f), option to designate a representative for a hearing, such as:
 - 1. Legal counsel;
 - 2. A relative;
 - 3. A friend; or
 - 4. An individual to act on behalf of the participant.

(2) Written notification shall be provided to remind a participant of the right to request a fair hearing if:

(a) An action is taken that affects the benefits of the participant; or

(b) The participant disagrees with an action taken by the cabinet and expresses this disagreement to the cabinet.

(3) The participant shall be informed in writing of the availability of free representation from legal aid or other organizations within the community.

Section 3. Criteria for a Hearing Request. (1) Within a certification period, an active household may request a fair hearing to dispute current benefits.

(2) In accordance with the timeframes of 7 C.F.R. 273.15(g), a SNAP[food-stamp] household may request a hearing on any cabinet action.

Section 4. Request for a Hearing. (1) An individual shall follow the procedures for submitting a hearing request set forth in 921 KAR 2:055, Section 3.

(2) The request for a hearing shall clearly state the reason for the request.

(3) If the reason for the request is unclear, the cabinet may request additional clarification from the appellant.

(4) In accordance with 7 C.F.R. 273.15(h), a request for a hearing shall not be interfered with or limited in any way.

(5) Upon request, and in accordance with 7 C.F.R. 273.15(i), the cabinet shall:

- (a) Help an appellant with a hearing request; and
- (b) Make available, without charge, the materials necessary for an appellant to:
 - 1. Determine whether a hearing may be requested; or
 - 2. Prepare for a hearing.

(6) As determined by the hearing officer, an appellant may have the hearing process expedited in accordance with 7 C.F.R. 273.15(i)(2).

Section 5. Hearing Notification. (1) The Division of Administrative Hearings, Families and Children Administrative Hearings Branch shall acknowledge a hearing request.

(2) The notice of the hearing shall:

- (a) Comply with the requirements of KRS 13B.050(3);
- (b) Specify the name, address, and phone number of the person to notify if an appellant is unable to attend the scheduled hearing; and

(c) Specify that the hearing request shall be dismissed if an appellant or representative fails to appear for a hearing without good cause as specified in Section 8(2) of this administrative regulation.

(3) In accordance with 7 C.F.R. 273.15(1), unless an appellant's request for an expedited hearing is granted, written notice shall be provided at least ten (10) days prior to the date of the hearing to permit adequate preparation of the case.

Section 6. Continuation of Benefits. Unless the appellant requests a discontinuance of benefits, benefits shall be continued, in accordance with 7 C.F.R. 273.15(k), pending the final order.

Section 7. Timely Action on Hearing Requests. (1) In accordance with 7 C.F.R. 273.15(c), within sixty (60) days of a request for a fair hearing, the cabinet shall:

- (a) Acknowledge the request in accordance with Section 5 of this administrative regulation;
 - (b) Conduct a hearing; and
 - (c) Issue a final order.
- (2) In accordance with 7 C.F.R. 273.15(c), benefits shall be adjusted:

- (a) Within ten (10) days of the final order; or
 - (b) With the next issuance following receipt of the final order.
- (3) If an appellant requests a postponement of a hearing, the:
- (a) Hearing shall be postponed;
 - (b) Postponement shall not exceed thirty (30) days from the request for the postponement; and
 - (c) Time limit for issuing a final order may be extended for the same number of days as the hearing is postponed.

Section 8. Denial or Dismissal of a Hearing Request. (1) A hearing request shall be denied or dismissed if the:

- (a) Request does not meet the criteria specified in Section 3 of this administrative regulation;
- (b) Appellant submits a written request to withdraw of the hearing request; or
- (c) Appellant or representative fails to appear for the scheduled hearing without:

- 1. Notifying the cabinet prior to the hearing; or
- 2. Establishing good cause for failure to appear as defined in subsection (2) of this section, within ten (10) days.

(2) Good cause for the delay of a hearing request or failure to appear at a hearing may be granted if the appellant:

- (a) Was away from home during the entire filing period;
- (b) Is unable to read or comprehend the notice;
- (c) Moved, resulting in a delay in receiving or failure to receive the notice;
- (d) Or other household member had a serious illness;
- (e) Was not at fault for the delay, as determined by the hearing officer; or
- (f) Did not receive the notice.

(3) The cabinet shall notify an appellant of the dismissal of a hearing request through the issuance of a Recommended Order of Dismissal.

Section 9. Consolidation of Hearings. (1) A fair hearing and an administrative disqualification hearing may be combined into a single hearing if the:

- (a) Issues of the hearings are based on the same or related circumstances; and
- (b) Appellant receives prior notice of the hearings being combined.

(2) If a fair hearing and an administrative disqualification hearing are combined the:

(a) Timeframe for conducting an administrative disqualification hearing specified in[Section 2 of] 921 KAR 3:060, Section 2, shall be followed; and

(b) Thirty (30) day advance notice period required by 921 KAR 3:060, Section 3 may be waived if requested by the appellant.

(3) An appellant shall lose the right to a subsequent fair hearing on the amount of a claim if a combined hearing is held to determine:

- (a) The amount of the claim; and
- (b) If an intentional program violation occurred.

Section 10. Group Hearings. (1) In accordance with 7 C.F.R. 273.15(e), the cabinet may respond to a series of individual requests for a fair hearing by conducting a single group hearing if:

- (a) Individual issues of fact are not disputed; and
- (b) The issues relate to the same state or federal:
 - 1. Laws;

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- 2. Regulations; or
- 3. Policy.

(2) The same procedures specified in this administrative regulation for an individual hearing shall apply to a group hearing.

Section 11. Agency Conference. (1) In accordance with 7 C.F.R. 273.15(d), the cabinet shall offer an agency conference to an appellant adversely affected by an action of the cabinet.

(2) The appellant shall be informed that an agency conference:

- (a) Is optional; and
- (b) Shall not delay or replace the fair hearing process.
- (3) A fair hearing shall be dismissed if:
 - (a) An agency conference leads to an informal resolution of the dispute; and
 - (b) The appellant makes a written withdrawal of the request for a hearing.
- (4) An agency conference shall be attended by the:
 - (a) Appellant's caseworker;
 - (b) Local office supervisor; and
 - (c) Appellant or representative.

Section 12. Rights During the Hearing. (1) During the hearing process, the appellant or representative shall be provided the opportunity to:

- (a) Examine:
 - 1. The contents of the case file; and
 - 2. All documents and records to be used at the hearing;
 - (b) Present the case or have the case presented by a representative or legal counsel;
 - (c) Bring witnesses, friends, or relatives;
 - (d) Present arguments without undue interference;
 - (e) Submit evidence to establish the pertinent facts and circumstances of the case; and
 - (f) Question; or:
 - 1. Refute testimony or evidence; and
 - 2. Cross-examine an adverse witness.
- (2) Upon request, a copy of the portions of the case file that are relevant to the hearing shall be provided to the appellant at no charge.
- (3) Confidential information, such as the following, shall be protected from release:
- (a) Names of individuals who have disclosed information about the appellant's household; and
 - (b) The nature or status of pending criminal prosecutions.
- (4) The following information shall not be introduced at the hearing or affect the recommendation of the hearing officer:
- (a) Confidential information as specified in subsection (3) of this section;
 - (b) Documents, testimony, or records irrelevant to the hearing; and
 - (c) Other information for which the appellant is not provided an opportunity to contest or challenge.

Section 13. Hearing Officer. (1) The cabinet shall designate a hearing officer who:

- (a) Is employed by the cabinet's Division of Administrative Hearings, Health and Family Services Administrative Hearings Branch; and
 - (b) Meets the criteria specified in KRS 13B.040 and 7 C.F.R. 273.15(m).
- (2) When conducting a hearing, a hearing officer shall:
- (a) Have the authority set forth in KRS 13B.080;
 - (b) Order an independent medical assessment or professional evaluation from a source;
 - 1. Not associated with the original action; and
 - 2. Agreeable to both the appellant and the cabinet if:
 - a. The hearing involves medical issues; and
 - b. The hearing officer considers it necessary;
 - (c) Maintain a hearing record in accordance with KRS 13B.130 and 921 KAR 3:050, Section 13; and
 - (d) Issue a recommended order;
 - 1. In accordance with KRS 13B.110; and
 - 2. As specified in Section 14 of this administrative regulation[to

~~the Commissioner of the Department of Community-Based Services or designee, in accordance with KRS 13B.110.~~

- (3) ~~The Commissioner or designee shall:~~
 - (a) ~~Serve as the hearing authority as specified in 7 C.F.R. 273.15(n); and~~
 - (b) ~~Issue the final order on behalf of the cabinet.~~

Section 14. Recommended Order. (1) After the hearing has concluded, the hearing officer shall draft a recommended order which:

- (a) Summarizes the facts of the case;
 - (b) Specifies the:
 - 1. Reasons for the recommended order; and
 - 2. Address to which a party in the hearing may send an exception to the recommended order; and
 - (c) Identifies the:
 - 1. Findings of fact;
 - 2. Conclusions of law;
 - 3. Supporting evidence; and
 - 4. Applicable state and federal regulations.
- (2) A copy of the recommended order shall be sent simultaneously to the:
- (a) Appellant or representative; [and]
 - (b) Department for Community Based Services' Division of Family Support; and
 - (c) Appeal Board for Public Assistance established in accordance with KRS 205.231[~~Local Department for Community Based Services office~~].

Section 15. Written Exceptions and Rebuttals. (1) If a party to a hearing disagrees with the recommended order, the party may file a written exception with the Appeal Board for Public Assistance[~~commissioner or designee~~].

- (2) A written exception or rebuttal shall:
 - (a) Be filed within fifteen (15) days of the date the recommended order was mailed;
 - (b) Be based on facts and evidence presented at the hearing;
 - (c) Not refer to evidence that was not introduced at the hearing; and
 - (d) Be sent to each other party involved in the hearing.

Section 16. Appeal Board Review. (1) The Appeal Board for Public Assistance shall send a written acknowledgement of the exception to the recommended order to the:

- (a) Parties to the hearing; and
 - (b) Commissioner of the Department for Community Based Services.
- (2) The acknowledgement shall:
- (a) Offer the opportunity to:
 - 1. File a brief; or
 - 2. Request permission to submit new or additional evidence;
- and
- (b) State the tentative date on which:
 - 1. A brief, new evidence, or new exhibit are to be received by the Appeal Board for Public Assistance for consideration; and
 - 2. The Appeal Board for Public Assistance shall consider the appeal.
- (3) The Appeal Board for Public Assistance shall consider:
- (a) The records of the hearing; and
 - (b) New evidence or exhibits introduced before the Appeal Board for Public Assistance in accordance with this section.
- (4) If an appeal is being considered on the record, the parties may:
- (a) Submit written arguments; and
 - (b) Be allowed to present oral arguments at the Appeal Board for Public Assistance's discretion. Telecommunications may be utilized for the presentation of oral arguments.
- (5) If needed, the Appeal Board for Public Assistance may request additional evidence to resolve the appeal[~~Final Order.~~ (1) ~~A final order shall be issued in accordance with 7 C.F.R. 273.15(c).~~
- (2) ~~If the final order differs from the recommended order, it shall include information and documentation in accordance with KRS 13B.120 and 7 C.F.R. 273.15(q).~~

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~~Section 17. Appeal of the Final Order. (1) A participant or authorized representative may appeal a final order by filing an appeal to an appeal board appointed in accordance with KRS 205.231(3).~~

~~(2) A request for appeal of a final order shall be submitted:~~

- ~~(a) 1. Orally; or~~
- ~~2. In writing; and~~
- ~~(b) To the:~~

- ~~1. Local department for community based services office; or~~
- ~~2. Appeal board.~~

~~(3) An appeal request shall be considered:~~

- ~~(a) Filed on the day the request is received by the cabinet; and~~
- ~~(b) Timely, if the request is received within twenty (20) days of the date of the final order.~~

~~Section 18. Appellant's rights prior to appeal board consideration. (1) The appeal board shall send the appellant and the authorized representative written acknowledgement of the request for appeal.~~

~~(2) The acknowledgement shall:~~

~~(a) Offer the opportunity to:~~

- ~~1. File a brief; or~~
- ~~2. Request permission to submit new or additional evidence;~~

~~and~~

~~(b) State the tentative date on which the board shall consider the appeal.~~

~~Section 19. Appeal Board Review. (1) The appeal board shall consider:~~

~~(a) The records of the hearing; and~~

~~(b) New evidence or exhibits introduced before the appeal board in accordance with subsection (2), (3), or (4) of this section.~~

~~(2) If an appeal is being considered on the record, the parties may:~~

~~(a) Present written arguments; and~~

~~(b) At the board's discretion, be allowed to present oral arguments.~~

~~(3) If needed, the appeal board may request additional evidence to resolve the appeal.~~

~~(4) Additional evidence shall be accepted by the board after a party to the hearing has been given seven (7) days notice of the opportunity to:~~

~~(a) Object to the introduction of additional evidence; or~~

~~(b) Rebut or refute any additional evidence].~~

~~Section 17. [20.] The Appeal Board Decision. (1) The decision of the Appeal Board for Public Assistance shall be a final order in accordance with KRS 13B.120, 205.231, and 7 C.F.R. 273.15(c), (n), (q)[shall:~~

~~(a) Establish in writing the facts on which the decision is based; and~~

~~(b) Be issued within forty-five (45) days of the request for an appeal].~~

~~(2) If necessary, benefits of the appellant shall be adjusted:~~

~~(a) Based on the decision of the Appeal Board for Public Assistance; and~~

~~(b) Within ten (10) days of the Appeal Board for Public Assistance's decision.~~

~~(3) A party aggrieved by the Appeal Board for Public Assistance's decision shall have the right to pursue judicial review of the decision in accordance with KRS 13B.140 and 13B.150.~~

TERESA C. JAMES, Commissioner
AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: March 7, 2014

FILED WITH LRC: March 7, 2014 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2014, at 9:00 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 14, 2014, five (5) workdays prior to the hearing, of their intent to attend. If no

notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until April 30, 2014. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, Phone: 502-564-7905, Fax: 502-564-7573, tricia.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Agency Contact: Elizabeth Caywood, Internal Policy Analyst IV
Phone Number: (502) 564-3703

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the fair hearing procedures used by the cabinet in the administration of the Supplemental Nutrition Assistance Program (SNAP).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the fair hearing process used by the cabinet in the administration of SNAP.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation conforms to the content of the authorizing statutes by establishing cabinet procedures for SNAP fair hearings.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing fair hearing procedures used by the cabinet in the administration of the SNAP.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will change the existing administrative regulation by reassigning the final order responsibility from the Commissioner of the Department for Community Based Services to the Appeal Board for Public Assistance; revising the non-discrimination statement on material incorporated by reference; and making other technical corrections in accordance with KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: The Cabinet for Health and Family Services has undertaken a comprehensive review of its administrative hearing and complaint processes for various improvements, including timeliness, congruency with KRS Chapter 13B requirements, and objectivity. The amendment to this administrative regulation is necessary to align hearings for public assistance with the reassignment of final order responsibilities from the Commissioner of the Department for Community Based Services to the Appeal Board for Public Assistance and to assure congruency with another simultaneously filed administrative regulation, 921 KAR 2:055, which governs hearings for public assistance programs. This amendment is also necessary to comply with KRS Chapter 13A.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the authorizing statutes by aligning hearing procedures for SNAP with the forthcoming reassignment of final order responsibilities to enhance timeliness, objectivity, and congruency with KRS Chapter 13B and federal law requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist in the effective administration of the statutes through its enhancement of hearing processes for SNAP.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this

administrative regulation: This administrative regulation will affect all SNAP applicants and recipients in the Kentucky. Currently, there are approximately 406,074 households with 840,047 members participating in the SNAP in Kentucky. There were 252 SNAP fair hearings requested and 110 SNAP fair hearings conducted from July 1, 2012, through June 30, 2013.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Parties to an administrative hearing will direct exceptions to recommended orders to the Appeal Board for Public Assistance, rather than the Commissioner of the Department for Community Based Services.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The amendment to this administrative will create no new or additional cost for the regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment to this administrative regulation improves upon existing cabinet procedures and intends to ensure overall cabinet timeliness, objectivity, and compliance with KRS Chapter 13B.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The amendment to this administrative regulation is not projected to initially create new or additional costs for the administrative body.

(b) On a continuing basis: The amendment to this administrative regulation is not projected to create new or additional costs for the administrative body on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding will be split between state funds and federal funding made available to state agencies administrating SNAP. The funding has been appropriated in the enacted budget.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish fees nor directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applicable as application of this policy is applied in a like manner for all individuals statewide.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 7 C.F.R. 273.4, 273.15

2. State compliance standards. KRS Chapter 13B, 194A.010(2), 194A.050(1), 205.231(5)

3. Minimum or uniform standards contained in the federal mandate. The provisions of the administrative regulation comply with the federal mandate.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will impose no stricter, additional, or different responsibilities or requirements than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation will impose no stricter, additional, or different responsibilities or requirements than those required by the federal mandate.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Cabinet for Health and Family Services will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13B.170, 194A.010(2), 194A.050(1), 205.231(5), 7 C.F.R. 271.4, 273.15

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This program has been operational for numerous years and will not generate any new or additional revenues in the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any new or additional revenues in subsequent years.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not result in any new or additional cost in the first year.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not result in any new or additional cost in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Commissioner's Office
(Amendment)

922 KAR 1:320. Service appeals.

RELATES TO: KRS Chapter 13B, 194A.005, 194A.030(11), 199.555(2), 199.557, 209.020(4), (5), 209A.020(4), (5), 600.020(43), 605.090(1)(b), (6), 620.020(1), 620.180(2)(a)1, 620.230, 45 C.F.R. 98, 205.10, 1355.21(b), 1355.30(p), [29 U.S.C. 794,] 42 U.S.C. 601(a)(1), 621(1)-(4), 629, 670[625, 629a], 671(a)(23), 673, 675, 1397, 9858-9858q

STATUTORY AUTHORITY: KRS 13B.170, 194A.010(2), 194A.050(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.010(2) designates the Cabinet for Health and Family Services as the primary state agency responsible for leadership in protecting and promoting the well-being of Kentuckians through the delivery of quality human services. KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds, including 45 C.F.R. 205.10, made applicable to titles IV-B and IV-E programs by references in 45 C.F.R. 1355.21(b) and 1355.30(p). This administrative regulation establishes procedures related to appeals and complaints for benefits and services under 922 KAR Chapters 1 through 5.

Section 1. Definitions. (1) "Adoption assistance" means a payment under:

- (a) KRS 199.555(2) and 922 KAR 1:050, State-funded adoption assistance; or
- (b) KRS 199.557 and 922 KAR 1:060, Federal Title IV-E

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adoption assistance.

(2) "Adult" is defined by KRS 209.020(4) or 209A.020(4).

(3) "Caretaker relative" means a relative:

(a) With whom a child is, or shall be, placed by the cabinet; and

(b) Who is seeking to qualify as a kinship caregiver in accordance with 922 KAR 1:130, Kinship Care Program.

(4) "Case permanency plan" is defined by KRS 620.020(1) and described in KRS 620.230 for a child placed outside the home.

(5) "Case plan" is described in 922 KAR 1:430, Child Protective Services In-home Case Planning and Service Delivery, for a child who remains in the home. ~~[(5) "Case permanency plan" is defined by KRS 620.020(1) and described in KRS 620.230 for a child placed outside the home.]~~

(6) "Case planning conference" means a meeting in which a case plan or a case permanency plan is developed or modified in accordance with KRS 620.180(2)(a)1.

(7) "Child care assistance" means subsidy benefits as described by 922 KAR 2:160, Child Care Assistance Program.

(8) "Child welfare services" means benefits or services on behalf of a child meeting a purpose of 42 U.S.C. 601(a)(1), 621(1)(4), 629, 670, or 1397 ~~is defined by 42 U.S.C. 625 and described in 42 U.S.C. 629a~~.

(9) "Commissioner" means the Commissioner of the Department for Community Based Services or designee.

(10) "Contract agency" means a business or organization that offers child welfare, adult or domestic violence protective, or child care services to the public through a contract or agreement with the cabinet.

(11) "General adult services" means a voluntary preventative service in accordance with 922 KAR 5:090, General adult services.

(12) "Good cause" means justification for failure to carry forward with a legal obligation related to an appeal in accordance with Section 6(7) of this administrative regulation.

(13) "Kinship caregiver" means a qualified caretaker relative of a child with whom the child is placed by the cabinet as an alternative to foster care in accordance with 922 KAR 1:130, Kinship Care Program.

(14) "Parent" is defined by:

(a) KRS 600.020(43) and 42 U.S.C. 675(2) for child welfare benefits and services; or

(b) 45 C.F.R. 98.2 for child care assistance.

(15) "Protective services" is defined by KRS 209.020(5) or 209A.020(5).

(16) "Registered child care provider" means a caregiver registered under 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program.

(17) "Resource home" means a home in which an individual has been approved by the cabinet in accordance with 922 KAR 1:350, Family preparation, to:

(a) Provide foster care services for a child placed by the cabinet;

(b) Adopt a child:

1. Whose parents' parental rights have been terminated; and

2. Who is under the custodial control of the cabinet; or

(c) Provide respite service for a family approved to care for a child under the custodial control of the cabinet.

Section 2. Right to Appeal. (1) A parent may request review of the following through an administrative hearing:

(a) Denial, reduction, modification, suspension, or termination of child welfare services provided by the cabinet;

(b) Closure of a child protective services case in accordance with:

1. 922 KAR 1:330, Section 11(3); or

2. 922 KAR 1:430, Section 4(4)(b); or

(c) Failure by the cabinet to:

1. Respond with reasonable promptness to a request for child welfare services provided by the cabinet;

2. Complete a case plan, or case permanency plan;

3. Provide or refer for services as specified in the case plan or case permanency plan; or

4. Meet the mandated time frames for child protective services

specified in 922 KAR 1:330.

(2) A resource home parent or adoptive parent may request review of the following through an administrative hearing:

(a) Failure by the cabinet to:

1. Process reimbursement to a resource home with reasonable promptness;

2. Provide information required by KRS 605.090(1)(b) and (6);

3. Advise an adoptive parent of the availability of adoption assistance in accordance with 922 KAR 1:050, State funded adoption assistance, or 922 KAR 1:060, Federal Title IV-E adoption assistance; or

4. Provide an adoptive parent with known relevant facts regarding the:

a. Child;

b. Child's background prior to finalization of the adoption; and

c. Child's biological family;

(b) Determination of ineligibility for adoption assistance upon execution of an adoptive placement agreement under 922 KAR 1:050, State funded adoption assistance, or 922 KAR 1:060, Federal Title IV-E adoption assistance;

(c) Denial of a request for a change in payment level due to a change in circumstances of an adoptive parent or child when the adoption assistance agreement is renewed under 922 KAR 1:050, State funded adoption assistance, or 922 KAR 1:060, Federal Title IV-E adoption assistance; or

(d) Closure of a resource home under 922 KAR 1:350, Family preparation, unless a provision of Section 3(1)(f), (g), (h), or (i) of this administrative regulation applies.

(3) An approved and available adoptive parent outside the jurisdiction with responsibility for handling the case of an adoptive child may request an administrative hearing for the cabinet's denial or delay in placement of the child for adoption pursuant to 42 U.S.C. 671(a)(23).

(4)(a) A kinship caregiver may request an administrative hearing pursuant to 922 KAR 1:130, Section 19.

(b) Pursuant to 922 KAR 1:130, Section 19(2), a kinship caregiver who is dissatisfied with an action or inaction on the part of the cabinet relating to financial assistance under the Kinship Care Program may request an administrative hearing under the provisions of 921 KAR 2:055, Hearings and appeals.

(5) An applicant determined by the cabinet to be ineligible for a tuition waiver may request an administrative hearing pursuant to 922 KAR 1:450, Section 3.

(6) An applicant determined by the cabinet to be ineligible for an educational and training voucher may request an administrative hearing pursuant to 922 KAR 1:500, Section 5.

(7) An adult may request review of the following through an administrative hearing:

(a) The cabinet's denial of general adult services or protective services to an adult identified as a victim of abuse, neglect, or exploitation; or

(b) Failure by the cabinet to respond with reasonable promptness to a request for:

1. General adult services; or

2. Protective services for an adult.

(8) An applicant for child care assistance or the parent of a child receiving assistance may request an administrative hearing for the denial, reduction, suspension, or termination of benefits pursuant to 922 KAR 2:160, Section 18.

(9) An applicant for child care registration or a registered child care provider may request an administrative hearing in accordance with 922 KAR 2:180, Section 9.

(10) An individual aggrieved by an action of the cabinet may request an administrative hearing for a matter by which a Kentucky Revised Statute or 922 KAR Chapters 1 through 5 expressly permits the appeal of a cabinet action or alleged act.

(11) A parent or an adult aggrieved by an action of the cabinet may request review of the following through an administrative hearing:

(a) A cabinet denial, reduction, suspension, or termination of services or federally-funded benefits, payments, or financial assistance to which an individual may be entitled under 922 KAR Chapters 1 through 5; or

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(b) A cabinet failure to act with reasonable promptness to a request for a federally-funded benefit, payment, or financial assistance to which an individual may be entitled under 922 KAR Chapters 1 through 5.

Section 3. Matters Not Appealable through an Administrative Hearing. (1) The following shall not be subject to review through an administrative hearing:

(a) A matter in which a court:

1. Has previously made a judicial determination or issued an order on the same issue being appealed; or
2. Is currently engaged in legal proceedings regarding the same issue being appealed;

(b) A final administrative decision made by the cabinet or cabinet's designee as a result of a previous appeal on the same issue;

(c) An appeal that has been abandoned by an appellant who failed to demonstrate good cause for failure to go forward;

(d) Failure to submit a written request for appeal within the time frame established by Section 6(4)(b) of this administrative regulation;

(e) A decision to deny:

1. Approval of an individual seeking to provide foster or adoptive services in accordance with 922 KAR 1:350 or 922 KAR 1:310; or

2. A caretaker relative approval as a kinship caregiver if the:

a. Caretaker relative fails to meet the provisions of 922 KAR 1:130, Section 5; or

b. Child is ineligible in accordance with 922 KAR 1:130, Section 9;

(f) Removal of a foster child from a resource home if the resource home parent or another individual residing in the home has been found by the cabinet to have abused, neglected, or exploited a child and the:

1. Resource home parent or other individual waived the right to appeal the substantiated incident; or

2. Substantiated incident was upheld after:

a. An administrative hearing; or

b. Judicial review;

(g) Removal of a child from a resource home for the purpose of:

1. Achieving a permanency goal described by 922 KAR 1:140, Foster care and adoption permanency services; or

2. Uniting or reuniting the child with a sibling at the next placement;

(h) Closure of a resource home if the cabinet has not placed a child in the home within the previous two (2) years;

(i) Closure of a resource home according to the terms of the contract between the cabinet and the resource home;

(j) A situation where state or federal law requires adjustment of a payment or grant, except if a payment or grant computation is incorrect;

(k) The per diem rate of reimbursement paid to a resource home parent who provides foster care services; or

(l) Decision to not recommend a resource home parent in accordance with 922 KAR 1:350, Section 9(12) for enrollment in specialized training as an emergency shelter, medically fragile, specialized medically fragile, or care plus resource home.

(2) A complaint of discrimination may be filed with the cabinet's Office of Human Resource Management in accordance with 920 KAR 1:090.

Section 4. Service Complaints. (1) If a matter is not subject to review through an administrative hearing, a parent, caretaker relative, kinship caregiver, or an adult may:

(a) Attempt to resolve the issue by submitting a written complaint to the service region administrator or designee within thirty (30) calendar days after the date of the cabinet action or alleged act; or

(b) Contact the cabinet's Office of the Ombudsman if the matter was not previously reviewed:

1. By that office; or

2. Pursuant to paragraph (a) of this subsection.

(2)(a) The service region administrator, administrator's designee, or the cabinet's Office of the Ombudsman shall provide a written response to the complainant within thirty (30) calendar days of receipt of a written complaint not subject to review through an administrative hearing.

(b) The commissioner or the ombudsman may grant an extension to the response timeframe given in paragraph (a) of this subsection if:

1. Extenuating circumstances prolong the review of the complaint; and

2. Notice of the extension is provided to the complainant.

(3)(a) A parent, caretaker relative, kinship caregiver, or an adult dissatisfied with a written response rendered by the service region administrator, administrator's designee, or the Office of the Ombudsman may request that the commissioner review the complaint and the written response.

(b) A request for review shall be submitted in writing to the commissioner within ten (10) days of receipt of the written response provided in accordance with subsection (2) of this section.

(c) Upon completion of the review, the commissioner shall render a written ~~determination~~[order] regarding the complaint within thirty (30) days unless:

1. Extenuating circumstances prolong the review of the complaint; and

2. The commissioner notifies the complainant of the need for an extension to the timeframe specified in this paragraph.

(d) The department shall abide by the commissioner's written ~~determination~~[order].

(4) The department shall compile data regarding service complaints to:

(a) Fulfill federal and state reporting requirements; and

(b) Use for program development and evaluation.

Section 5. Appeal of a Child Abuse or Neglect Investigative Finding. An individual who has been found by the cabinet to have abused or neglected a child may appeal the cabinet's finding through an administrative hearing in accordance with 922 KAR 1:480, Appeal of child abuse and neglect investigative findings.

Section 6. Request for Appeal. (1) The cabinet shall provide a copy of the:

(a) DPP-154, Protection and Permanency Service Appeal Request, to an individual:

1. At each case planning conference;

2. Upon denial, reduction, modification, suspension, or termination by the cabinet of:

a. Child welfare services provided by the cabinet;

b. General adult services or protective services, if notification does not present a risk of harm to the victim;

c. Adoption assistance; or

d. Other federally-funded program benefit described in 922 KAR Chapter 1, 3, or 5; or

3. Upon determination that a student is not eligible for a tuition waiver or education and training voucher; ~~or[-]~~

(b) DCC-88, Child Care Service Appeal Request, to an individual:

1. Upon the denial, reduction, or termination of child care assistance;

2. In accordance with 922 KAR 2:180, Requirements for registered child care providers in the Child Care Assistance Program, for a:

a. Withdrawal or denial of child care registration application, not at the request of the applicant; or

b. Revocation or closure of a registered child care provider, not at the request of the provider;

3. Upon a reduction or revocation of a child care provider's STARS level in accordance with:

a. 922 KAR 2:170, STARS for KIDS NOW Program Type I licensed child-care centers; or

b. 922 KAR 2:210, STARS for KIDS NOW Program for Type II licensed and certified family child-care homes; or

4. Upon a revocation of a trainer's credential in accordance

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with 922 KAR 2:240, Kentucky Early Care and Education Trainer's Credential and training approval.

(2) At least ten (10) days prior to the denial, reduction, modification, suspension, or termination of a benefit or services, the cabinet shall hand-deliver or mail a:

(a) DPP-154A, Protection and Permanency Notice of Intended Action;

(b) DCC-108, Notice of Adverse Action for Child Care Providers and Early Care and Education Professionals; or

(c) Notice in accordance with 922 KAR 2:160, Section 12(6).

(3) The cabinet may take emergency action under KRS 13B.125.

(4) A request for appeal shall:

(a) Be written by the appellant, with the assistance of the cabinet or contract agency if the appellant is unable to comply without assistance;

(b) Be submitted to the cabinet no later than thirty (30) calendar days from the date:

1. That the notice provided in accordance with subsection (2) of this section was issued; or

2. Of the occurrence of the disputed action;

(c) Describe the:

1. Cabinet action in dispute; or

2. Alleged act;

(d) Specify:

1. The reason the appellant disputes the cabinet's action; and

2. Name of each cabinet staff person involved with the disputed action, if known; and

3. Date of the cabinet action or alleged act in dispute; and

(e) Include the notice provided in accordance with subsection (2) of this section, if available.

(5)(a) Upon receipt of a written request for appeal, the cabinet shall determine whether the matter is subject to review through an administrative hearing.

(b) If the matter is not subject to review, the cabinet shall inform the individual in writing that the:

1. Matter is not appealable; and

2. Resolution of the matter may be pursued through the service complaint process described in Section 4 or 8 of this administrative regulation.

(6) If the cabinet receives a written request for appeal within ten (10) calendar days from the date the notice provided in accordance with subsection (2) of this section was issued or date of the disputed action and the matter is appealable, the cabinet shall continue to provide federally-funded assistance in accordance with 45 C.F.R. 205.10(a)(6) pending the outcome of the appeal.

(7) The cabinet shall not dismiss a request for appeal if an appellant demonstrates good cause. Justification may include:

(a) An appellant's inability to comprehend the cabinet's written statement describing appeal rights; or

(b) A cabinet-sanctioned determination that the appellant or the appellant's legal representative is not at fault for failure to:

1. Submit a written request for appeal; or

2. Participate in a proceeding related to an administrative hearing.

Section 7. Administrative Hearing. [(4)] Each administrative hearing conducted by the cabinet or designee shall comply with KRS Chapter 13B. [(2) ~~Unless waived by the appellant, final administrative action shall be taken in accordance with the ninety (90) day time frame established by KRS 13B.120(4).~~]

Section 8. Recommended Order. (1) A copy of the recommended order shall be sent simultaneously to:

(a) Each party to the administrative hearing;

(b) The commissioner of the Department for Community Based Services; and

(c) The secretary of the Cabinet for Health and Family Services or designee.

(2) If a party to a hearing disagrees with the recommended order, the party may file a written exception as provided in KRS 13B.110(4) with the secretary, which shall:

(a) Be filed within fifteen (15) days of the date the

recommended order was mailed;

(b) Be based on facts and evidence presented at the hearing;

(c) Not refer to evidence that was not introduced at the hearing; and

(d) Be sent to each other party involved in the hearing.

Section 9. Final Order. (1) The secretary of the Cabinet for Health and Family Services or designee shall issue a final order in accordance with KRS 13B.120.

(2) Unless waived by an appellant, final administrative action shall be taken within ninety (90) days from the date of the request for an administrative hearing as required by 45 C.F.R. 205.10.

Section 10. Contract Agencies. (1) A contract agency shall offer a complaint process consistent with:

(a) Section 4 of this administrative regulation; or

(b) Provisions of the contract or agreement between the contract agency and the cabinet, if the provisions are different from Section 4 of this administrative regulation.

(2)(a) An individual dissatisfied with a final written ~~response~~[decision] rendered by a contract agency ~~regarding~~[in response to] a complaint may request that the commissioner review the complaint and the ~~contract agency's written response~~[final decision].

(b) A request for review shall be submitted to the commissioner within ten (10) days of the contract agency's ~~written response~~[final decision].

(c) Upon completion of the review, the commissioner shall render a written ~~determination~~[order] regarding the complaint within thirty (30) days unless:

1. Extenuating circumstances prolong the review of the complaint; and

2. The commissioner notifies the client of the need for an extension to the timeframe specified in this subparagraph.

(d) The contract agency shall abide by the ~~commissioner's written determination~~[order].

Section 11[9.] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "DCC-88, Child Care Service Appeal Request", 11/09;

(b) "DCC-108, Notice of Adverse Action for Child Care Providers and Early Care and Education Professionals", 11/09;

(c) "DPP-154, Protection and Permanency Service Appeal Request", 11/09; and

(d) "DPP-154A, Protection and Permanency Notice of Intended Action", 11/09.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

TERESA C. JAMES, Commissioner

AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: March 7, 2014

FILED WITH LRC: March 7, 2014 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2014, at 9:00 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 14, 2014, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until April 30, 2014. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573, email tricia.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact: Elizabeth Caywood

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures related to service appeals and complaints for benefits and services under 922 KAR Chapter 1 through 5.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide service appeal and complaint procedures for benefits and services governed by 922 KAR Chapters 1 through 5.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing service complaint and due process in accordance with KRS Chapter 13B and 45 C.F.R. 205.10.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes through its establishment of service appeal and complaint processes for benefits and services permitted by 922 KAR Chapter 1 through 5.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment changes the existing administrative regulation by updating the definition of "child welfare services" to reflect changes made to federal laws, clarifying terminology to ensure that the commissioner's determination regarding a complaint is not confused with an administrative hearing order, specifying the recommended and final order processes, and making technical corrections and updates in accordance with KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: The Cabinet for Health and Family Services has undertaken a comprehensive review of its administrative hearing and complaint processes for various improvements, including timeliness, congruency with KRS Chapter 13B requirements, and objectivity. The amendment to this administrative regulation is necessary to align service appeals with the reassignment of final order responsibilities from the Commissioner of the Department for Community Based Services to the Secretary of the Cabinet for Health and Family Services and to assure congruency with another simultaneously filed administrative regulation, 922 KAR 1:480, which governs the appeals of child abuse and neglect investigative findings. The amendment is also necessary to comply the drafting and format requirements of KRS Chapter 13A.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by clarifying terminology and by aligning service appeals for benefits and services under Title 922 KAR Chapters 1 through 5 with the forthcoming reassignment of final order responsibilities to enhance timeliness, objectivity, and congruency with KRS Chapter 13B and federal law requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes through its enhancement of due process for individuals aggrieved under Title 922 KAR Chapters 1 through 5.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Individuals receiving child welfare or adult services, applicants and recipients of the Child Care Assistance Program, and child care trainers and programs seeking quality rating are entities impacted by this administrative regulation, which governs service appeals for Title 922 Chapters 1 through 5. In State Fiscal Year (SFY) 2013, the Department for Community Based Services investigated nearly 40,000 reports of child

maltreatment and 67,000 reports involving a vulnerable adult and served approximately 7,400 children per month in foster care. During the same time, slightly more than 23,000 children were served on average each month in the Child Care Assistance Program. For the first half of SFY 2014, over 900 child care providers participated in the quality rating program, and nearly 700 individuals are credentialed child care trainers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Parties to an administrative hearing will direct exceptions to recommended orders to the Secretary of the Cabinet for Health and Family Services, rather than the Commissioner of the Department for Community Based Services.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The regulated entities will incur no new or additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment to this administrative regulation improves upon existing cabinet procedures and intends to ensure overall cabinet timeliness, objectivity, and compliance with KRS Chapter 13B.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The administrative body projects no new or additional initial costs as a result of the amendment to this administrative regulation.

(b) On a continuing basis: The administrative body projects no new or additional ongoing costs as a result of the amendment to this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Social Services Block Grant, Child Care and Development Fund Block Grant, Title IV-E (of the Social Security Act) funds are federal funds that support the implementation and enforcement of this administrative regulation. State General Funds are also utilized.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendment to this administrative regulation does not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied, as this administrative regulation is applied in a like manner statewide.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 45 C.F.R. 205.100, 1355.21(b), 1355.30(p)

2. State compliance standards. KRS Chapter 13B, 194A.010(2), 194A.050(1)

3. Minimum or uniform standards contained in the federal mandate. 45 C.F.R. 205.100, 1355.21(b), 1355.30(p)

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter, additional, or different requirements or responsibilities than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, additional, or different responsibilities or requirements. This administrative regulation does not impose stricter, additional or different requirements or responsibilities than those required by the federal mandate.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Cabinet for Health and Family Services will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 13B, 194A.010(2), 194A.050(1), 45 C.F.R. 205.100, 1355.21(b), 1355.30(p)

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no new revenues for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no new revenues for the subsequent years.

(c) How much will it cost to administer this program for the first year? This administrative regulation will generate no new or additional costs of the first year.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will generate no new or additional costs in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amendment)**

922 KAR 1:480. Appeal of child abuse and neglect investigative findings.

RELATES TO: KRS Chapter 13B, 13B.010(2), (7), 194A.005(1)[43B-090(4)], 600.020(1), (6), 620.050(5), 45 C.F.R. 205.10, 42 U.S.C. 5106a(b)(2)(B)(viii), (ix)[5106a(b)(2)(A)(viii), (ix); EO-2004-726]

STATUTORY AUTHORITY: KRS 194A.050(1), 42 U.S.C. 5106a

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 implement programs mandated by federal law or to qualify for the receipt of federal funds. 42 U.S.C. 5106a requires the Secretary of Health and Human Services to make grants for the purpose of assisting states in improving the delivery of child protective services, including procedures for appealing and responding to appeals of substantiated reports of abuse and neglect. In order to maintain continued eligibility after the initial grant application, 42 U.S.C. 5106a requires states to submit a plan every five (5) years thereafter assuring operation of a statewide program related to child abuse and neglect that includes provisions, procedures, and mechanisms by which a perpetrator who disagrees with an official finding of child abuse or neglect may appeal the finding.[EO-2004-726 reorganizes the executive branch of government and establishes the Cabinet for Health and Family Services.] This administrative regulation establishes the cabinet's procedures for responding to appeals of child abuse and neglect investigative findings.

Section 1. Definitions. (1) "Abused or neglected child" is defined by KRS 600.020(1).

(2) "Administrative hearing" is defined by KRS 13B.010(2).

(3) "Appellant" means a perpetrator who requests an administrative hearing or on whose behalf an administrative hearing is requested by the perpetrator's legal representative.

(4) "Cabinet" is defined by KRS 194A.005(1) and 600.020(6).

(5) "Compelling need" means a hearing officer determines that a probability exists by which a child would be unable to reasonably communicate because of emotional distress produced by the perpetrator's presence.

(6)[(5)] "Good cause" means justification for failure to carry forward with a legal obligation related to an appeal, including:

(a) An appellant's inability to comprehend the cabinet's written statement describing appeal rights; or

(b) A cabinet-sanctioned determination that the appellant or the appellant's legal representative is not at fault for failure to:

1. Submit a written request for appeal; or

2. Participate in a proceeding related to an administrative hearing.

(7)[(6)] "Hearing officer" is defined by KRS 13B.010(7).

(8)[(7)] "Perpetrator" means a person who, as a result of an investigation, has been determined by the cabinet to have abused or neglected a child.

Section 2. Right to Appeal. A person who has been found by the cabinet to have abused or neglected a child may appeal the cabinet's finding through an administrative hearing.

Section 3. Notification and Request for Appeal. (1) The cabinet shall provide to a perpetrator:

(a) Notice of a substantiated finding of child abuse or neglect in accordance with 922 KAR 1:330, Section 8; and

(b) A copy of the Request for Appeal of Child Abuse or Neglect Investigative Finding, form DPP-155, incorporated by reference.

(2) The cabinet shall disclose confidential information in accordance with 42 U.S.C. 5106a(b)(2)(B)(viii)[5106a(b)(2)(A)(viii)], (ix) to any federal, state, or local government entity, or an agent of a government entity, that has a need for the information in order to carry out its responsibility under the law to protect children from abuse and neglect.

(3) A request for appeal shall:

(a) Be submitted:

1. In writing by the appellant, with the assistance of the cabinet if the appellant is unable to comply without assistance; and

2. To the cabinet no later than thirty (30) calendar days from the date:

a. The notice of a substantiated finding of child abuse or neglect is mailed; or

b. Of delivery of the notice if not mailed;

(b) Describe the nature of the investigative finding;

(c) Specify the reason the appellant disputes the cabinet's substantiated finding of child abuse or neglect;

(d) Specify the name of each known cabinet staff person involved with the investigation; and

(e) Include a copy of the notice of a substantiated finding of child abuse or neglect if available.

(4)(a) Upon receipt of a written request for appeal, the cabinet shall confirm whether the matter is subject to review through an administrative hearing.

(b) If the matter is not subject to review, the cabinet shall inform the individual in writing that the matter:

1. Is not appealable; and

2. May be pursued through the service complaint process described in 922 KAR 1:320, Section 4 or 8.

(5) The cabinet shall not dismiss a request for appeal as untimely if an appellant demonstrates good cause.

Section 4. Matters Not Appealable Through an Administrative Hearing. (1) The following shall not be subject to review through an administrative hearing:

(a) A matter in which a civil court having competent jurisdiction:

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1. Has heard evidence and made a final judicial determination that abuse or neglect of a child did or did not occur; or

2. Is currently engaged in legal proceedings regarding the same issue being appealed;

(b) A matter in which an appellant has been criminally charged and convicted of an action that is the basis of the cabinet's finding of abuse or neglect of a child;

(c) A final administrative decision made by the cabinet or cabinet's designee as a result of a previous appeal on the same issue;

(d) An appeal that has been abandoned by an appellant who failed to demonstrate good cause for failure to go forward;

(e) Failure to submit a written request for appeal within the time frame established by Section 3(3)(a) of this administrative regulation, unless an appellant demonstrates good cause; or

(f) An investigation that results in an unsubstantiated finding of abuse or neglect of a child.

(2) If an appellant is denied an administrative hearing in accordance with subsection (1)(a) of this section, the cabinet shall change an investigative finding in accordance with a civil court's finding regarding abuse or neglect.

Section 5. Investigative Findings. (1) The cabinet shall reserve[~~reserves~~] the right, in its sole discretion, to amend, modify, or reverse an investigative finding of child abuse or neglect at any time based upon:

(a) A review of the cabinet's records; or

(b) Subsequent discovery of additional information.

(2) If amendment, modification, or reversal of an investigative finding results in a substantiated finding of abuse or neglect of a child, the cabinet shall act in accordance with Section 3(1) and (2) of this administrative regulation.

Section 6. Administrative Hearing. (1) Each administrative hearing conducted by the cabinet or its designee shall be held in accordance with KRS Chapter 13B.

~~(2)[Hearsay shall be admissible in accordance with KRS 13B.090(1)-(3)]~~ The proceedings of an administrative hearing shall be disclosed only by authority of state or federal law.

~~(3)[(4)]~~ A hearing officer may, upon a determination of compelling need, permit a child to provide testimony in a manner in which the child is not able to hear or see the appellant.

~~(4)[(5)]~~ If a hearing officer orders the testimony of a child to be taken in accordance with subsection ~~(3)[(4)]~~ of this section, the hearing officer shall permit the appellant to hear the testimony of the child.

Section 7. Recommended Order. (1) A copy of the recommended order shall be sent simultaneously to:

(a) Each party to the administrative hearing;

(b) The commissioner of the Department for Community Based Services; and

(c) The secretary of the Cabinet for Health and Family Services or designee.

(2) If a party to a hearing disagrees with the recommended order, the party may file a written exception as provided in KRS 13B.110(4) with the secretary, which shall:

(a) Be filed within fifteen (15) days of the date the recommended order was mailed;

(b) Be based on facts and evidence presented at the hearing;

(c) Not refer to evidence that was not introduced at the hearing; and

(d) Be sent to each other party involved in the hearing.

Section 8. Final Order. (1) The secretary of the Cabinet for Health and Family Services or designee shall issue a final order in accordance with KRS 13B.120.

~~(2)[(6)]~~ Final administrative action shall be taken, unless waived by an appellant, within ninety (90) days from the date of the request for an administrative hearing as required by 45 C.F.R. 205.10.

Section 9[7-] Incorporation by Reference. (1) "DPP-155,

Request for Appeal of Child Abuse or Neglect Investigative Finding", ~~[edition] 6/04,~~ is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

TERESA C. JAMES, Commissioner

AUDREY TAYSE HAYNES, Secretary

APPROVED BY AGENCY: March 7, 2014

FILED WITH LRC: March 7, 2014 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2014 at 9:00 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 14, 2014, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until April 30, 2014. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Tricia Orme, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573, email tricia.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact: Elizabeth Caywood

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes cabinet procedures, congruent with grant eligibility requirements under 42 U.S.C. 5106a(b), for responding to appeals of child abuse and neglect investigative findings.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish procedures for appealing and responding to perpetrators who disagree with an investigative finding of child abuse and neglect.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the appeal process for child abuse and neglect investigative findings.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing appeals of child protective services investigative findings.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation inserts a definition of "cabinet" and removes language related to hearsay in administrative hearings to avoid duplication and misinterpretation of KRS Chapter 13B. Language was provided regarding the distribution of recommended orders and clarifies processes for exceptions of recommended orders as provided in KRS 13B.110. The amendment also makes technical corrections in accordance with KRS Chapter 13A.

(b) The necessity of the amendment to this administrative regulation: The Cabinet for Health and Family Services has undertaken a comprehensive review of its administrative hearing processes for various improvements, including timeliness, congruency with KRS Chapter 13B requirements, and objectivity. The amendment to this administrative regulation is necessary to align appeals of a child abuse and neglect investigative findings

with the reassignment of final order responsibilities from the Commissioner of the Department for Community Based Services to the Secretary of the Cabinet for Health and Family Services and to assure congruency with another simultaneously filed administrative regulation, 922 KAR 1:320, governing other appeals available under Title 922 Kentucky Administrative Regulations. The amendment is also necessary in accordance with KRS Chapter 13A's drafting and format requirements.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by aligning appeals of child abuse and neglect investigative findings with the forthcoming reassignment of final order responsibilities to enhance timeliness, objectivity, and congruency with KRS Chapter 13B and federal law requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes through its enhancement of due process for individuals against whom investigative findings of child abuse and neglect have been made.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: From July 1, 2012, through June 30, 2013, over 58,000 child protective service calls met acceptance criteria for an investigation or FINSAs. Over 11,000 substantiations of child maltreatment were made the same year. During the same time period, there were slightly more than 1,700 requests to appeal investigative findings received, and nearly 900 of those were hearable matters.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Parties to an administrative hearing concerning an investigative finding of child abuse and neglect will direct exceptions to recommended orders to the Secretary of the Cabinet for Health and Family Services, rather than the Commissioner of the Department for Community Based Services.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The regulated entities will incur no new or additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment to this administrative regulation improves upon existing cabinet procedures and intends to ensure overall cabinet timeliness, objectivity, and compliance with KRS Chapter 13B.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The amendment is technical and conforming in nature. The administrative body does not anticipate any new or additional costs to implement the proposed regulatory amendment.

(b) On a continuing basis: The administrative body does not anticipate any new or additional ongoing costs to implement this proposed regulatory amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Social Services Block Grant and Title IV-E (of the Social Security Act) funds are federal funds that support the implementation and enforcement of this administrative regulation. State General Funds are also utilized.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding is not necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied, as this administrative regulation is applied in a like manner statewide.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 U.S.C. 5106a, 45 C.F.R. 205.10
2. State compliance standards. KRS 194A.050(1)
3. Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 5106a, 45 C.F.R. 205.10
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will not impose stricter requirements, or additional or different responsibilities or requirement, than those required by the federal mandate.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Cabinet for Health and Family Services will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 42 U.S.C. 5106a, 45 C.F.R. 205.10

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no new revenues.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no new revenues.

(c) How much will it cost to administer this program for the first year? The administrative body does not anticipate any additional costs to administer these appeals during the first year.

(d) How much will it cost to administer this program for subsequent years? The administrative body does not anticipate any additional costs to administer these appeals in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

NEW ADMINISTRATIVE REGULATIONS

GENERAL GOVERNMENT CABINET
Kentucky Board of Dentistry
(New Administrative Regulation)

201 KAR 8:016. Registration of dental laboratories.

RELATES TO: KRS 313.021, 313.022, 313.550

STATUTORY AUTHORITY: KRS 313.021(1)(a), (c), 313.022(1)(c), 313.080, 313.090, 313.100

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.021(1) requires the board to promulgate administrative regulations for any license or registration created by the board. KRS 313.022(1) requires the board to promulgate administrative regulations to prescribe a reasonable schedule of fees, charges, and fines. This administrative regulation establishes requirements for the issuance and renewal of dental laboratory registration with the board. This administrative regulation establishes fees for the issuance, renewal, and reinstatement of registrations of dental laboratories with the board.

Section 1. (1) Each commercial dental laboratory operating, doing business, or intending to operate or do business in the state shall register with the board and pay the fee established in Sections 4 and 8 of this administrative regulation.

(2) A dental laboratory shall be considered operating or doing business within this state if its work product is prepared pursuant to a written authorization originating within this state.

Section 2. (1) The board shall not issue a registration to a commercial dental laboratory unless the applying dental laboratory is operated under the direction and continual supervision of at least one (1) certified dental technician (CDT) or dentist licensed in this state in accordance with KRS 313.550.

(2) A certified dental technician shall not supervise more than one (1) dental laboratory.

Section 3. The board may subject a dental laboratory to disciplinary action pursuant to KRS 313.080 and KRS 313.100 if the dental laboratory has violated any provision of KRS Chapter 313 or 201 KAR Chapter 8.

Section 4. Each commercial dental laboratory shall pay a fee of \$150 to the board before a registration shall be issued to the applicant.

Section 5. Upon the granting of a registration, the board shall assign to that laboratory a dental registration number. The laboratory registration number shall appear on all invoices or other correspondence of the laboratory.

Section 6. A dentist shall use only those services of a commercial dental laboratory that is duly registered with the board as required by this administrative regulation. A dentist shall include the registration number of the dental laboratory on the dentist's work order.

Section 7. Each commercial dental laboratory operating, doing business, or intending to operate or do business within the state shall submit an Application for Registration of Dental Laboratory or Renewal of Registration of Dental Laboratory to the board on a form provided by the board accompanied with the registration or renewal fee required. The application shall include:

(1) The name, mailing address, phone number, and e-mail address of the laboratory;

(2) The physical address of the laboratory if different from the mailing address;

(3) The name and CDT number of the supervising CDT or the name and license number of the supervising dentist who is licensed in this state;

(4) A statement that the laboratory meets the infectious disease control requirements under Occupational Safety and

Health Administration (OSHA) and the Centers for Disease Control and Prevention (CDC) of the United States Public Health Service;

(5) An acknowledgement by the supervising CDT or dentist who is licensed in this state that the laboratory will provide material disclosure to the prescribing dentist that contains the U.S. Food and Drug Administration registration number of all patient contact materials contained in the prescribed restoration in order that the dentist may include those numbers in the patient's record;

(6) An acknowledgement by the supervising CDT or dentist who is licensed in this state that they will disclose to the prescribing dentist the point of origin of the manufacture of the prescribed restoration. If the restoration was partially or entirely manufactured by a third-party provider, the point of origin disclosure shall identify the portion manufactured by a third-party provider and the city, state, and country of such provider; and

(7) Any other relevant information deemed necessary by the board.

Section 8. Each commercial dental laboratory registered with the board shall be required to renew its registration before July 31 each year by completing and submitting a Renewal of Registration of Dental Laboratory form and paying a fee of \$150.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Registration of Dental Laboratory," November 2013; and

(b) "Renewal of Registration of Dental Laboratory," November 2013.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

JASON E. FORD, DMD, President

APPROVED BY AGENCY: March 8, 2014

FILED WITH LRC: March 13, 2014 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Friday, April 21, 2014, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than five work days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the emergency administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the emergency administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the administrative regulation to the contact person.

CONTACT PERSON: David J. Beyer, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email david.beyer@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David J. Beyer

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for the issuance and renewal of dental laboratory registration with the board. This administrative regulation establishes fees for the issuance, renewal, and reinstatement of registrations of dental laboratories with the board as required by KRS 313.021.

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(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement KRS 313.021, which requires the board to promulgate administrative regulations regarding the requirements for the dental laboratories.

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation establishes requirements for the issuance and renewal of dental laboratory registration with the board. This administrative regulation establishes fees for the issuance, renewal, and reinstatement of registrations of dental laboratories with the board as required by KRS 313.021.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes requirements for the issuance and renewal of dental laboratory registration with the board. This administrative regulation establishes fees for the issuance, renewal, and reinstatement of registrations of dental laboratories with the board as required by KRS 313.021.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statute: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: It is unknown at this time how many dental laboratories will register to do business in Kentucky. Based on the number of dental laboratories that registered under prior law, it is anticipated approximately 200 labs will register. Additionally, the Kentucky Board of Dentistry will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This regulation will require dental laboratories doing business in Kentucky to register with the Kentucky Board of Dentistry and pay an application fee. The Kentucky Board of Dentistry personnel will need to receive, review and process all new dental laboratories registrations and renewal applications. This will result in personnel costs. In addition, additional computer resources will be needed to maintain and process these applications. It is anticipated that the proposed fees will cover the additional agency costs.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no new cost to the individual with this emergency administrative regulation. The Board is a self funded agency who's budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Kentucky Board of Dentistry is the regulatory agency and enforces no benefits from the regulations but rather provides enforcement of the chapter and processes for its licensees to legally practice as a registered dental assistant in the Commonwealth. However, the new regulation will assist the Kentucky Board of Dentistry in ensuring dental laboratories providing services and products to dentists and the public in Kentucky have appropriate supervisory staff required by KRS 313.550 and abide by applicable national standards which will enhance the public's safety when items produced by the dental laboratories are used on patients by Kentucky dentists.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

The Kentucky Board of Dentistry personnel will need to receive, review and process all new dental laboratories registrations and renewal applications. This will result in additional personnel costs. In addition, additional computer resources will be needed to maintain and process these applications. It is anticipated that the initial cost to the Kentucky Board of Dentistry will be approximately \$30,000. However, it is also anticipated that the proposed fees will cover the additional agency costs. Finally, the Board is a self-funded agency whose budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000. The Kentucky Board of Dentistry receives no monies from the General Fund.

(a) Initially: \$30,000 additional costs are expected.

(b) On a continuing basis: \$30,000 additional costs are expected.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Board of Dentistry is a fully self-funded agency and derives its funding from fees paid by its licensees. The new regulation sets a fee of \$150 which it is believed will cover the additional costs involved in implementing this new regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The fees proposed in this regulation should cover the additional costs that will be incurred by implementing the regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The new regulation sets a fee of \$150 which it is believed will cover the additional costs involved in implementing this new regulation. The Board is a self-funded agency who's budget was approved in HB 1 of the 2010 Extraordinary Session of the General Assembly. HB 1 provided for FY 2010 – 2011 an allotment of \$705,400 and for FY 2011 – 2012 and allotment of \$714,000.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all dental laboratories.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 2010 Ky. Acts ch. 85

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The Kentucky Board of Dentistry personnel will need to receive, review and process all new dental laboratories registrations and renewal applications. This will result in personnel costs. In addition, additional computer resources will be needed to maintain and process these applications. It is anticipated that the proposed fees will cover the additional agency costs.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Approximately \$30,000. Estimated costs for administrating this regulation are \$30,000. Thus, compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB 265 of the Regular Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Approximately \$30,000. Estimated costs for administrating this regulation are \$30,000. Thus, compliance with this regulation will provide the agency with enough money to meets its budgetary

obligations as set forth in HB 265 of the Regular Session of the General Assembly.

(c) How much will it cost to administer this program for the first year? Approximately \$30,000.

(d) How much will it cost to administer this program for subsequent years? Approximately \$30,000. The Board is a self-funded agency whose budget was approved in HB 265 of the Regular Session of the General Assembly. HB 265 provided for FY 2012 – 2013 an allotment of \$753,000 and for FY 2013 – 2014 and allotment of \$760,900. The Kentucky Board of Dentistry receives no monies from the General Fund.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

GENERAL GOVERNMENT CABINET

Kentucky Board of Licensure for Professional Art Therapists (New Administrative Regulation)

201 KAR 34:060. Qualifying experience under supervision.

RELATES TO: KRS 309.130(3), 309.1305(5), 309.1315, 309.134

STATUTORY AUTHORITY: KRS 309.1315(1), (4), (16)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315(1) and (16) require the board to promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399 and to establish requirements for supervision and qualifications of supervisors. KRS 309.134(1)(b) requires an applicant to obtain a board-approved supervisor of record. This administrative regulation establishes the requirements for supervision and the qualifications necessary to be a supervisor and a supervisor of record.

Section 1. Definitions. (1) "Board approved mental health professional" means a licensed marriage and family therapist, licensed psychologist, licensed psychiatrist, licensed professional clinical counselor, or licensed clinical social worker.

(2) "Direct client contact hours" means hours spent providing art therapy services to a client. The services are performed in an individual, couple, family, or group format.

(3) "Face-to-face supervision" means supervision that is either interactive, simultaneous video and audio media if two (2) direct meetings per month that is in person where the supervisor and supervisee are physically present in the same room exist or all the meetings take place with the individuals being physically in the same room.

(4) "Group supervision" means the supervision of a group that does not exceed six (6) individuals.

(5) "Individual supervision" means case consultation between the supervisor and the supervisee that is restricted to the supervisee's cases.

(6) "Supervisee" means a licensed professional art therapy associate who works with clients under supervision.

(7) "Supervision" means the educational process of utilizing a partnership between a supervisor and a supervisee aimed at enhancing the professional development of the supervisee to meet the requirements of KRS 309.134.

(8) "Supervisor" means a board-approved licensed professional art therapist or qualified mental health professional who controls, oversees, guides, and takes responsibility for the practice of professional art therapy of a supervisee in accordance with this administrative regulation.

(9) "Supervisor of record" means an approved licensed professional art therapist in the Commonwealth of Kentucky who meets the requirements established in Section 2 of this administrative regulation.

Section 2. Requirements to be a board-approved supervisor.

(1) A licensed art therapist that is a supervisor shall have a minimum of four (4) years of experience in the practice of art therapy. An approved qualified mental health professional that is a supervisor shall have a minimum of four (4) years of independent experience.

(2) A supervisor shall not have:

(a) An unresolved citation filed against him or her by the board;

(b) A disciplinary action that resulted in the suspension or probation of a license; or

(c) A previous or existing personal relationship with a supervisee.

(3) In order to obtain board-approved supervisor status, a supervisor shall complete three (3) hours of board-approved supervisor training which shall be completed within a year of the supervisor's seeking board approval.

(a) The board-approved supervisor training shall cover:

1. Kentucky law governing the practice of art therapy, both KRS Chapter 309 and 201 KAR Chapter 34, theories of supervision, ethical issues involved in supervision, and supervisor responsibilities; and

2. Documentation in a supervision log that includes supervision times as well as the treatment and planning that is employed.

(b) Supervisor training shall be an onsite or online course which shall be conducted by an instructor who is a licensed professional art therapist or qualified mental health professional and who has demonstrated proficiency in the curriculum established in this administrative regulation.

(c) To maintain board-approved supervisor status, a supervisor shall retake the board-approved supervisor training every three (3) years.

(4) Supervisory experience obtained in Kentucky with a supervisor who has not completed the course required by subsection (3) of this section shall not be accepted by the board.

(5) A licensed professional art therapist or a board approved mental health professional shall not serve as a supervisor of record for more than six (6) licensed professional art therapist associates with whom he or she has a supervision contract at the same time.

(6)(a) An applicant receiving supervision outside of Kentucky shall demonstrate that his or her supervisor has been independently licensed in a clinical practice for four (4) years following licensure as a professional art therapist or a one (1) of the groups approved by the board as of the time of the supervision.

(b) The supervisor shall have the equivalent qualifications to those prescribed for a supervisor established in this administrative regulation

(7) To be recognized as a supervisor, a licensed professional art therapist or qualified mental health professional who meets the requirements of this section shall request in writing to become a supervisor in Kentucky and provide a copy of the supervisory training certificate.

Section 3. Supervisory Agreement for Professional Art Therapist Associate Supervision. (1) Prior to beginning supervision, a supervisee shall enter into an agreement for supervision with a supervisor of record and submit it to the board for approval.

(2) At a minimum, the agreement shall address the following matters:

(a) The name and license number of the supervisee;

(b) The name and license number of the supervisor of record;

(c) The name and license number of other supervisors;

(d) The agency, institution, or organization where the experience will be received;

(e) A detailed description of the nature of the practice including:

1. The type of clients who will be seen;

2. An accurate assessment of client problems leading to proficiency in applying professionally recognized nomenclature and developing a plan for treatment which meets currently recognized standards in the profession;

3. The therapies and treatment modalities that will be used including the prospective length of treatment;

4. Problems that will be treated;

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5. The nature, duration, and frequency of the supervision, including the:

- a. Number of hours of supervision per week;
- b. Amount of group and individual supervision; and
- c. Ethical considerations for the use of internet, social networking, and electronic media for the transmission of case information;

(f) The conditions or procedures for termination of the supervision;

(g) A statement that:

1. The supervisor of record understands that he or she shall be held accountable to the board for the care given to the supervisee's clients; and

2. The supervisor of record and other supervisors meet the criteria established in Section 2 of this administrative regulation;

(h) An individualized job description that:

1. Describes in detail how the requirements of this administrative regulation will be met; and

2. Is on office or agency letterhead and is signed by the executive director, the agency director, or the individual who heads the office; and

(i) A copy of each supervisor's supervisory training certificate attached to the contract for licensed professional art therapy supervision.

(3) Changes to that portion of the supervisory agreement that describes the nature of the practice and experience that the supervisee is to obtain as required by this administrative regulation shall be submitted to the board for approval.

(4) If the supervisee changes his or her supervisor of record, a new Contract for Professional Art Therapist Associate Supervision shall be submitted to the board for approval.

(5) A supervisee shall notify the board by letter of changes of supervisors who are not the supervisor of record, but who are identified in the Contract for Professional Art Therapist Associate Supervision and attach a copy of the supervisor's supervisory training certificate.

Section 4. Notice to Client. A licensed professional art therapy associate practicing under the supervision of a licensed professional art therapist or a qualified mental health professional shall notify in writing each client of the associate or by posting a notification which shall include:

(1) The name, office address, telephone number, and license number of the supervisor of record; and

(2) A statement that the supervisee is licensed by the board.

Section 5. Experience under supervision. (1) Experience under supervision shall consist of:

(a) At least sixty (60) percent of the required experience in direct client contact hours;

(b) Direct responsibility for a specific individual or group of clients; and

(c) Broad exposure and opportunity for skill development with a variety of dysfunctions, diagnoses, acuity levels, and population groups.

(2) A minimum of nine (9) hours per year of continuing education shall be accrued by each person holding an associate license.

Section 6. Supervision Requirements. (1) A minimum of seventy-five (75) percent of supervision hours shall be provided by a licensed professional art therapist who has been recognized as a board-approved supervisor under Section 2 of this administrative regulation.

(2) A board approved mental health professional who has been recognized as a board-approved supervisor under Section 2 of this administrative regulation may provide up to a maximum of twenty-five (25) percent of supervision hours.

(3) Supervision shall relate specifically to the qualifying experience and shall focus on:

(a) The accurate assessment of a client problem leading to proficiency in applying professionally recognized clinical nomenclature;

- (b) The development and modification of the treatment plan;
- (c) The development of treatment skills suitable to each phase of the therapeutic process;
- (d) Ethical problems in the practice of art therapy; and
- (e) The development and use of the professional self in the therapeutic process.

(4)(a) Supervision shall total a minimum of 100 hours and 1,000 client contact hours which shall include individual supervision of no less than one (1) hour for every ten (10) hours of client contact.

(b) A supervisee shall not obtain more than twenty-five (25) hours of the required supervision by group supervision.

(c) Group supervision shall not be permitted in groups of more than six (6) supervisees.

Section 7. Documentation Requirements. (1) The board-approved supervisor and licensed professional art therapy associate shall maintain copies of the completed Supervision Log, which shall document:

- (a) The frequency and type of supervision provided; and
- (b) The method of supervision utilized, such as observation, dialogue and discussion, and instructional techniques employed.

(2) Documentation shall identify modality of supervision.

Section 8. Temporary Supervision. (1) In extenuating circumstances, if a licensed professional art therapist associate is without supervision, the associate may continue working up to ninety (90) calendar days under the supervision of another clinical supervisor while an appropriate board-approved supervisor is sought and a new supervision contract is submitted to the board. Extenuating circumstances include situations such as death or serious illness of the board-approved supervisor, a leave of absence by the supervisor, or the termination of the supervisor's employment.

(2) The supervisee shall notify the board of these circumstances and shall submit, in writing, a plan for resolution of the situation within thirty (30) calendar days of the change in status of board-approved supervision. The written plan shall include:

- (a) The name of the temporary supervisor;
- (b) Verification of the credential held by the temporary supervisor;
- (c) An address for the temporary supervisor; and
- (d) A telephone number for the temporary supervisor.

Section 9. Evaluation by the Board. The period of supervised experience required by KRS 309.133 shall be evaluated by the board according to one (1) of the following methods:

(1) A candidate who seeks to obtain experience in the Commonwealth of Kentucky shall submit the supervisory agreement required by Section 3 of this administrative regulation for the experience prior to beginning to accrue the required experience; or

(2) Documentation for an applicant for licensure as a licensed professional art therapist that establishes that an individual has been licensed in another jurisdiction at the clinical level and has been engaged in the active practice of professional art therapy work in that jurisdiction for at least five (5) years immediately preceding the filing of an application for licensure with the board shall be deemed to meet the requirement for supervision set forth in this administrative regulation.

MARYBETH ORTON, Chair

APPROVED BY AGENCY: March 14, 2014

FILED WITH LRC: March 14, 2014 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 21, 2014 at 1:00 p.m., at 911 Leawood Drive, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by April 14, 2014, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the

proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Lucie Duvall, Board Administrator, Kentucky Board of Licensure for Professional Art Therapists, 911 Leewood Drive, Frankfort, Kentucky 40061, phone (502) 564-3296, fax (502) 696-8030.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: James J. Grawe

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for supervision, the qualifications necessary to be a supervisor and a supervisor of record.

(b) The necessity of this administrative regulation: This regulation is necessary to identify the supervision requirements for professional art therapists and associates.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations for supervision.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately eighty persons licensed as art therapists in the Commonwealth. The board receives approximately ten (10) to twenty (20) applications for licensure each year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Persons who are applying for licensure will be required to comply with this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No know costs are involved in the compliance with this regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No know costs are involved in the implementation of this regulation.

(b) On a continuing basis: See paragraph (5)(a).

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees for reinstatements and late renewals will not be required to implement the requirements established in this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees directly or indirectly increase fees.

(9) TIERING: Is tiering applied? Tiering was not applied by the board.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Licensure for Professional Art Therapists.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 309.1315; KRS 309.134.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(New Administrative Regulation)

601 KAR 1:230. Education and safety training for motor carrier operations.

RELATES TO: KRS 281.900, 281.905, 29 C.F.R. 1910, 49 C.F.R. 40.1 to 40.413, 100-185, 382.101 - 382.605, 383.1 - 383.155, 390.1- 390.46, 399.201-399.211

STATUTORY AUTHORITY: KRS 281.900, 281.907

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.900 authorizes the Kentucky Motor Carrier Advisory Committee to advise the executive and legislative branches of government on motor carrier issues. KRS 281.907 requires the committee to promulgate an administrative regulation to establish standards for educational training courses and safety requirements related to motor carrier operations. This administrative regulation establishes the requirements for training courses, the standards for instructors, and the duties of the Motor Carrier Advisory Committee ("committee") in monitoring the training.

Section 1. Training Courses. (1) A course in motor carrier operations and safety shall be required for:

(a) A motor carrier that registers or renews a Kentucky International Registration Plan license plate; or

(b) An intrastate motor carrier that registers or renews a motor vehicle with a gross weight in excess of 26,000 pounds.

(2) A representative of the motor carrier considered eligible for the training course shall include the:

(a) Owner of a motor carrier company;

(b) Individual employee responsible for safety management; or

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(c) Another person or persons within the company assigned by the safety officer to be trained.

(3) An independent contractor or consultant shall not be considered a representative of the carrier eligible for the training course.

(4) A motor carrier shall complete the following training hours annually:

- (a) Four (4) hours classroom; or
- (b) Two (2) hours online.

Section 2. Application for Designation. (1) An educational organization or an association whose members are motor carriers may apply to the committee for designation to conduct training.

(2) An applicant for designation to provide training shall submit a completed Application For Providers and Courses For Motor Carrier Training, TC 95-626, to the Motor Carrier Advisory Committee.

(3) An applicant shall be qualified to transact business in Kentucky by appropriate filings in the office of the Kentucky Secretary of State.

(4) An Application For Providers and Courses For Motor Carrier Training, TC 95-626, shall be reviewed by the committee within ninety (90) days of submission.

(5) An applicant and classroom instructor shall have at least two (2) years of experience in commercial truck safety training.

(6) An applicant shall offer training on-line and in a classroom setting and offer a classroom training course in each of the twelve (12) highway districts at least one (1) time per calendar year.

(7) On request, the committee shall receive a copy of the training advertising materials from the approved provider.

(8) An applicant shall provide an interactive web service and the capability to transmit data electronically within six (6) hours of course completion ensuring that the cabinet may electronically monitor or track online motor carrier training.

(9) An applicant designated to conduct training shall be recertified by the committee every two (2) years.

Section 3. Course Requirements. (1) Classroom training shall be a minimum of four (4) hours in length.

(2) Online training shall be a minimum of two (2) hours in length.

(3) A training course shall include at least one (1) of the following:

(a) Information included in the Federal Motor Carrier Safety Regulation, 49 C.F.R. 40.1 - 40.413, 382.101 - 382.605, 383.1-383.155, 390.1-390.46, and 399.201-399.211;

(b) Information included in 29 C.F.R. 1910, the Federal Occupational Safety and Health administrative regulations;

(c) Information related to federal hazardous materials included in 49 C.F.R. Parts 100-185;

(d) An overview of the cabinet's Department of Vehicle Regulation and information related to commercial trucks and drivers; or

- (e) Commercial truck driver safety training.

Section 4. Guidelines for Classroom Management. (1) A training course shall be available to motor carriers operating in Kentucky subject only to space limitations.

(2) In December of each calendar year, a provider shall submit to the committee a continuing education classroom schedule for the upcoming year that identifies the:

- (a) Course provider;
- (b) Course title and content; and
- (c) Date, time, and location of the class.

(3) A provider shall maintain a classroom roster that shall be available to the committee upon request.

(4) A provider shall notify the committee and the motor carriers registered for scheduled classroom training thirty (30) days prior to a change in the scheduled classroom location, date, or time.

(5) Following the course, a provider shall perform trainee testing to insure and demonstrate an understanding of the course material.

(6) A provider shall issue a completion of training certificate

that includes the:

- (a) Name of course;
 - (b) Date;
 - (c) Motor carrier name and address;
 - (d) Motor carrier DOT number; and
 - (e) Provider contact information.
- (7) Certification to conduct training courses shall be withdrawn

by the committee for:

- (a) An action by an instructor contrary to state law;
 - (b) Falsification of information submitted to the committee; or
 - (c) Conducting a course that is not preapproved.
- (8) A member of the committee or a designee may monitor a class offered by the provider at any time without cost.

Section 5. Appeal Process. (1) An applicant whose approval is denied or a provider whose certification is withdrawn may appeal the committee's decision.

(2) An appeal shall be:

- (a) In writing;
- (b) Received by the committee with thirty (30) days from the date of the decision denying approval or withdrawing certification; and
- (c) Conducted in accordance with KRS Chapter 13B.

Section 6. Incorporation by Reference. (1) "Application for Providers and Courses for Motor Carrier Training," TC 95-626, January, 2014, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Motor Carriers, 200 Mero Street, Frankfort, Kentucky 40622. This material may also be obtained by accessing the cabinet's Web site at <http://transportation.ky.gov/>.

MICHAEL W. HANCOCK, P. E., Secretary

RODNEY KUHL, Commissioner

D. ANN DANDELO, Office of Legal Services

APPROVED BY AGENCY: February 19, 2014

FILED WITH LRC: February 20, 2014 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A

public hearing on this administrative regulation shall be held on April 21, 2014 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: D. Ann DAngelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for educational training courses and safety regulations related to motor carrier operations. It also establishes the duties of the Motor Carrier Advisory Committee in monitoring the training.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the educational training courses required by Senate Bill 96.

(c) How this administrative regulation conforms to the content of the authorizing statutes: A new section of Chapter 281 requires the Motor Carrier Advisory Committee to prescribe standards for educational training courses on motor carrier operations and safety operations. This regulation establishes the required standards.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation explains the standards required for instructors and persons taking the training courses. It will explain the role of the Motor Carrier Advisory Committee in monitoring the training.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: Not applicable, see (2)(a).

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable, see (2)(a).

(d) How the amendment will assist in the effective administration of the statutes: Not applicable, see (2)(a).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All interstate motor carriers, and all intrastate carriers over 26,000 pounds; Kentucky County Clerks; KYTC Division of Motor Carriers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Motor carriers are required to take the training, and county clerks and KYTC must insure that they've had it.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost for motor carriers is \$200 annually pursuant to KRS 281.907.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Motor carriers will have information about the required safety training.

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:

(a) Initially: The initial estimated cost is \$100,000.

(b) On a continuing basis: Estimated annual costs of less than \$10,000 for support tasks and database storage.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Road funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established by this regulation. The fee is established pursuant to KRS 281.907.

(9) TIERING: Is tiering applied? Yes. Only intrastate trucks over 26,000 pounds are required to take the training.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? KYTC Division of Motor Carriers; Kentucky County Clerks.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 281.907

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will not be an effect on expenditures or revenues.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? \$100,000

(d) How much will it cost to administer this program for subsequent years? A cost of less than \$10,000 annually is estimated for support tasks and database storage.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

PUBLIC PROTECTION CABINET Department of Alcoholic Beverage Control (Repealer)

804 KAR 1:051. Repeal of 804 KAR 1:050.

RELATES TO: KRS 243.200, 243.210

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the Alcoholic Beverage Control Board to promulgate administrative regulations to govern procedures relative to the supervision and control of malt beverages and distilled spirits and wine. The prohibitions in 804 KAR 1:050 exceed the prohibitions established by KRS 244.030. This administrative regulation repeals 804 KAR 1:050.

Section 1. 804 KAR 1:050, Promotion of particular brands prohibited, is hereby repealed.

FREDERICK A. HIGDON, Commissioner

ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: March 13, 2014

FILED WITH LRC: March 13, 2104 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 25, 2014 at 9 a.m., EDT, at the Kentucky Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Department in writing by April 18, 2014, five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit comments on the proposed administrative regulation. Written comments shall be accepted until April 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Trey Hieneman, Special Assistant, Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, phone (502) 564-4850, fax (502) 564-7479.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Trey Hieneman

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation repeals 804 KAR 1:060.

(b) The necessity of this administrative regulation: The existing administrative regulation exceeds the statutory authority in KRS 244.030. Therefore, it needs to be repealed.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 241.060(1) authorizes the board to promulgate administrative regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes. The repeal of this administrative regulation will stop the regulation from exceeding its statutory authority.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: No individuals, businesses, organizations, or state and local governments are affected by the repeal.

(4) Provide an analysis of how entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No entities will be affected by this repealer.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to repeal this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There is no cost to repeal this regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No extra costs are anticipated to repeal these administrative regulations.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding is used to implement and enforce the repealed administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: There is no anticipated increase in fees or funding necessary to repeal these administrative regulations.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation repeal does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No tiering is applied. There are no costs associated with administering this administrative regulation.

regulation as they will no longer have to police the prohibitions established by this administrative regulation.

2. Identify each state or federal statute or federal regulation that authorizes the action taken by the administrative regulation. KRS 241.060(1) authorizes the board to promulgate administrative regulations.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts). No revenue will be generated by this administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation.

(c) How much will it cost to administer this program for the first year? The cost to administer this amendment should be minimal, if any.

(d) How much will it cost to administer this program for subsequent years? The cost to administer this amendment should be minimal, if any.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation:

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Additional costs to administer these regulatory changes at the local government level for this year or subsequent years should be minimal or none.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What unit, part, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Alcoholic Beverage Control will be impacted by this administrative

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of March 10, 2014

Call to Order and Roll Call

The March 2014 meeting of the Administrative Regulation Review Subcommittee was held on Monday, March 10, 2014, at 1:30 p.m., in Room 149 of the Capitol Annex. Representative Johnny Bell, Co-chair, called the meeting to order, the roll call was taken. The minutes of the February 2014 meeting were approved.

Present were:

Members: Senators Perry Clark, Alice Forgy Kerr, Sara Beth Gregory, and Ernie Harris; and Representatives Johnny Bell, Robert Damron, Jimmie Lee, and Tommy Turner.

LRC Staff: Donna Little, Emily Caudill, Sarah Amburgey, Carrie Klaber, Emily Harkenrider, Karen Howard, and Betsy Cupp.

Guests: Andy Crocker, Personnel Board; Tim Bennett, David Gordon, Steve Washing, Department of Revenue; Michael West; Long Term Care Administrators; Angela Evans, Board of Hearing Instrument Specialists; Stewart Bridgeman, Jim Grawe, Board of Licensure for Professional Art Therapists; Tina Brunges, David Wicker, Department of Fish and Wildlife Resources; Amy Barker, Department of Corrections; Alice Blackwell, Virginia Carrington, Elizabeth Caywood, Allison Life, Gretchen Marshall, and Stuart Owen, Cabinet for Health and Family Services.

The Administrative Regulation Review Subcommittee met on Monday, March 10, 2014, and submits this report:

Administrative Regulations Reviewed by the Subcommittee:

PERSONNEL BOARD: Board

101 KAR 1:325. Probationary periods. Andy Crocker, general counsel, represented the board.

A motion was made and seconded to approve the following amendment: to amend Section 1(2) to insert two (2) classifications that were inadvertently omitted. Without objection, and with agreement of the agency, the amendment was approved.

FINANCE AND ADMINISTRATION CABINET: Department of Revenue: Forms

103 KAR 3:010 & E. General Administrative Forms Manual. Tim Bennett, assistant director; David Gordon, executive director of property valuation; and Steve Washing, director of the Division of Income Tax, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to correct statutory citations; and (2) 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.

103 KAR 3:020 & E. Sales and Telecommunications Forms Manual.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to correct a statutory citation; and (2) 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.

103 KAR 3:030 & E. Property and Severance Forms Manual.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to correct statutory citations; and (2) to amend Sections 1 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

103 KAR 3:040 & E. Income Tax Forms Manual.

A motion was made and seconded to approve the following

amendments: (1) to amend the RELATES TO paragraph to correct statutory citations; and (2) to amend Sections 1 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

GENERAL GOVERNMENT CABINET: Board of Licensure for Long Term Care Administrators: Board

201 KAR 6:020. Other requirements for licensure. Michael West, assistant attorney general, represented the board.

In response to questions by Co-Chair Bell, Mr. West stated that the substantive revisions to the material incorporated by reference were for the purpose of making the material correspond to recent amendments to these administrative regulations. Licensees were alerted of these changes by the new forms being posted to the board's Web site. The board would alert licensees who inadvertently filed older forms and give them time to refile.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph and Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to revise the REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT to correct an agency response. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 6:040. Renewal, reinstatement, and reactivation of license.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to revise the REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT to correct an agency response; and (3) to revise a form incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 6:050. Licensure by endorsement.

201 KAR 6:070. Continuing education requirements.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to change the reference from a "licensed nursing home administrator" to "a licensed long-term care administrator"; (2) to amend Sections 3, 5, 6, and 9 to comply with the drafting and formatting requirements of KRS Chapter 13A; (3) to amend Section 8 to specify that an appeal of the board's denial of continuing education hours shall be conducted in accordance with KRS Chapter 13B; and (4) to revise the REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT to correct an agency response. Without objection, and with agreement of the agency, the amendments were approved.

Licensing Board for Specialists in Hearing Instruments: Board

201 KAR 7:015. Fees. Angela Evans, assistant attorney general, represented the board.

In response to a question by Co-Chair Harris, Ms. Evans stated that an applicant paid the nonrefundable fee prior to taking the apprentice licensure examination. The fee covered the board's cost of processing the application.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to add a statutory citation; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to amend Sections 1 through 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Licensure for Professional Art Therapists: Board

201 KAR 34:020. Fees. Stewart Bridgeman, board member,

and James Grawe, assistant attorney general, represented the board.

In response to questions by Co-Chair Harris, Mr. Bridgeman stated that continuing education requirements were commensurate with other states. Professional art therapy had been omitted from Medicaid participation; however, the board was hoping to expand professional art therapy in Kentucky. Out-of-state applicants for licensure were required to comply with all applicable requirements of KRS Chapter 309 and 201 KAR Chapter 34.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to reference statutory requirements; (3) to amend Sections 1, 4, 5, and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A; (4) to create a new Section 2 to establish that the applicant shall pay the national examination fee established by the National Art Therapy Credentials Board; (5) to amend Section 3 to lower the renewal fee for professional art therapist associate licensure from \$150 to \$100; (6) to amend Section 5 to lower the reinstatement fee for a professional art therapist associate license from \$100 to fifty (50) dollars; and (7) to amend Section 6 to incorporate by reference a new reinstatement form for a licensed professional art therapist associate. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 34:025. Application; approved programs.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to add statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; (3) to amend Section 2 to clarify that education for psychopathology shall be required specific to the practice of art therapy and also more generally; and (4) to amend the material incorporated by reference to correspond to the requirements established in this administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 34:030. Continuing education requirements.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct statutory citations; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (3) to amend Sections 1 through 6, 9, and 10 to comply with the drafting and formatting requirements of KRS Chapter 13A; (4) to amend Section 2 to clarify that the three (3) hours of continuing education in ethics are included within the number of hours required for each category of licensee; and (5) to amend Section 10 to establish that a person requesting reinstatement or reactivation of professional art therapist associate licensure shall submit eighteen (18) hours of continuing education within the twenty-four (24) month period immediately preceding the submission of the request and, if reinstated, shall obtain eighteen (18) hours of continuing education within six (6) months. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 34:040. Code of ethics.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct a statutory citation; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; (3) to amend Sections 1 through 5 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (4) to revise the REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT to correct agency responses. 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 2:172. Deer hunting seasons, zones, and requirements. Tina Burges, elk and deer coordinator, and David Wicker, general counsel, 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 5, 7, 9, and 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.

301 KAR 2:178. Deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 10 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to add Section 11 to incorporate by reference the application form. 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 6:130. Western Kentucky Correctional Complex. Amy Barker, general counsel, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to change the edition date of material incorporated by reference; and (2) to amend WKCC 16-01-01 to: (a) delete redundant provisions; and (b) clarify dress code requirements. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Office for Health Policy: Data Reporting and Public Use Data Sets

900 KAR 7:030 & E. Data reporting by health care providers. Allison Lile, data administrator, represented the cabinet.

Department for Medicaid Services: Medicaid Services

907 KAR 1:350. Coverage and payments for organ transplants. Alice Blackwell, assistant director, and Stuart Owen, regulation coordinator, represented the department.

In response to questions from Co-Chair Bell, Mr. Owen stated that managed care organizations were required to contract with enough providers that agreed to reimbursement terms to ensure adequate options and access. Recipients may change providers during open enrollment or other specified opportunities.

In response to a question from Representative Lee, Mr. Owen indicated his agreement that organ transplants required preauthorization; therefore, the amount of procedural reimbursement, not including after care, would have already been agreed to.

Representative Damron stated his ongoing concern that Medicaid recipients were at risk of receiving substandard care in comparison with other patients. In cases of denial of services, Medicaid recipients would have less recourse to appeal because denial review was not as independent or external as non-Medicaid systems. Mr. Owen stated that recipients who wished to appeal denials first appeal to the MCO, and a second appeal may be made to the cabinet afterward if necessary. A clinical professional was required on the MCO appeal consideration team, and the cabinet also had clinical professionals for second appeals, if applicable.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to correct citations to federal regulations; and (2) to amend Section 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 1:913E. Repeal of 907 KAR 1:900.

Certified Provider Requirements

907 KAR 7:005. Certified waiver provider requirements.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 through 6, 9, 10, 11, and 13

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to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Section 4 to specify that the department shall have thirty (30) days in which to review a corrective action plan and notify the provider of the results of that review; and (3) to amend Section 9 to specify provisions for not renewing a provider's participation or not enrolling an applicant. Without objection, and with agreement of the agency, the amendments were approved.

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

921 KAR 2:035. Right to apply and reapply. Virginia Carrington, assistant director; Elizabeth Caywood, internal policy analyst IV; and Gretchen Marshall, branch manager, represented the division.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs to correct statutory citations; and (2) to amend Sections 1 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Division for Protection and Permanency: Child Welfare

922 KAR 1:330. Child protective services.

The following administrative regulations were deferred to the April 14, 2014, meeting of the Subcommittee:

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

11 KAR 4:080. Student aid applications.

OFFICE OF THE GOVERNOR: Department for Local Government: Special Purpose Governmental Entities

109 KAR 16:010 & E. Special purpose governmental entities.

GENERAL GOVERNMENT CABINET: Board of Barbering: Board

201 KAR 14:015. Retaking of examination.

201 KAR 14:030. Five (5) year expiration of license.

201 KAR 14:040. Inspection of shops and schools.

201 KAR 14:050. Probationary license; qualifications.

201 KAR 14:052. Repeal of 201 KAR 14:051, 201 KAR 14:080, and 201 KAR 14:170.

201 KAR 14:060. Licensing requirements for qualified nonresidents.

201 KAR 14:065. Place of business requirements.

201 KAR 14:085. Sanitation requirements.

201 KAR 14:115. Examinations; school and board.

201 KAR 14:150. School records.

201 KAR 14:180. License fees, examination fees, renewal fees, and expiration fees.

Board of Nursing: Board

201 KAR 20:470. Dialysis technician credentialing requirements and training program standards.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Kentucky Board of Education: Department of Education: Office of Learning Support Services

704 KAR 7:151. Repeal of 704 KAR 7:150.

LABOR CABINET: Kentucky Occupational Safety and Health Review Commission: Commission

803 KAR 50:010. Hearings; Procedure, Disposition.

PUBLIC PROTECTION CABINET: Kentucky Horse Racing Commission: Thoroughbred Racing

810 KAR 1:040. Drug, medication, and substance classification schedule and withdrawal guidelines.

Harness Racing

811 KAR 1:090. Medication; testing procedures; prohibited practices.

811 KAR 1:093. Drug, medication, and substance classification schedule and withdrawal guidelines.

811 KAR 1:095. Disciplinary measures and penalties.

Quarter Horse, Appaloosa and Arabian Racing

811 KAR 2:093. Drug, medication, and substance classification schedule and withdrawal guidelines.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of the Kentucky Health Benefit Exchange: Kentucky Health Benefit Exchange

900 KAR 10:100 & E. Appeals of Eligibility Determinations for KHBE Participation and Insurance Affordability Programs.

Department for Medicaid Services: Medicaid Services

907 KAR 1:039 & E. Hearing Program reimbursement provisions and requirements.

Private Duty Nursing

907 KAR 13:015 & E. Private duty nursing service reimbursement provisions and requirements.

The Subcommittee adjourned at 2:15 p.m. until March 10, 2014 at 10 a.m.; however, if either chamber of the General Assembly is in session at that time, the time will be adjusted.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(9), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

**SENATE STANDING COMMITTEE ON
HEALTH AND WELFARE
Meeting of March 19, 2014**

The following administrative regulations were available for consideration and placed on the agenda of the Senate Standing Committee on **Error! Reference source not found.** for its meeting of March 19, 2014, having been referred to the Committee on March 5, 2014, pursuant to KRS 13A.290(6):

201 KAR 21:001
201 KAR 21:015
201 KAR 21:041
201 KAR 21:042
201 KAR 21:051
201 KAR 21:052
201 KAR 21:053
201 KAR 21:054
201 KAR 21:065
201 KAR 21:075
201 KAR 21:085
201 KAR 21:095
201 KAR 21:100
201 KAR 46:015
201 KAR 46:090

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the March 19, 2014 meeting, which are hereby incorporated by reference.

**HOUSE STANDING COMMITTEE ON HEALTH AND WELFARE
Meeting of March 20, 2014**

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on **Error! Reference source not found.** for its meeting of March 20, 2014, having been referred to the Committee on March 5, 2014, pursuant to KRS 13A.290(6):

201 KAR 21:001
201 KAR 21:015
201 KAR 21:041
201 KAR 21:042
201 KAR 21:051
201 KAR 21:052
201 KAR 21:053
201 KAR 21:054
201 KAR 21:065
201 KAR 21:075
201 KAR 21:085
201 KAR 21:095
201 KAR 21:100
201 KAR 46:015
201 KAR 46:090

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the March 20, 2014 meeting, which are hereby incorporated by reference.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates

J - 2

The Locator Index lists all administrative regulations published in VOLUME 40 of the *Administrative Register of Kentucky* from July 2013 through June 2014. It also lists the page number on which each administrative regulation is published, the effective date of the administrative regulation after it has completed the review process, and other action which may affect the administrative regulation. NOTE: The administrative regulations listed under VOLUME 39 are those administrative regulations that were originally published in VOLUME 39 (last year's) issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the *2013 Kentucky Administrative Regulations Service* was published.

KRS Index

J - 14

The KRS Index is a cross-reference of statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each administrative regulation submitted for publication in VOLUME 40 of the *Administrative Register of Kentucky*.

Technical Amendment Index

J - 28

The Technical Amendment Index is a list of administrative regulations which have had technical, nonsubstantive amendments entered since being published in the *2013 Kentucky Administrative Regulations Service*. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10) or 13A.312(2). Since these changes were not substantive in nature, administrative regulations appearing in this index will NOT be published in the *Administrative Register of Kentucky*.

Subject Index

J - 29

The Subject Index is a general index of administrative regulations published in VOLUME 40 of the *Administrative Register of Kentucky*, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	39 Ky.R. Page No.	Effective Date	Regulation Number	39 Ky.R. Page No.	Effective Date
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VOLUME 39

The administrative regulations listed under VOLUME 39 are those administrative regulations that were originally published in Volume 39 (last year's) issues of the Administrative Register but had not yet gone into effect when the 12 bound Volumes were published.

SYMBOL KEY:

- * Statement of Consideration not filed by deadline
- ** Withdrawn before being printed in Register
- **** Emergency expired after 180 days
- ‡ Withdrawn deferred more than twelve months (KRS 13A.300(4) and 13A.315(1)(d))
- (r) Repealer regulation: KRS 13A.310-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

EMERGENCY ADMINISTRATIVE REGULATIONS:

(Note: Emergency regulations expire 180 days from the date filed; or 180 days from the date filed plus number of days of requested extension, or upon replacement or repeal, whichever occurs first.)

103 KAR 3:040	1862	1-15-13
301 KAR 2:195E	1574	12-28-12
900 KAR 10:010E	2296	5-13-13
Replaced	1075	12-10-13
907 KAR 1:055E	1987	3-1-13
Replaced	299	9-6-13
907 KAR 1:056E(r)	1993	3-1-13
Expires		8-28-13
907 KAR 1:711E	1587	12-21-12
Expired		6-19-13
907 KAR 3:015E	2112	4-3-13
907 KAR 3:225E	2301	5-8-13
Replaced	844	11-1-13
907 KAR 3:230E	2306	5-8-13
Replaced	848	11-1-13
907 KAR 17:005E	1589	12-21-12
Replaced	2322	6-5-13
907 KAR 17:010E	1610	12-21-12
Replaced	2343	6-5-13
907 KAR 17:015E	1620	12-21-12
907 KAR 17:020E	1625	12-21-12
Replaced	2353	6-5-13
907 KAR 17:025E	1630	12-21-12
Replaced	2356	6-5-13
907 KAR 17:030E	1635	12-21-12
Replaced	1846	6-5-13
921 KAR 2:015E	1639	12-21-12
Replaced	1813	6-19-13
921 KAR 3:090E	2115	3-28-13
922 KAR 1:130E	2117	3-28-13
Replaced	550	9-18-13
922 KAR 1:140E	2122	3-28-13
Replaced	554	9-18-13
922 KAR 1:320E	2126	3-28-13
Replaced	556	9-18-13
922 KAR 1:400E	2130	3-28-13
Replaced	559	9-18-13
922 KAR 2:090E	2134	3-27-13
Replaced	305	9-18-13
922 KAR 2:160E	2140	3-27-13
Replaced	571	9-18-13

ORDINARY ADMINISTRATIVE REGULATIONS:

17 KAR 3:010		
Amended	1897	
As Amended	2310	7-5-13
17 KAR 3:040	1963	7-5-13
101 KAR 2:076		

Amended	2361	(See 40 Ky.R.)
101 KAR 2:095		
Amended	2362	(See 40 Ky.R.)
101 KAR 2:102		
Amended	2365	(See 40 Ky.R.)
101 KAR 3:015		
Amended	2370	(See 40 Ky.R.)
101 KAR 3:050		
Amended	2375	(See 40 Ky.R.)
201 KAR 2:020		
Amended	2377	9-6-13
201 KAR 2:030		
Amended	2378	9-6-13
201 KAR 2:074		
Amended	1753	
Amended	2175	
As Amended	2312	6-19-13
201 KAR 18:040		
Amended	2380	9-6-13
201 KAR 18:072		
Amended	2382	9-6-13
201 KAR 18:142		
Amended	2383	(See 40 Ky.R.)
201 KAR 20:057		
Amended	2191	(See 40 Ky.R.)
201 KAR 20:059		
Amended	2046	
As Amended	2314	6-19-13
201 KAR 20:070		
Amended	2194	(See 40 Ky.R.)
201 KAR 20:085		
Amended	2196	7-17-2013
201 KAR 20:110		
Amended	2197	7-17-2013
201 KAR 20:400		
Amended	2047	(See 40 Ky.R.)
201 KAR 20:500		
Amended	2049	
As Amended	2315	6-19-13
201 KAR 31:010		
Amended	2386	(See 40 Ky.R.)
201 KAR 31:020		
Amended	2387	10-4-13
201 KAR 31:040		
Amended	2388	(See 40 Ky.R.)
201 KAR 31:050		
Amended	2390	(See 40 Ky.R.)
201 KAR 31:060		
Amended	2391	(See 40 Ky.R.)
201 KAR 31:080		
Amended	2393	(See 40 Ky.R.)
201 KAR 31:090		
Amended	2395	(See 40 Ky.R.)
202 KAR 7:330		
Amended	2050	(See 40 Ky.R.)
202 KAR 7:520		
Amended	2056	(See 40 Ky.R.)
202 KAR 7:540	2092	(See 40 Ky.R.)
301 KAR 1:015		
Amended	2199	8-2-13
301 KAR 1:122		
Amended	2201	(See 40 Ky.R.)
301 KAR 2:049		
Amended	2061	6-6-13

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	39 Ky.R. Page No.	Effective Date	Regulation Number	39 Ky.R. Page No.	Effective Date
301 KAR 2:122			As Amended	1413	
Amended	2064	6-6-13	As Amended	2033	
301 KAR 2:251			906 KAR 1:160		
Amended	2397	(See 40 Ky.R.)	Amended	335	
401 KAR 10:030			As Amended	632	
Amended	584		Amended	1221	
Withdrawn	‡	11-19-13	907 KAR 1:055		
401 KAR 5:320	2094	(See 40 Ky.R.)	Amended	2084	(See 40 Ky.R.)
501 KAR 6:070			907 KAR 1:070		
Amended	1949		Repealed	2448	9-6-13
As Amended	2316	7-5-13	907 KAR 1:071(r)	2448	9-6-13
503 KAR 1:170			907 KAR 1:072		
Amended	2066		Repealed	2448	9-6-13
As Amended	2317	7-5-13	907 KAR 1:090		
505 KAR 1:160			Repealed	2448	9-6-13
Amended	1952		907 KAR 1:092		
As Amended	2173		Repealed	2448	9-6-13
601 KAR 9:135			907 KAR 1:320		
Amended	1953		Repealed	2448	9-6-13
702 KAR 3:130			907 KAR 10:017		
Amended	1321		Repealed	2448	
Amended	1891		907 KAR 10:372		
As Amended	2173		Repealed	2448	
702 KAR 4:160			907 KAR 10:376		
Amended	2073	(See 40 Ky.R.)	Repealed	2448	
703 KAR 5:121(r)	2098		907 KAR 1:563		
Withdrawn		6-11-13	Amended	2434	(See 40 Ky.R.)
703 KAR 5:250	2099		907 KAR 1:595		
Withdrawn		6-11-13	Amended	2438	
787 KAR 1:010			907 KAR 3:225	2449	(See 40 Ky.R.)
Amended	2400	9-6-13	907 KAR 3:230	2454	(See 40 Ky.R.)
787 KAR 1:290			907 KAR 3:015	2284	(See 40 Ky.R.)
Amended	2401	9-6-13	907 KAR 17:005		
804 KAR 9:040			Amended	1792	
Amended	1958		As Amended	2322	9-19-13
Amended	2178		907 KAR 17:010	1822	
Withdrawn		7-10-13	Amended	2181	
804 KAR 9:050			As Amended	2343	6-27-13
Amended	1961	(See 40 Ky.R.)	907 KAR 17:015	1831	
815 KAR 4:027	1970		As Amended	2350	6-27-13
As Amended	2174		907 KAR 17:020	1836	
815 KAR 7:120			As Amended	2353	6-27-13
Amended	1506	(See 40 Ky.R.)	907 KAR 17:025	1841	
815 KAR 20:020			As Amended	2356	6-27-13
Amended	2203	8-2-13	907 KAR 17:030	1846	6-27-13
815 KAR 20:034			921 KAR 2:015		
Amended	2208	(See 40 Ky.R.)	Amended	1813	6-19-13
815 KAR 20:120			921 KAR 3:090		
Amended	2210	8-2-13	Amended	2218	(See 40 Ky.R.)
900 KAR 5:020			922 KAR 1:130		
Amended	1322		Amended	2220	(See 40 Ky.R.)
Amended	1895		922 KAR 1:140		
As Amended	2174		Amended	2225	(See 40 Ky.R.)
900 KAR 10:010	2443	(See 40 Ky.R.)	922 KAR 1:320		
902 KAR 30:001			Amended	2228	(See 40 Ky.R.)
Amended	2403	(See 40 Ky.R.)	922 KAR 1:400		
902 KAR 30:120			Amended	2233	(See 40 Ky.R.)
Amended	2410	(See 40 Ky.R.)	922 KAR 2:020		
902 KAR 30:130			Amended	2236	(See 40 Ky.R.)
Amended	2413	(See 40 Ky.R.)	922 KAR 2:090		
902 KAR 30:150			Amended	2241	(See 40 Ky.R.)
Amended	2419	10-16-13	922 KAR 2:100		
902 KAR 30:160			Amended	2247	(See 40 Ky.R.)
Amended	2422	10-16-13	922 KAR 2:110		
902 KAR 30:180		(See 40 Ky.R.)	Amended	2256	(See 40 Ky.R.)
Amended	2425	10-16-13	922 KAR 2:120		
902 KAR 30:200			Amended	2261	(See 40 Ky.R.)
Amended	2428	10-16-13	922 KAR 2:160		
902 KAR 55:110			Amended	2269	(See 40 Ky.R.)
Amended	629		922 KAR 2:180		
Amended	1218		Amended	2278	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	39 Ky.R. Page No.	Effective Date	Regulation Number	39 Ky.R. Page No.	Effective Date
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SYMBOL KEY:

* Statement of Consideration not filed by deadline
 ** Withdrawn before being printed in Register
 ‡ Withdrawn deferred more than twelve months (KRS 13A.300(4) and 13A.315(1)(d))

(r) Repealer regulation: KRS 13A.310 - on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation

VOLUME 40

SYMBOL KEY:

* Statement of Consideration not filed by deadline
 ** Withdrawn before being printed in Register
 **** Emergency expired after 180 days
 (r) Repealer regulation: KRS 13A.310-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

EMERGENCY ADMINISTRATIVE REGULATIONS:

(Note: Emergency regulations expire 180 days from the date filed; or 180 days from the date filed plus number of days of requested extension, or upon replacement or repeal, whichever occurs first.)

30 KAR 5:010E	219	6-28-13	Replaced	811	11-1-13
Replaced	775	11-1-13	804 KAR 4:410E	249	6-25-13
30 KAR 5:020E	220	6-28-13	Replaced	811	11-1-13
Replaced	775	11-1-13	804 KAR 4:430E	7	6-14-13
30 KAR 5:030E	223	6-28-13	815 KAR 4:030E	250	6-25-13
Replaced	777	11-1-13	Replaced	824	10-23-13
30 KAR 5:040E	225	6-28-13	815 KAR 4:040E	253	6-25-13
Replaced	777	11-1-13	Replaced	825	10-23-13
30 KAR 5:050E	228	6-28-13	900 KAR 5:020E	761	8-30-13
Replaced	780	11-1-13	Replaced	894	1-15-14
30 KAR 5:060E	230	6-28-13	900 KAR 7:030E	1564	12-17-13
Replaced	781	11-1-13	900 KAR 10:020E	8	6-07-13
31 KAR 4:070E	755	9-4-13	Replaced	1080	12-10-13
Replaced	882	1-3-14	900 KAR 10:030E	762	8-22-13
101 KAR 2:210E	756	9-9-13	Replaced	1283	1-3-14
Replaced	884	1-3-14	900 KAR 10:050E	255	7-10-13
103 KAR 3:010E	1529	12-27-13	Replaced	1083	12-10-13
103 KAR 3:020E	1534	12-27-13	900 KAR 10:100E	1568	12-17-13
103 KAR 3:030E	1540	12-27-13	Reprinted	2091	
103 KAR 3:040E	1550	12-27-13	907 KAR 1:019E	1573	12-30-13
105 KAR 1:140E	233	7-01-13	907 KAR 1:030E	1581	12-26-13
Expired		12-28-13	907 KAR 1:038E	1585	12-26-13
109 KAR 16:010E	1561	12-18-13	907 KAR 1:039E	1591	12-26-13
201 KAR 22:055E	4	5-15-13	907 KAR 1:044E	1595	12-30-13
Withdrawn		9-17-13	907 KAR 1:045E	1600	12-30-13
201 KAR 30:315E	935	10-10-13	907 KAR 1:054E	1603	12-30-13
Replaced	1396	2-3-14	907 KAR 1:082E	1617	12-30-13
301 KAR 2:221E	1232	10-21-13	907 KAR 1:604E	1631	12-26-13
Replaced	1725	3-7-14	907 KAR 1:631E	1638	12-26-13
301 KAR 2:222E	1234	10-21-13	907 KAR 1:632E	1642	12-26-13
Replaced	1726	3-7-14	907 KAR 1:913Er	1646	12-26-13
301 KAR 2:225E	524	8-14-13	907 KAR 3:005E	1648	12-26-13
Replaced	1045	11-7-13	907 KAR 8:005E	1655	12-26-13
405 KAR 10:001E	236	7-03-13	907 KAR 8:010E	1657	12-26-13
405 KAR 10:070E	240	7-03-13	Reprinted	2095	
Replaced	1065	11-7-13	907 KAR 8:015E	1660	12-26-13
405 KAR 10:080E	243	7-03-13	907 KAR 8:020E	1662	12-26-13
Replaced	1066	11-7-13	907 KAR 8:025E	1665	12-26-13
405 KAR 10:090E	245	7-03-2013	907 KAR 8:030E	1668	12-26-13
Replaced	1067	11-7-13	907 KAR 8:035E	1671	12-26-13
405 KAR 10:201E	246	7-03-13	907 KAR 10:014E	1673	12-26-13
Repealer		11-7-13	907 KAR 12:020E	2109	2-6-14
501 KAR 6:020E	759	8-20-13	907 KAR 13:005E	1677	12-26-13
505 KAR 1:170E	936	10-14-2013	907 KAR 13:010E	1680	12-26-13
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302 KAR 21:070	737	3-4-14	Amended	1361	
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SYMBOL KEY:

* Statement of Consideration not filed by deadline

** Withdrawn, not in effect within 1 year of publication

*** Withdrawn before being printed in Register

‡ Withdrawn deferred more than twelve months (KRS 13A.300(4) and 13A.315(1)(d))

(r) Repealer regulation: KRS 13A.310-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

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