

1 AN ACT relating to health, welfare, and family services.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 12.020 is amended to read as follows:

4 Departments, program cabinets and their departments, and the respective major
5 administrative bodies that they include are enumerated in this section. It is not intended
6 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
7 bureau, interstate compact, commission, committee, conference, council, office, or any
8 other form of organization shall be included in or attached to the department or program
9 cabinet in which they are included or to which they are attached by statute or statutorily
10 authorized executive order; except in the case of the Personnel Board and where the
11 attached department or administrative body is headed by a constitutionally elected
12 officer, the attachment shall be solely for the purpose of dissemination of information and
13 coordination of activities and shall not include any authority over the functions,
14 personnel, funds, equipment, facilities, or records of the department or administrative
15 body.

16 I. Cabinet for General Government - Departments headed by elected officers:

- 17 (1) The Governor.
- 18 (2) Lieutenant Governor.
- 19 (3) Department of State.
- 20 (a) Secretary of State.
- 21 (b) Board of Elections.
- 22 (c) Registry of Election Finance.
- 23 (4) Department of Law.
- 24 (a) Attorney General.
- 25 (5) Department of the Treasury.
- 26 (a) Treasurer.
- 27 (6) Department of Agriculture.

- 1 (a) Commissioner of Agriculture.
- 2 (b) Agricultural Development Board.
- 3 (c) Kentucky Agricultural Finance Corporation.
- 4 (7) Auditor of Public Accounts.

5 **(a) Commonwealth Office of the Ombudsman.**

6 II. Program cabinets headed by appointed officers:

- 7 (1) Justice and Public Safety Cabinet:
 - 8 (a) Department of Kentucky State Police.
 - 9 1. Office of Administrative Services.
 - 10 a. Division of Operational Support.
 - 11 b. Division of Management Services.
 - 12 2. Office of Operations.
 - 13 a. Division of West Troops.
 - 14 b. Division of East Troops.
 - 15 c. Division of Special Enforcement.
 - 16 d. Division of Commercial Vehicle Enforcement.
 - 17 3. Office of Technical Services.
 - 18 a. Division of Forensic Sciences.
 - 19 b. Division of Information Technology.
 - 20 (b) Department of Criminal Justice Training.
 - 21 (c) Department of Corrections.
 - 22 (d) Department of Juvenile Justice.
 - 23 (e) Office of the Secretary.
 - 24 (f) Office of Drug Control Policy.
 - 25 (g) Office of Legal Services.
 - 26 (h) Office of the Kentucky State Medical Examiner.
 - 27 (i) Parole Board.

- 1 (j) Kentucky State Corrections Commission.
- 2 (k) Office of Legislative and Intergovernmental Services.
- 3 (l) Office of Human Resource Management.
- 4 1. Division of Human Resource Administration.
- 5 2. Division of Employee Management.
- 6 (m) Department of Public Advocacy.
- 7 (n) Office of Communications.
- 8 1. Information Technology Services Division.
- 9 (o) Office of Financial Management Services.
- 10 1. Division of Financial Management.
- 11 (p) Grants Management Division.
- 12 (2) Energy and Environment Cabinet:
- 13 (a) Office of the Secretary.
- 14 1. Office of Legislative and Intergovernmental Affairs.
- 15 2. Office of Legal Services.
- 16 a. Legal Division I.
- 17 b. Legal Division II.
- 18 3. Office of Administrative Hearings.
- 19 4. Office of Communication.
- 20 5. Mine Safety Review Commission.
- 21 6. Office of Kentucky Nature Preserves.
- 22 7. Kentucky Public Service Commission.
- 23 (b) Department for Environmental Protection.
- 24 1. Office of the Commissioner.
- 25 2. Division for Air Quality.
- 26 3. Division of Water.
- 27 4. Division of Environmental Program Support.

- 1 5. Division of Waste Management.
- 2 6. Division of Enforcement.
- 3 7. Division of Compliance Assistance.
- 4 (c) Department for Natural Resources.
- 5 1. Office of the Commissioner.
- 6 2. Division of Mine Permits.
- 7 3. Division of Mine Reclamation and Enforcement.
- 8 4. Division of Abandoned Mine Lands.
- 9 5. Division of Oil and Gas.
- 10 6. Division of Mine Safety.
- 11 7. Division of Forestry.
- 12 8. Division of Conservation.
- 13 9. Office of the Reclamation Guaranty Fund.
- 14 (d) Office of Energy Policy.
- 15 1. Division of Energy Assistance.
- 16 (e) Office of Administrative Services.
- 17 1. Division of Human Resources Management.
- 18 2. Division of Financial Management.
- 19 3. Division of Information Services.
- 20 (3) Public Protection Cabinet.
- 21 (a) Office of the Secretary.
- 22 1. Office of Communications and Public Outreach.
- 23 2. Office of Legal Services.
- 24 a. Insurance Legal Division.
- 25 b. Charitable Gaming Legal Division.
- 26 c. Alcoholic Beverage Control Legal Division.
- 27 d. Housing, Buildings and Construction Legal Division.

- 1 e. Financial Institutions Legal Division.
- 2 f. Professional Licensing Legal Division.
- 3 3. Office of Administrative Hearings.
- 4 4. Office of Administrative Services.
- 5 a. Division of Human Resources.
- 6 b. Division of Fiscal Responsibility.
- 7 (b) Office of Claims and Appeals.
- 8 1. Board of Tax Appeals.
- 9 2. Board of Claims.
- 10 3. Crime Victims Compensation Board.
- 11 (c) Kentucky Boxing and Wrestling Commission.
- 12 (d) Kentucky Horse Racing Commission.
- 13 1. Office of Executive Director.
- 14 a. Division of Pari-mutuel Wagering and Compliance.
- 15 b. Division of Stewards.
- 16 c. Division of Licensing.
- 17 d. Division of Enforcement.
- 18 e. Division of Incentives and Development.
- 19 f. Division of Veterinary Services.
- 20 (e) Department of Alcoholic Beverage Control.
- 21 1. Division of Distilled Spirits.
- 22 2. Division of Malt Beverages.
- 23 3. Division of Enforcement.
- 24 (f) Department of Charitable Gaming.
- 25 1. Division of Licensing and Compliance.
- 26 2. Division of Enforcement.
- 27 (g) Department of Financial Institutions.

- 1 1. Division of Depository Institutions.
- 2 2. Division of Non-Depository Institutions.
- 3 3. Division of Securities.
- 4 (h) Department of Housing, Buildings and Construction.
- 5 1. Division of Fire Prevention.
- 6 2. Division of Plumbing.
- 7 3. Division of Heating, Ventilation, and Air Conditioning.
- 8 4. Division of Building Code Enforcement.
- 9 (i) Department of Insurance.
- 10 1. Division of Health and Life Insurance and Managed Care.
- 11 2. Division of Property and Casualty Insurance.
- 12 3. Division of Administrative Services.
- 13 4. Division of Financial Standards and Examination.
- 14 5. Division of Licensing.
- 15 6. Division of Insurance Fraud Investigation.
- 16 7. Division of Consumer Protection.
- 17 (j) Department of Professional Licensing.
- 18 1. Real Estate Authority.
- 19 (4) Transportation Cabinet:
- 20 (a) Department of Highways.
- 21 1. Office of Project Development.
- 22 2. Office of Project Delivery and Preservation.
- 23 3. Office of Highway Safety.
- 24 4. Highway District Offices One through Twelve.
- 25 (b) Department of Vehicle Regulation.
- 26 (c) Department of Aviation.
- 27 (d) Department of Rural and Municipal Aid.

- 1 1. Office of Local Programs.
- 2 2. Office of Rural and Secondary Roads.
- 3 (e) Office of the Secretary.
- 4 1. Office of Public Affairs.
- 5 2. Office for Civil Rights and Small Business Development.
- 6 3. Office of Budget and Fiscal Management.
- 7 4. Office of Inspector General.
- 8 5. Secretary's Office of Safety.
- 9 (f) Office of Support Services.
- 10 (g) Office of Transportation Delivery.
- 11 (h) Office of Audits.
- 12 (i) Office of Human Resource Management.
- 13 (j) Office of Information Technology.
- 14 (k) Office of Legal Services.
- 15 (5) Cabinet for Economic Development:
- 16 (a) Office of the Secretary.
- 17 1. Office of Legal Services.
- 18 2. Department for Business Development.
- 19 3. Department for Financial Services.
- 20 a. Kentucky Economic Development Finance Authority.
- 21 b. Finance and Personnel Division.
- 22 c. IT and Resource Management Division.
- 23 d. Compliance Division.
- 24 e. Incentive Administration Division.
- 25 f. Bluegrass State Skills Corporation.
- 26 4. Office of Marketing and Public Affairs.
- 27 a. Communications Division.

- 1 b. Graphics Design Division.
- 2 5. Office of Workforce, Community Development, and Research.
- 3 6. Office of Entrepreneurship and Small Business Innovation.
- 4 a. Commission on Small Business Innovation and Advocacy.
- 5 (6) Cabinet for Health and Family Services:
- 6 (a) Office of the Secretary.
- 7 1. ~~{Office of the Ombudsman and Administrative Review.~~
- 8 ~~2.}—~~Office of Public Affairs.
- 9 2.~~{3.}~~Office of Legal Services.
- 10 3.~~{4.}~~Office of Inspector General.
- 11 4.~~{5.}~~Office of Human Resource Management.
- 12 5.~~{6.}~~Office of Finance and Budget.
- 13 6.~~{7.}~~Office of Legislative and Regulatory Affairs.
- 14 7.~~{8.}~~Office of Administrative Services.
- 15 8.~~{9.}~~Office of Application Technology Services.
- 16 9.~~{10.}~~ Office of Data Analytics.
- 17 (b) Department for Public Health.
- 18 (c) Department for Medicaid Services.
- 19 (d) Department for Behavioral Health, Developmental and Intellectual
- 20 Disabilities.
- 21 (e) Department for Aging and Independent Living.
- 22 (f) Department for Community Based Services.
- 23 (g) Department for Income Support.
- 24 (h) Department for Family Resource Centers and Volunteer Services.
- 25 ~~{(i) Office for Children with Special Health Care Needs.}~~
- 26 (7) Finance and Administration Cabinet:
- 27 (a) Office of the Secretary.

- 1 (b) Office of the Inspector General.
- 2 (c) Office of Legislative and Intergovernmental Affairs.
- 3 (d) Office of General Counsel.
- 4 (e) Office of the Controller.
- 5 (f) Office of Administrative Services.
- 6 (g) Office of Policy and Audit.
- 7 (h) Department for Facilities and Support Services.
- 8 (i) Department of Revenue.
- 9 (j) Commonwealth Office of Technology.
- 10 (k) State Property and Buildings Commission.
- 11 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 12 (m) Kentucky Employees Retirement Systems.
- 13 (n) Commonwealth Credit Union.
- 14 (o) State Investment Commission.
- 15 (p) Kentucky Housing Corporation.
- 16 (q) Kentucky Local Correctional Facilities Construction Authority.
- 17 (r) Kentucky Turnpike Authority.
- 18 (s) Historic Properties Advisory Commission.
- 19 (t) Kentucky Higher Education Assistance Authority.
- 20 (u) Kentucky River Authority.
- 21 (v) Kentucky Teachers' Retirement System Board of Trustees.
- 22 (w) Executive Branch Ethics Commission.
- 23 (x) Office of Fleet Management.
- 24 (8) Tourism, Arts and Heritage Cabinet:
 - 25 (a) Kentucky Department of Tourism.
 - 26 1. Division of Tourism Services.
 - 27 2. Division of Marketing and Administration.

- 1 3. Division of Communications and Promotions.
- 2 (b) Kentucky Department of Parks.
- 3 1. Division of Information Technology.
- 4 2. Division of Human Resources.
- 5 3. Division of Financial Operations.
- 6 4. Division of Purchasing.
- 7 5. Division of Facilities.
- 8 6. Division of Park Operations.
- 9 7. Division of Sales, Marketing, and Customer Service.
- 10 8. Division of Engagement.
- 11 9. Division of Food Services.
- 12 10. Division of Rangers.
- 13 (c) Department of Fish and Wildlife Resources.
- 14 1. Division of Law Enforcement.
- 15 2. Division of Administrative Services.
- 16 3. Division of Engineering, Infrastructure, and Technology.
- 17 4. Division of Fisheries.
- 18 5. Division of Information and Education.
- 19 6. Division of Wildlife.
- 20 7. Division of Marketing.
- 21 (d) Kentucky Horse Park.
- 22 1. Division of Support Services.
- 23 2. Division of Buildings and Grounds.
- 24 3. Division of Operational Services.
- 25 (e) Kentucky State Fair Board.
- 26 1. Office of Administrative and Information Technology Services.
- 27 2. Office of Human Resources and Access Control.

- 1 3. Division of Expositions.
- 2 4. Division of Kentucky Exposition Center Operations.
- 3 5. Division of Kentucky International Convention Center.
- 4 6. Division of Public Relations and Media.
- 5 7. Division of Venue Services.
- 6 8. Division of Personnel Management and Staff Development.
- 7 9. Division of Sales.
- 8 10. Division of Security and Traffic Control.
- 9 11. Division of Information Technology.
- 10 12. Division of the Louisville Arena.
- 11 13. Division of Fiscal and Contract Management.
- 12 14. Division of Access Control.
- 13 (f) Office of the Secretary.
 - 14 1. Office of Finance.
 - 15 2. Office of Government Relations and Administration.
- 16 (g) Office of Legal Affairs.
- 17 (h) Office of Human Resources.
- 18 (i) Office of Public Affairs and Constituent Services.
- 19 (j) Office of Arts and Cultural Heritage.
- 20 (k) Kentucky African-American Heritage Commission.
- 21 (l) Kentucky Foundation for the Arts.
- 22 (m) Kentucky Humanities Council.
- 23 (n) Kentucky Heritage Council.
- 24 (o) Kentucky Arts Council.
- 25 (p) Kentucky Historical Society.
 - 26 1. Division of Museums.
 - 27 2. Division of Oral History and Educational Outreach.

- 1 3. Division of Research and Publications.
- 2 4. Division of Administration.
- 3 (q) Kentucky Center for the Arts.
- 4 1. Division of Governor's School for the Arts.
- 5 (r) Kentucky Artisans Center at Berea.
- 6 (s) Northern Kentucky Convention Center.
- 7 (t) Eastern Kentucky Exposition Center.
- 8 (9) Personnel Cabinet:
- 9 (a) Office of the Secretary.
- 10 (b) Department of Human Resources Administration.
- 11 (c) Office of Employee Relations.
- 12 (d) Kentucky Public Employees Deferred Compensation Authority.
- 13 (e) Office of Administrative Services.
- 14 (f) Office of Legal Services.
- 15 (g) Governmental Services Center.
- 16 (h) Department of Employee Insurance.
- 17 (i) Office of Diversity, Equality, and Training.
- 18 (j) Office of Public Affairs.
- 19 (10) Education and Labor Cabinet:
- 20 (a) Office of the Secretary.
- 21 1. Office of Legal Services.
- 22 a. Workplace Standards Legal Division.
- 23 b. Workers' Claims Legal Division.
- 24 c. Workforce Development Legal Division.
- 25 2. Office of Administrative Services.
- 26 a. Division of Human Resources Management.
- 27 b. Division of Fiscal Management.

- 1 c. Division of Operations and Support Services.
- 2 3. Office of Technology Services.
- 3 a. Division of Information Technology Services.
- 4 4. Office of Policy and Audit.
- 5 5. Office of Legislative Services.
- 6 6. Office of Communications.
- 7 7. Office of the Kentucky Center for Statistics.
- 8 8. Board of the Kentucky Center for Statistics.
- 9 9. Early Childhood Advisory Council.
- 10 10. Governors' Scholars Program.
- 11 11. Governor's School for Entrepreneurs Program.
- 12 12. Foundation for Adult Education.
- 13 (b) Department of Education.
- 14 1. Kentucky Board of Education.
- 15 2. Kentucky Technical Education Personnel Board.
- 16 3. Education Professional Standards Board.
- 17 (c) Board of Directors for the Center for School Safety.
- 18 (d) Department for Libraries and Archives.
- 19 (e) Kentucky Environmental Education Council.
- 20 (f) Kentucky Educational Television.
- 21 (g) Kentucky Commission on the Deaf and Hard of Hearing.
- 22 (h) Department of Workforce Development.
- 23 1. Career Development Office.
- 24 2. Office of Vocational Rehabilitation.
- 25 a. Division of Kentucky Business Enterprise.
- 26 b. Division of the Carl D. Perkins Vocational Training Center.
- 27 c. Division of Blind Services.

- 1 d. Division of Field Services.
- 2 e. Statewide Council for Vocational Rehabilitation.
- 3 f. Employment First Council.
- 4 3. Office of Employer and Apprenticeship Services.
- 5 a. Division of Apprenticeship.
- 6 4. Kentucky Apprenticeship Council.
- 7 5. Division of Technical Assistance.
- 8 6. Office of Adult Education.
- 9 7. Office of the Kentucky Workforce Innovation Board.
- 10 (i) Department of Workplace Standards.
- 11 1. Division of Occupational Safety and Health Compliance.
- 12 2. Division of Occupational Safety and Health Education and
- 13 Training.
- 14 3. Division of Wages and Hours.
- 15 (j) Office of Unemployment Insurance.
- 16 (k) Kentucky Unemployment Insurance Commission.
- 17 (l) Department of Workers' Claims.
- 18 1. Division of Workers' Compensation Funds.
- 19 2. Office of Administrative Law Judges.
- 20 3. Division of Claims Processing.
- 21 4. Division of Security and Compliance.
- 22 5. Division of Specialist and Medical Services.
- 23 6. Workers' Compensation Board.
- 24 (m) Workers' Compensation Funding Commission.
- 25 (n) Kentucky Occupational Safety and Health Standards Board.
- 26 (o) State Labor Relations Board.
- 27 (p) Employers' Mutual Insurance Authority.

- 1 (q) Kentucky Occupational Safety and Health Review Commission.
- 2 (r) Workers' Compensation Nominating Committee.
- 3 (s) Office of Educational Programs.
- 4 (t) Kentucky Workforce Innovation Board.
- 5 (u) Kentucky Commission on Proprietary Education.
- 6 (v) Kentucky Work Ready Skills Advisory Committee.
- 7 (w) Kentucky Geographic Education Board.
- 8 **(x) Disability Determination Services program.**

9 III. Other departments headed by appointed officers:

- 10 (1) Council on Postsecondary Education.
- 11 (2) Department of Military Affairs.
- 12 (3) Department for Local Government.
- 13 (4) Kentucky Commission on Human Rights.
- 14 (5) Kentucky Commission on Women.
- 15 (6) Department of Veterans' Affairs.
- 16 (7) Kentucky Commission on Military Affairs.
- 17 (8) Office of Minority Empowerment.
- 18 (9) Governor's Council on Wellness and Physical Activity.
- 19 (10) Kentucky Communications Network Authority.
- 20 **(11) Commonwealth Office of the Inspector General.**

21 ➔Section 2. KRS 13B.020 is amended to read as follows:

- 22 (1) The provisions of this chapter shall apply to all administrative hearings conducted
- 23 by an agency, with the exception of those specifically exempted under this section.
- 24 The provisions of this chapter shall supersede any other provisions of the Kentucky
- 25 Revised Statutes and administrative regulations, unless exempted under this section,
- 26 to the extent these other provisions are duplicative or in conflict. This chapter
- 27 creates only procedural rights and shall not be construed to confer upon any person

- 1 a right to hearing not expressly provided by law.
- 2 (2) The provisions of this chapter shall not apply to:
- 3 (a) Investigations, hearings to determine probable cause, or any other type of
- 4 information gathering or fact finding activities;
- 5 (b) Public hearings required in KRS Chapter 13A for the promulgation of
- 6 administrative regulations;
- 7 (c) Any other public hearing conducted by an administrative agency which is
- 8 nonadjudicatory in nature and the primary purpose of which is to seek public
- 9 input on public policy making;
- 10 (d) Military adjudicatory proceedings conducted in accordance with KRS Chapter
- 11 35;
- 12 (e) Administrative hearings conducted by the legislative and judicial branches of
- 13 state government;
- 14 (f) Administrative hearings conducted by any city, county, urban-county, charter
- 15 county, or special district contained in KRS Chapters 65 to 109, or any other
- 16 unit of local government operating strictly in a local jurisdictional capacity;
- 17 (g) Informal hearings which are part of a multilevel hearing process that affords
- 18 an administrative hearing at some point in the hearing process if the
- 19 procedures for informal hearings are approved and promulgated in accordance
- 20 with subsections (4) and (5) of this section;
- 21 (h) Limited exemptions granted for specific hearing provisions and denoted by
- 22 reference in the text of the applicable statutes or administrative regulations;
- 23 (i) Administrative hearings exempted pursuant to subsection (3) of this section;
- 24 (j) Administrative hearings exempted, in whole or in part, pursuant to
- 25 subsections (4) and (5) of this section; and
- 26 (k) Any administrative hearing which was commenced but not completed prior to
- 27 July 15, 1996.

- 1 (3) The following administrative hearings are exempt from application of this chapter
2 in compliance with 1994 Ky. Acts ch. 382, sec. 19:
- 3 (a) Finance and Administration Cabinet
- 4 1. Higher Education Assistance Authority
- 5 a. Wage garnishment hearings conducted under authority of 20
6 U.S.C. sec. 1095a and 34 C.F.R. sec. 682.410
- 7 b. Offset hearings conducted under authority of 31 U.S.C. sec.
8 3720A and sec. 3716, and 34 C.F.R. sec. 30.33
- 9 2. Department of Revenue
- 10 a. Any licensing and bond revocation hearings conducted under the
11 authority of KRS 138.210 to 138.448 and 234.310 to 234.440
- 12 b. Any license revocation hearings under KRS 131.630 and 138.130
13 to 138.205
- 14 (b) Cabinet for Health and Family Services
- 15 1. Office of the Inspector General
- 16 a. Certificate-of-need hearings and licensure conducted under
17 authority of KRS Chapter 216B
- 18 b. Licensure revocation hearings conducted under authority of KRS
19 Chapter 216B
- 20 2. Department for Community Based Services
- 21 a. Supervised placement revocation hearings conducted under
22 authority of KRS Chapter 630
- 23 3. ~~Department for Income Support~~
- 24 a. ~~Disability determination hearings conducted under authority of 20~~
25 ~~C.F.R. sec. 404~~
- 26 4. ~~Department for Medicaid Services~~
- 27 a. Administrative appeal hearings following an external independent

1 third-party review of a Medicaid managed care organization's final
2 decision that denies, in whole or in part, a health care service to an
3 enrollee or a claim for reimbursement to the provider for a health
4 care service rendered by the provider to an enrollee of the
5 Medicaid managed care organization, conducted under authority of
6 KRS 205.646

7 (c) Justice and Public Safety Cabinet

- 8 1. Department of Kentucky State Police
- 9 a. Kentucky State Police Trial Board disciplinary hearings conducted
10 under authority of KRS Chapter 16
- 11 2. Department of Corrections
- 12 a. Parole Board hearings conducted under authority of KRS Chapter
13 439
- 14 b. Prison adjustment committee hearings conducted under authority
15 of KRS Chapter 197
- 16 c. Prison grievance committee hearings conducted under authority of
17 KRS Chapters 196 and 197
- 18 3. Department of Juvenile Justice
- 19 a. Supervised placement revocation hearings conducted under KRS
20 Chapter 635

21 (d) Energy and Environment Cabinet

- 22 1. Department for Natural Resources
- 23 a. Surface mining hearings conducted under authority of KRS
24 Chapter 350
- 25 b. Oil and gas hearings conducted under the authority of KRS
26 Chapter 353, except for those conducted by the Kentucky Oil and
27 Gas Conservation Commission pursuant to KRS 353.500 to

- 1 353.720
- 2 c. Explosives and blasting hearings conducted under the authority of
- 3 KRS 351.315 to 351.375
- 4 2. Department for Environmental Protection
- 5 a. Wild River hearings conducted under authority of KRS Chapter
- 6 146
- 7 b. Water resources hearings conducted under authority of KRS
- 8 Chapter 151
- 9 c. Water plant operator and water well driller hearings conducted
- 10 under authority of KRS Chapter 223
- 11 d. Environmental protection hearings conducted under authority of
- 12 KRS Chapter 224
- 13 e. Petroleum Storage Tank Environmental Assurance Fund hearings
- 14 under authority of KRS Chapter 224
- 15 3. Public Service Commission
- 16 a. Utility hearings conducted under authority of KRS Chapters 74,
- 17 278, and 279
- 18 (e) Education and Labor Cabinet
- 19 1. Department of Workers' Claims
- 20 a. Workers' compensation hearings conducted under authority of
- 21 KRS Chapter 342
- 22 2. Kentucky Occupational Safety and Health Review Commission
- 23 a. Occupational safety and health hearings conducted under authority
- 24 of KRS Chapter 338
- 25 3. Unemployment insurance hearings conducted under authority of KRS
- 26 Chapter 341
- 27 **4. Disability determination hearings conducted under authority of 20**

1 C.F.R. pt. 404

2 (f) Public Protection Cabinet

3 1. Board of Claims

4 a. Liability hearings conducted under authority of KRS 49.020(5)
5 and 49.040 to 49.180

6 (g) Secretary of State

7 1. Registry of Election Finance

8 a. Campaign finance hearings conducted under authority of KRS
9 Chapter 121

10 (h) State universities and colleges

11 1. Student suspension and expulsion hearings conducted under authority of
12 KRS Chapter 164

13 2. University presidents and faculty removal hearings conducted under
14 authority of KRS Chapter 164

15 3. Campus residency hearings conducted under authority of KRS Chapter
16 164

17 4. Family Education Rights to Privacy Act hearings conducted under
18 authority of 20 U.S.C. sec. 1232 and 34 C.F.R. sec. 99

19 5. Federal Health Care Quality Improvement Act of 1986 hearings
20 conducted under authority of 42 U.S.C. sec. 11101 to 11115 and KRS
21 Chapter 311.

22 (4) Any administrative hearing, or portion thereof, may be certified as exempt by the
23 Attorney General based on the following criteria:

24 (a) The provisions of this chapter conflict with any provision of federal law or
25 regulation with which the agency must comply, or with any federal law or
26 regulation with which the agency must comply to permit the agency or
27 persons within the Commonwealth to receive federal tax benefits or federal

1 funds or other benefits;

2 (b) Conformity with the requirement of this chapter from which exemption is
3 sought would be so unreasonable or so impractical as to deny due process
4 because of undue delay in the conduct of administrative hearings; or

5 (c) The hearing procedures represent informal proceedings which are the
6 preliminary stages or the review stages of a multilevel hearing process, if the
7 provisions of this chapter or the provisions of a substantially equivalent
8 hearing procedure exempted under subsection (3) of this section are applied at
9 some level within the multilevel process.

10 (5) The Attorney General shall not exempt an agency from any requirement of this
11 chapter until the agency establishes alternative procedures by administrative
12 regulation which, insofar as practical, shall be consistent with the intent and
13 purpose of this chapter. When regulations for alternative procedures are submitted
14 to the Administrative Regulation Review Subcommittee, they shall be accompanied
15 by the request for exemption and the approval of exemption from the Attorney
16 General. The decision of the Attorney General, whether affirmative or negative,
17 shall be subject to judicial review in the Franklin Circuit Court within thirty (30)
18 days of the date of issuance. The court shall not overturn a decision of the Attorney
19 General unless the decision was arbitrary or capricious or contrary to law.

20 (6) Except to the extent precluded by another provision of law, a person may waive any
21 procedural right conferred upon that person by this chapter.

22 (7) The provisions of KRS 13B.030(2)(b) shall not apply to administrative hearings
23 held under KRS 11A.100 or 18A.095.

24 ➔Section 3. KRS 15.055 is amended to read as follows:

25 (1) The Office of the Attorney General shall **produce** ~~receive from the Cabinet for~~
26 ~~Health and Family Services~~ a list of names of delinquent obligors as defined in
27 administrative regulations promulgated under this section.

- 1 (2) The Office of the Attorney General ~~in cooperation with the Cabinet for Health and~~
2 ~~Family Services~~ shall promulgate administrative regulations in accordance with
3 KRS Chapter 13A to implement this section.
- 4 (3) The Office of the Attorney General shall:
- 5 (a) Publish and update the list on an appropriate agency Internet site; and
- 6 (b) Distribute to all designees~~[of the cabinet]~~ for the administration of the child
7 support program, a "most wanted" poster that includes names, and photos if
8 available, of delinquent obligors whose whereabouts are unknown or
9 unverified, or who if known, refuse to meet their child support obligations.
10 The poster shall be posted locally by the designee~~[of the cabinet]~~ for the
11 administration of the child support program in public locations.

12 ➔Section 4. KRS 15.111 is amended to read as follows:

- 13 (1) The Division of Administrative Hearings is created in the Office of Attorney
14 General.
- 15 (2) This division shall have the following responsibilities:
- 16 (a) Employing and maintaining a pool of hearing officers for assignment to the
17 individual agencies at their request, for the conduct of administrative hearings.
18 The Attorney General's office may also employ other staff as necessary to
19 carry out functions and responsibilities assigned by KRS Chapter 13B;
- 20 (b) Reviewing and approving or disapproving requests from agencies for waivers
21 from provisions of KRS Chapter 13B;
- 22 (c) Providing training in administrative hearing procedures for hearing officers as
23 required in KRS 13B.030, either by developing and offering the training, or
24 by contracting with appropriate organizations for the provision of training, or
25 by approving training developed and submitted by the agencies;
- 26 (d) Consulting with the Personnel Cabinet and employing agencies in the
27 establishment of relevant and appropriate qualifications for classes of hearing

1 officers;

2 (e) Establishing, in cooperation with the Division of Consumer Protection, a
3 clearinghouse for complaints concerning the administrative hearing process in
4 Kentucky. Each complaint received shall be referred to the agency that is the
5 subject of the complaint, and the action of the agency to resolve the complaint
6 shall be noted and reported to the division;

7 (f) Reporting to the Legislative Research Commission by July 1 of each odd-
8 numbered year, the status of the administrative hearing process in Kentucky.
9 The report shall include a compilation of statistical data and other information
10 necessary to assess the effectiveness and efficiency of hearing procedures and
11 recommendations for making improvements to the system. Agencies shall
12 provide the information requested by the Division of Administrative Hearings
13 necessary to complete the report;

14 **(g) Reporting to the Commonwealth Office of the Inspector General for review**
15 **and investigation:**

16 **1. Any charge or case against any employee of the Cabinet for Health**
17 **and Family Services where it has cause to believe the employee has**
18 **engaged in dishonest, unethical, or illegal conduct or practices related**
19 **to his or her job duties; or**

20 **2. Any violation of state law or administrative regulation by any**
21 **organization or individual regulated by, or contracted with, the**
22 **Cabinet for Health and Family Services; and**

23 **(h) Conducting and providing oversight of administrative hearings as it relates**
24 **to the Cabinet for Health and Family Services.**

25 ➔Section 5. KRS 194A.030 is amended to read as follows:

26 The cabinet consists of the following major organizational units, which are hereby
27 created:

1 (1) Office of the Secretary. Within the Office of the Secretary, there shall be an~~Office~~
2 ~~of the Ombudsman and Administrative Review, an~~ Office of Legal Services, an
3 Office of Inspector General, an Office of Public Affairs, an Office of Human
4 Resource Management, an Office of Finance and Budget, an Office of Legislative
5 and Regulatory Affairs, an Office of Administrative Services, an Office of
6 Application Technology Services and an Office of Data Analytics, as follows:

7 (a) ~~[The Office of the Ombudsman and Administrative Review shall be headed~~
8 ~~by an executive director who shall be appointed by the secretary with the~~
9 ~~approval of the Governor under KRS 12.050 and shall:~~

10 1. ~~Investigate, upon complaint or on its own initiative, any administrative~~
11 ~~act of an organizational unit, employee, or contractor of the cabinet,~~
12 ~~without regard to the finality of the administrative act. Organizational~~
13 ~~units, employees, or contractors of the cabinet shall not willfully~~
14 ~~obstruct an investigation, restrict access to records or personnel, or~~
15 ~~retaliate against a complainant or cabinet employee;~~

16 2. ~~Make recommendations that resolve citizen complaints and improve~~
17 ~~governmental performance and may require corrective action when~~
18 ~~policy violations are identified;~~

19 3. ~~Provide evaluation and information analysis of cabinet performance and~~
20 ~~compliance with state and federal law;~~

21 4. ~~Place an emphasis on research and best practices, program~~
22 ~~accountability, quality service delivery, and improved governmental~~
23 ~~performance;~~

24 5. ~~Provide information on how to contact the office for public posting at all~~
25 ~~offices where Department for Community Based Services employees or~~
26 ~~contractors work, at any facility where a child in the custody of the~~
27 ~~cabinet resides, and to all cabinet or contracted foster parents;~~

1 who shall be appointed by the secretary with the approval of the Governor.
 2 The inspector general shall be directly responsible to the secretary. The Office
 3 of Inspector General shall be responsible for:

4 1. **The determination of qualifications for and the issuance of licenses to**
 5 **qualified applicants**~~[The conduct of audits and investigations for~~

6 ~~detecting the perpetration of fraud or abuse of any program by any~~
 7 ~~client, or by any vendor of services with whom the cabinet has~~
 8 ~~contracted; and the conduct of special investigations requested by the~~
 9 ~~secretary, commissioners, or office heads of the cabinet into matters~~
 10 ~~related to the cabinet or its programs;~~

11 2. ~~Licensing and regulatory functions as the secretary may delegate;~~

12 3. ~~Review of health facilities participating in transplant programs, as~~
 13 ~~determined by the secretary, for the purpose of determining any~~
 14 ~~violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963];~~

15 ~~2.~~^[4.] The duties, responsibilities, and authority pertaining to the certificate of
 16 need functions and the licensure appeals functions, pursuant to KRS
 17 Chapter 216B;

18 ~~[5. The notification and forwarding of any information relevant to possible~~
 19 ~~criminal violations to the appropriate prosecuting authority;]~~

20 ~~3.~~^[6.] The oversight of the operations of the Kentucky Health Information
 21 Exchange; and

22 ~~4.~~^[7.] The support and guidance to health care providers related to telehealth
 23 services, including the development of policy, standards, resources, and
 24 education to expand telehealth services across the Commonwealth;

25 ~~(c)~~^(d) The Office of Public Affairs shall be headed by an executive director
 26 appointed by the secretary with the approval of the Governor in accordance
 27 with KRS 12.050. The office shall provide information to the public and news

1 media about the programs, services, and initiatives of the cabinet;

2 ~~(d)~~~~(e)~~ The Office of Human Resource Management shall be headed by an
3 executive director appointed by the secretary with the approval of the
4 Governor in accordance with KRS 12.050. The office shall coordinate,
5 oversee, and execute all personnel, training, and management functions of the
6 cabinet. The office shall focus on the oversight, development, and
7 implementation of quality improvement services; curriculum development
8 and delivery of instruction to staff; the administration, management, and
9 oversight of training operations; health, safety, and compliance training; and
10 equal employment opportunity compliance functions;

11 ~~(e)~~~~(f)~~ The Office of Finance and Budget shall be headed by an executive
12 director appointed by the secretary with the approval of the Governor in
13 accordance with KRS 12.050. The office shall provide central review and
14 oversight of budget, contract, and cabinet finances. The office shall provide
15 coordination, assistance, and support to program departments and independent
16 review and analysis on behalf of the secretary;

17 ~~(f)~~~~(g)~~ The Office of Legislative and Regulatory Affairs shall be headed by an
18 executive director appointed by the secretary with the approval of the
19 Governor in accordance with KRS 12.050. The office shall provide central
20 review and oversight of legislation, policy, and administrative regulations.
21 The office shall provide coordination, assistance, and support to program
22 departments and independent review and analysis on behalf of the secretary;

23 ~~(g)~~~~(h)~~ The Office of Administrative Services shall be headed by an executive
24 director appointed by the secretary with the approval of the Governor in
25 accordance with KRS 12.050. The office shall provide central review and
26 oversight of procurement, general accounting including grant monitoring, and
27 facility management. The office shall provide coordination, assistance, and

1 support to program departments and independent review and analysis on
2 behalf of the secretary;

3 ~~(h)~~~~(i)~~ The Office of Application Technology Services shall be headed by an
4 executive director appointed by the secretary with the approval of the
5 Governor in accordance with KRS 12.050. The office shall provide
6 application technology services including central review and oversight. The
7 office shall provide coordination, assistance, and support to program
8 departments and independent review and analysis on behalf of the secretary;
9 and

10 ~~(i)~~~~(j)~~ The Office of Data Analytics shall be headed by an executive director
11 who shall be appointed by the secretary with the approval of the Governor
12 under KRS 12.050 and shall identify and innovate strategic initiatives to
13 inform public policy initiatives and provide opportunities for improved health
14 outcomes for all Kentuckians through data analytics. The office shall provide
15 leadership in the redesign of the health care delivery system using electronic
16 information technology to improve patient care and reduce medical errors and
17 duplicative services;

18 (2) Department for Medicaid Services. The Department for Medicaid Services shall
19 serve as the single state agency in the Commonwealth to administer Title XIX of
20 the Federal Social Security Act. The Department for Medicaid Services shall be
21 headed by a commissioner for Medicaid services, who shall be appointed by the
22 secretary with the approval of the Governor under KRS 12.050. The commissioner
23 for Medicaid services shall be a person who by experience and training in
24 administration and management is qualified to perform the duties of this office. The
25 commissioner for Medicaid services shall exercise authority over the Department
26 for Medicaid Services under the direction of the secretary and shall only fulfill
27 those responsibilities as delegated by the secretary;

1 (3) Department for Public Health. The Department for Public Health shall develop and
2 operate all programs of the cabinet that provide health services and all programs for
3 assessing the health status of the population for the promotion of health and the
4 prevention of disease, injury, disability, and premature death. This shall include but
5 not be limited to oversight of the Division of Women's Health and the Office for
6 Children with Special Health Care Needs. The duties, responsibilities, and
7 authority set out in KRS 200.460 to 200.490 shall be performed by the
8 Department for Public Health. The Department for Public Health shall advocate
9 for the rights of children with disabilities and, to the extent that funds are
10 available, shall ensure the administration of services for children with disabilities
11 as are deemed appropriate by this office pursuant to Title V of the Social Security
12 Act. The Department for Public Health may promulgate administrative
13 regulations under KRS Chapter 13A as may be necessary to implement and
14 administer its responsibilities. The Office for Children with Special Health Care
15 Needs may be headed by an executive director appointed by the secretary with the
16 approval of the Governor in accordance with KRS 12.050. The Department for
17 Public Health shall be headed by a commissioner for public health who shall be
18 appointed by the secretary with the approval of the Governor under KRS 12.050.
19 The commissioner for public health shall be a duly licensed physician who by
20 experience and training in administration and management is qualified to perform
21 the duties of this office. The commissioner shall advise the head of each major
22 organizational unit enumerated in this section on policies, plans, and programs
23 relating to all matters of public health, including any actions necessary to safeguard
24 the health of the citizens of the Commonwealth. The commissioner shall serve as
25 chief medical officer of the Commonwealth. The commissioner for public health
26 shall exercise authority over the Department for Public Health under the direction
27 of the secretary and shall only fulfill those responsibilities as delegated by the

1 secretary;

2 (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The
3 Department for Behavioral Health, Developmental and Intellectual Disabilities shall
4 develop and administer programs for the prevention of mental illness, intellectual
5 disabilities, brain injury, developmental disabilities, and substance use disorders
6 and shall develop and administer an array of services and support for the treatment,
7 habilitation, and rehabilitation of persons who have a mental illness or emotional
8 disability, or who have an intellectual disability, brain injury, developmental
9 disability, or a substance use disorder. The Department for Behavioral Health,
10 Developmental and Intellectual Disabilities shall be headed by a commissioner for
11 behavioral health, developmental and intellectual disabilities who shall be
12 appointed by the secretary with the approval of the Governor under KRS 12.050.
13 The commissioner for behavioral health, developmental and intellectual disabilities
14 shall be by training and experience in administration and management qualified to
15 perform the duties of the office. The commissioner for behavioral health,
16 developmental and intellectual disabilities shall exercise authority over the
17 department under the direction of the secretary, and shall only fulfill those
18 responsibilities as delegated by the secretary;

19 ~~(5) [Office for Children with Special Health Care Needs. The duties, responsibilities,~~
20 ~~and authority set out in KRS 200.460 to 200.490 shall be performed by the office.~~
21 ~~The office shall advocate the rights of children with disabilities and, to the extent~~
22 ~~that funds are available, shall ensure the administration of services for children with~~
23 ~~disabilities as are deemed appropriate by this office pursuant to Title V of the Social~~
24 ~~Security Act. The office may promulgate administrative regulations under KRS~~
25 ~~Chapter 13A as may be necessary to implement and administer its responsibilities.~~
26 ~~The duties, responsibilities, and authority of the Office for Children with Special~~
27 ~~Health Care Needs shall be performed through the office of the executive director.~~

1 ~~The executive director shall be appointed by the secretary with the approval of the~~
2 ~~Governor under KRS 12.050;~~

3 ~~(6)~~ Department for Family Resource Centers and Volunteer Services. The Department
4 for Family Resource Centers and Volunteer Services shall streamline the various
5 responsibilities associated with the human services programs for which the cabinet
6 is responsible. This shall include, but not be limited to, oversight of the Division of
7 Family Resource and Youth Services Centers and Serve Kentucky. The Department
8 for Family Resource Centers and Volunteer Services shall be headed by a
9 commissioner who shall be appointed by the secretary with the approval of the
10 Governor under KRS 12.050. The commissioner for family resource centers and
11 volunteer services shall be by training and experience in administration and
12 management qualified to perform the duties of the office, shall exercise authority
13 over the department under the direction of the secretary, and shall only fulfill those
14 responsibilities as delegated by the secretary;

15 ~~(6)~~~~(7)~~ Department for Community Based Services. The Department for Community
16 Based Services shall administer and be responsible for child and adult protection,
17 guardianship services, violence prevention resources, foster care and adoption,
18 permanency, and services to enhance family self-sufficiency, including child care,
19 social services, public assistance, and family support. The department shall be
20 headed by a commissioner appointed by the secretary with the approval of the
21 Governor in accordance with KRS 12.050;

22 ~~(7)~~~~(8)~~ Department for Income Support. The Department for Income Support shall be
23 responsible for child support enforcement and disability determination. The
24 department shall serve as the state unit as required by Title II and Title XVI of the
25 Social Security Act, and shall have responsibility for determining eligibility for
26 disability for those citizens of the Commonwealth who file applications for
27 disability with the Social Security Administration. The department shall be headed

1 by a commissioner appointed by the secretary with the approval of the Governor in
2 accordance with KRS 12.050; and

3 ~~(8)~~⁽⁹⁾ Department for Aging and Independent Living. The Department for Aging
4 and Independent Living shall serve as the state unit as designated by the
5 Administration on Aging Services under the Older Americans Act and shall have
6 responsibility for administration of the federal community support services, in-
7 home services, meals, family and caregiver support services, elder rights and legal
8 assistance, senior community services employment program, the state health
9 insurance assistance program, state home and community based services including
10 home care, Alzheimer's respite services and the personal care attendant program,
11 certifications of assisted living facilities, *and* the state Council on Alzheimer's
12 Disease and other related disorders~~, and guardianship services~~. The department
13 shall also administer the Long-Term Care Ombudsman Program and the Medicaid
14 Home and Community Based Waivers Participant Directed Services Option (PDS)
15 Program. The department shall serve as the information and assistance center for
16 aging and disability services and administer multiple federal grants and other state
17 initiatives. The department shall be headed by a commissioner appointed by the
18 secretary with the approval of the Governor in accordance with KRS 12.050.

19 ➔Section 6. KRS 197.105 is amended to read as follows:

20 (1) The department may administer a Prison Industry Enhancement Certification
21 Program (PIECP) and may lease the labor of state prisoners within the boundaries
22 of the state's Department of Corrections facilities for the production of
23 nonagricultural goods for sale to both public and private buyers, if the department
24 meets the conditions set out in this section. This section shall apply only to the
25 leasing of labor in accordance with a PIECP and not to programs otherwise
26 operated by Kentucky Correctional Industries.

27 (2) The department shall not lease the labor of a prisoner who does not consent in

1 writing to the leasing of that prisoner's labor.

2 (3) The department shall retain full responsibility for the care, custody, and control of
3 the prisoner and shall supply appropriate security and custody services without cost
4 to the person leasing the labor.

5 (4) The department shall ensure that the prisoner is paid wages at a rate not less than
6 that paid for work of a similar nature in the locality in which the work takes place,
7 as determined by the Education and Labor Cabinet, and never less than the federal
8 minimum wage. The final decision on the appropriate wage, in keeping with federal
9 and state labor and wage laws, shall be made by the Education and Labor Cabinet.

10 (5) The department shall not allow a prisoner whose labor has been leased under this
11 section to:

12 (a) Engage in work that would result in the displacement of employed workers in
13 the specific Department of Corrections locale. As used in this paragraph, a
14 displaced employed worker is:

- 15 1. A civilian worker employed in the same task by the employer leasing or
16 applying to lease prisoner labor, who would lose his or her job if the
17 prisoner labor were leased; or
- 18 2. A civilian worker who is employed full-time and, as a result of the
19 prisoner labor lease, is forced to work part-time, regardless of wage
20 increase.

21 A civilian worker is not considered displaced for the purposes of this
22 paragraph if the civilian worker remains employed in a job acceptable to that
23 worker and at equal or higher wages than that worker previously received.
24 The employer shall provide whatever retraining is required of the civilian
25 worker at no cost to the civilian worker;

26 (b) Labor in a skill, craft, or trade in which there is a surplus of labor for that
27 skill, craft, or trade in that specific Department of Corrections locale;

- 1 (c) Perform any work that would impair existing contracts for goods or services;
- 2 (d) Perform leased work outside of Department of Corrections facilities; or
- 3 (e) Perform leased construction work inside or outside Department of Corrections
- 4 facilities.
- 5 (6) Before the commencement of any leased labor project at a Department of
- 6 Corrections facility under this section, the department shall:
- 7 (a) Receive a written projection from the Education and Labor Cabinet that the
- 8 leased labor project shall not result in acts prohibited by subsection (5)(a) to
- 9 (c) of this section;
- 10 (b) Receive written documentation from the employer leasing or applying to lease
- 11 prisoner labor agreeing to not displace any of its nonprisoner employees with
- 12 leased prisoner labor;
- 13 (c) Have written documentation of consultation with local unions representing
- 14 labor in the specific Department of Corrections facility's locale in any skill,
- 15 craft, or trade in which a prisoner may labor at that facility. If a local union is
- 16 not available, the department shall consult with a similar statewide union. The
- 17 department shall present this information to the Kentucky State Corrections
- 18 Commission;
- 19 (d) Have written documentation of consultation with local private businesses that
- 20 may be economically impacted by the leased labor project. The department
- 21 shall present this information to the Kentucky State Corrections Commission;
- 22 and
- 23 (e) Have written documentation of compliance with the National Environmental
- 24 Policy Act (NEPA).
- 25 (7) The leasing of prisoner labor shall not be deemed to create an employer-employee
- 26 relationship between the person leasing the labor of the prisoner and the prisoner.
- 27 However, the person leasing the labor of the prisoner shall provide for workers'

1 compensation coverage for the prisoner and, if applicable, Social Security coverage
2 for the prisoner.

3 (8) A prisoner, as a condition of participation in a program operating under the
4 provisions of this section, shall agree to the deductions from the prisoner's earnings
5 set out in this subsection. The department or the person leasing the labor of the
6 prisoner shall deduct, in the following order, from a prisoner's gross wages:

7 (a) If the prisoner is the subject of a court or administrative order for the support
8 of a dependent, no less than twenty-five percent (25%) for the payment of the
9 court or administratively ordered support. These deducted wages shall be paid
10 to the Office of Attorney General's~~[Cabinet for Health and Family Services]~~
11 Child Support Enforcement Program for disbursement in accordance with
12 federal and state law;

13 (b) Twenty percent (20%) to be paid to the crime victim's compensation fund
14 established in KRS 49.480;

15 (c) Applicable federal, state, and local taxes, including Social Security if
16 applicable; and

17 (d) Reasonable room and board fees established by the department by
18 administrative regulation.

19 Total deductions from a prisoner's gross wages shall not exceed eighty percent
20 (80%).

21 (9) The department shall require any person leasing the labor of a prisoner to post
22 bond, with good surety, in an amount determined by the department, against any
23 judgment that may be entered against the department arising from the leasing of
24 prisoner labor to that person.

25 (10) In leasing prisoner labor under this section, the department shall seek to have the
26 labor leased to the highest responsible bidder.

27 (11) The department shall provide for reasonable access to the grounds of the

1 Department of Corrections facilities for the person leasing the inmate labor and for
 2 the location of the work and the transporting and siting of equipment and supplies,
 3 with the security of the public being paramount.

4 (12) The department may promulgate administrative regulations to implement the
 5 provisions of this section.

6 ➔Section 7. KRS 194A.120 is amended to read as follows:

7 ~~[/The Office for Children with Special Health Care Needs and]~~The State Interagency
 8 Council for Services and Support to Children and Transition-Age Youth shall be the only
 9 statutory ***body***~~[bodies]~~ attached to the cabinet that shall have the authority to issue
 10 administrative regulations. No other corporate body or instrumentality of the
 11 Commonwealth, advisory committee, interstate compact, or other statutory body,
 12 presently attached to the cabinet, shall issue administrative regulations but shall operate
 13 only in an advisory capacity.

14 ➔Section 8. KRS 205.710 is repealed, reenacted as a new section of KRS Chapter
 15 15, and amended to read as follows::

16 As used in ***Sections 8 to 46 of this Act***~~[KRS 205.712 to 205.800]~~, unless the context
 17 clearly dictates otherwise:

18 (1) "Cabinet" shall mean the Cabinet for Health and Family Services;

19 (2) ~~["Secretary" shall mean the secretary of the Cabinet for Health and Family~~
 20 **Services;**

21 ~~(3)~~ "Court order" shall mean any judgment, decree, or order of the courts of this state
 22 or any other state. For the purposes of ***Sections 8 to 46 of this Act***~~[KRS 205.715 to~~
 23 ~~205.800]~~, 403.215, 405.405 to 405.520, and 530.050, it shall also include an order
 24 of an authorized administrative body;

25 ~~(3)~~~~(4)~~ "Dependent child" or "needy dependent child" shall mean any person under
 26 the age of eighteen (18), or under the age of nineteen (19) if in high school, who is
 27 not otherwise emancipated, self-supporting, married, or a member of the Armed

1 Forces of the United States and is a recipient of or applicant for services under Part
2 D of Title IV of the Social Security Act;

3 ~~(4)~~~~(5)~~ "Duty of support" shall mean any duty of support imposed or impossible by
4 law or by court order, decree, or judgment, whether interlocutory or final, and
5 includes the duty to pay spousal support that applies to spouses with a child even if
6 child support is not part of the order or when spousal support is assigned to the
7 Office of the Attorney General~~cabinet~~ and arrearages of support past due and
8 unpaid in addition to medical support whenever health-care coverage is available at
9 a reasonable cost;

10 ~~(5)~~~~(6)~~ "Recipient" shall mean a relative or payee within the meaning of the Social
11 Security Act and federal and state regulations who is receiving public assistance on
12 behalf of a needy dependent child;

13 ~~(6)~~~~(7)~~ "Consumer reporting agency" means any person or organization which, for
14 monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole
15 or in part in the practice of assembling or evaluating consumer credit information or
16 other information on consumers for the purpose of furnishing consumer reports to
17 third parties, and which uses any means or facility of interstate commerce for the
18 purpose of preparing or furnishing consumer reports;

19 ~~(7)~~~~(8)~~ "Obligor" means a parent who has an obligation to provide support;

20 ~~(8)~~~~(9)~~ "Employer" means any individual, sole proprietorship, partnership,
21 association, or private or public corporation, the United States or any federal
22 agency, this state or any political subdivision of this state, any other state or a
23 political subdivision of another state, or any other legal entity which hires and pays
24 an individual for his services;

25 ~~(9)~~~~(10)~~ "Income" means but is not limited to any of the following:

26 (a) Commissions, bonuses, workers' compensation awards attributable to lost
27 wages, retirement and pensions, interest and disability, earnings, salaries,

1 wages, and other income due or to be due in the future from a person's
2 employer and successor employers;

3 (b) Any payment due or to be due in the future from a profit-sharing plan,
4 pension plan, insurance contract, annuity, Social Security, proceeds derived
5 from state lottery winnings, unemployment compensation, supplemental
6 unemployment benefits, and workers' compensation; and

7 (c) Any amount of money which is due to the obligor under a support order as a
8 debt of any other individual, partnership, association, or private or public
9 corporation, the United States or any federal agency, this state or any political
10 subdivision of this state, any other state or a political subdivision of another
11 state, or any other legal entity which is indebted to the obligor;

12 (10)~~(11)~~ "Earnings" means compensation paid or payable for personal services,
13 whether denominated as wages, salary, commission, bonus, or otherwise, and
14 notwithstanding any other provision of law exempting such payments from
15 garnishment, attachment, or other process to satisfy support obligations and
16 specifically includes periodic payments from pension and retirement programs and
17 insurance policies of any kind. Earnings shall include all gain derived from capital,
18 from labor, or both, including profit gained through sale or conversion of capital
19 assets and unemployment compensation benefits, or any other form of monetary
20 gain. The term "disposable earnings" means that part of earnings remaining after
21 deductions of any amounts required by law to be withheld;

22 (11)~~(12)~~ "Enforce" means to employ any judicial or administrative remedy under KRS
23 405.405 to 405.420 and KRS 405.991(2) or under any other Kentucky law;

24 **(12) "Office" means the Office of the Attorney General;**

25 (13) "Need" includes, but is not limited to, the necessary cost of food, clothing, shelter,
26 and medical care. The amount determined under the suggested minimum support
27 obligation scale shall be rebuttably presumed to correspond to the parent's ability to

1 pay and the need of the child. A parent shall be presumed to be unable to pay child
2 support from any income received from public assistance under Title IV-A of the
3 Social Security Act, or other continuing public assistance;

4 (14) "Parent" means a biological or adoptive mother or father of a child born in wedlock
5 or a father of a child born out of wedlock if paternity has been established in a
6 judicial proceeding or in any manner consistent with the laws of this or any other
7 state, whose child is entitled to support, pursuant to court order, statute, or
8 administrative determination; and

9 (15) "Real and personal property" includes all property of all kinds, including but not
10 limited to, all gain derived from capital, labor, or both; compensation paid or
11 payable for personal services, whether denominated as wages, salary, commission,
12 bonus, or otherwise; periodic payments from pension and retirement programs; and
13 unemployment compensation and insurance policies.

14 ➔Section 9. KRS 205.712 is repealed, reenacted as a new section of KRS Chapter
15 15, and amended to read as follows:

16 (1) ~~{The Department for Income Support, Child Support Enforcement, is established in~~
17 ~~the Cabinet for Health and Family Services.~~

18 (2) ~~{The duties of the *Office of the Attorney General* [Department for Income Support],~~
19 ~~Child Support Enforcement, or its designee, shall include:~~

20 (a) Serve as state agency authorized to administer Part D of Title IV of the Social
21 Security Act, 42 U.S.C. secs. 651 to 669;

22 (b) Serve as the information agency as provided in the Uniform Interstate Family
23 Support Act, KRS Chapter 407;

24 (c) Serve as collector of all court-ordered or administratively ordered child
25 support payments pursuant to Part D of Title IV of the Social Security Act;

26 (d) Serve as the agent for enforcement of international child support obligations,
27 and respond to requests from foreign reciprocating countries;

- 1 (e) Establish and enforce an obligation upon receipt of a completed, notarized
2 voluntary acknowledgment-of-paternity form;
- 3 (f) Enforce Kentucky child support laws, including collection of court-ordered or
4 administratively ordered child support arrearages and prosecution of persons
5 who fail to pay child support;
- 6 (g) Publicize the availability of services and encourage the use of these services
7 for establishing paternity and child support;
- 8 (h) Pay the cost of genetic testing to establish paternity, subject to recoupment
9 from the alleged father, when paternity is administratively or judicially
10 determined; and obtain additional testing when an original test is contested,
11 upon request and advance payment by the contestant;
- 12 (i) Establish child support obligations and seek modification of judicially or
13 administratively established child support obligations in accordance with the
14 child support guidelines of the Commonwealth of Kentucky as provided under
15 KRS 403.212;
- 16 (j) Administratively establish child support orders which shall have the same
17 force and effect of law;
- 18 (k) Issue an administrative subpoena to secure public and private records of
19 utility and cable companies and asset and liability information from financial
20 institutions for the establishment, modification, or enforcement of a child
21 support obligation;
- 22 (l) Impose a penalty for failure to comply with an administrative subpoena;
- 23 (m) Provide notices, copies of proceedings, and determinations of support
24 amounts to any parties or individuals who are applying for or receiving Title
25 IV-D services, or who are parties to cases in which Title IV-D services are
26 being provided; and
- 27 (n) Issue interstate administrative subpoenas to any individual or entity for

1 financial or other information or documents which are needed to establish,
2 modify, or enforce a child support obligation pursuant to Part D of Title IV of
3 the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative
4 subpoena lawfully issued in another state to an individual or entity residing in
5 this state shall be honored and enforced in the Circuit Court where the
6 individual or entity resides.

7 (3) The *Office of the Attorney General*~~[Department for Income Support]~~, Child
8 Support Enforcement, or its designee may promulgate administrative regulations to
9 implement this section and adopt forms or implement other requirements of federal
10 law relating to interstate administrative subpoenas, and may amend forms by
11 technical amendment that are mandated by the federal Office of Child Support
12 Enforcement and incorporated by reference in administrative regulation.

13 (4) ~~[Effective September 30, 1999,]~~The *office of the Attorney General*~~[cabinet]~~ shall
14 *maintain*~~[establish]~~ a system to receive and process all child support payments. The
15 system shall include existing computer systems to record the payments. The
16 automated system shall include a state case registry that contains records with
17 respect to each case in which services are being provided by the *office*~~[cabinet]~~ and
18 each child support order established or modified in the state on or after October 1,
19 1998.

20 (5) The *Office of the Attorney General*~~[cabinet]~~ shall establish and operate a state
21 disbursement unit for the collection, disbursement, and recording of payments
22 under support orders for all Title IV-D cases and for all cases initially issued in the
23 state on or after January 1, 1994, in which a wage withholding has been court-
24 ordered or administratively ordered, pursuant to Part D of Title IV of the Social
25 Security Act. Establishment of the state unit may include the designation and
26 continuation of existing local collection units to aid efficient and effective
27 collection, disbursement, and recording of child support payments.

- 1 (6) After the establishment of the disbursement unit child support collection system, the
2 Office of the Attorney General~~[cabinet]~~ or its designee shall serve as collector of
3 all court-ordered or administratively ordered child support payments pursuant to
4 Part D of Title IV of the Social Security Act.
- 5 (7) Where establishment of paternity and enforcement and collection of child support is
6 by law the responsibility of local officials, the Office of the Attorney
7 General~~[cabinet]~~ shall refer cases to the appropriate official for such action. The
8 office~~[cabinet]~~ may enter into cooperative arrangements with appropriate courts and
9 law enforcement officials to assist the office~~[cabinet]~~ in administering the program
10 of child support recovery, including the entering into of financial arrangements with
11 such courts and officials as provided for under the provisions of federal law and
12 regulations. The local county attorney shall be considered the designee of the
13 office~~[cabinet]~~ for purposes of administering the program of child support recovery
14 within a county, subject to the option of the county attorney to decline such
15 designation. Nothing in this section shall prevent the Attorney General~~[secretary]~~
16 from taking such action, with prior written notice, as appropriate if the terms and
17 conditions of the cooperative agreement are not met. When a cooperative agreement
18 with a contracting official is canceled for good cause, the office~~[cabinet]~~ may not
19 offer that cooperative agreement to that official during the official's tenure.
- 20 (8) Where the local county attorney, friend of the court, domestic relations agent, or
21 other designee of the Office of the Attorney General~~[cabinet]~~ has been contracted
22 for the purpose of administering child support enforcement pursuant to Title IV-D
23 of the Social Security Act, the contracting official shall be deemed to be
24 representing the office~~[cabinet]~~ and as such does not have an attorney-client
25 relationship with the applicant who has requested services pursuant to Title IV-D of
26 the Social Security Act nor with any dependent on behalf of the individuals for
27 whom services are sought.

- 1 (9) The *Office of the Attorney General*~~[cabinet]~~ shall determine the name of each
2 obligor who owes an arrearage of at least two thousand five hundred dollars
3 (\$2,500). After notification to the obligor owing an arrearage amount of two
4 thousand five hundred dollars (\$2,500), the *office*~~[cabinet]~~ shall transmit to the
5 United States secretary of health and human services the certified names of the
6 individuals and supporting documentation for the denial, revocation, or limitation of
7 the obligor's passport. The *office*~~[cabinet]~~ shall notify the identified obligor of the
8 determination and the consequences and provide an opportunity to contest the
9 determination.
- 10 (10) The *Office of the Attorney General*~~[cabinet]~~ shall determine the name of an obligor
11 owing an arrearage and shall indefinitely deny, suspend, or revoke a license or
12 certification that has been issued if the person has a child support arrearage that
13 equals or exceeds the amount that would be owed after six (6) months of
14 nonpayment or fails, after receiving appropriate notice, to comply with subpoenas
15 or warrants relating to paternity or child support proceedings as provided by 42
16 U.S.C. sec. 666(a)(16).
- 17 (11) The *Office of the Attorney General*~~[cabinet]~~ shall forward the name of the
18 individual to a board of licensure or board of certification for the notification of the
19 denial, revocation, or suspension of a driver's license, professional license or
20 certification, occupational license or certification, recreational license, or sporting
21 license.
- 22 (12) The denial or suspension shall remain in effect until the child support arrearage has
23 been eliminated or payments on the child support arrearage are being made in
24 accordance with a court or administrative order, the person complies with the
25 subpoena or warrant relating to paternity or child support proceedings, or the appeal
26 of the denial or suspension is upheld and the license is reinstated.
- 27 (13) Except for cases administered by the *Office of the Attorney General*~~[cabinet]~~ under

- 1 42 U.S.C. secs. 651 et seq. which shall be afforded the appeal process set forth by
2 KRS 405.450(3), an individual who has a license or certification denied, revoked,
3 or suspended shall have the right to appeal to the licensing or certifying board.
- 4 (14) A dispute hearing shall be conducted by the Office of the Attorney
5 General~~[cabinet]~~ in accordance with KRS 405.450. The only basis for a dispute
6 hearing shall be a mistake in fact.
- 7 (15) The Office of the Attorney General~~[cabinet]~~ shall in its discretion enter into
8 agreements with financial institutions doing business in the Commonwealth to
9 develop and operate, in coordination with the financial institutions, a data match
10 system as required by Sections 30, 31, 32, and 33 of this Act~~[KRS 205.772 to~~
11 ~~205.778]~~.
- 12 (16) The Office of the Attorney General~~[cabinet]~~ may issue both intrastate and interstate
13 administrative subpoenas to any individual or entity for financial or other
14 information or documents that are needed to establish, modify, or enforce a child
15 support obligation pursuant to Title IV-D of the Social Security Act, 42 U.S.C. secs.
16 651 et seq. An administrative subpoena lawfully issued in another state to an
17 individual or entity in this state shall be honored and enforced in the Circuit Court
18 of the county in which the individual or entity resides.
- 19 (17) The ~~[Cabinet for Health and Family Services shall forward to the]~~Office of the
20 Attorney General~~[a list of names of delinquent obligors and, in cooperation with~~
21 ~~the Office of the Attorney General,]~~ shall promulgate administrative regulations in
22 accordance with KRS Chapter 13A to implement KRS 15.055.
- 23 (18) The Office of the Attorney General~~[cabinet]~~ shall compare a quarterly report
24 provided by the Finance and Administration Cabinet of all tort claims made against
25 the state by individuals with the child support database to match individuals who
26 have a child support arrearage and may receive a settlement from the state.
- 27 (19) The Office of the Attorney General~~[cabinet]~~ shall prepare and distribute to the

1 ~~office's~~~~[cabinet's]~~ designee for the administration of the child support program
2 information on child support collections and enforcement. The information shall
3 include a description of how child support obligations are:

- 4 (a) Established;
- 5 (b) Modified;
- 6 (c) Enforced;
- 7 (d) Collected; and
- 8 (e) Distributed.

9 (20) The *Office of the Attorney General's*~~[cabinet's]~~ designee for the administration of
10 the child support program shall distribute, when appropriate, the following:

- 11 (a) Information on child support collections and enforcement; and
- 12 (b) Job listings posted by employment services.

13 ➔Section 10. KRS 205.713 is repealed, reenacted as a new section of KRS
14 Chapter 15, and amended to read as follows:

15 All forms, child support orders, wage withholding orders, or orders amending an existing
16 child support order, entered in any case in Circuit Court, District Court, or family court
17 that require entry into the state case registry under *subsection (4) of Section 9 of this*
18 *Act*~~[KRS 205.712(4)]~~ shall be entered on forms adopted by the Administrative Office of
19 the Courts after consultation with the *Office of the Attorney General*~~[Cabinet for Health~~
20 ~~and Family Services]~~. If the provisions of a child support order are contained in an order
21 that is narrative in nature, the adopted forms shall be used in addition to the narrative
22 order.

23 ➔Section 11. KRS 205.715 is repealed and reenacted as a new section of KRS
24 Chapter 15 to read as follows:

25 The payment of public assistance to or on behalf of a dependent child shall create a debt
26 due and owing the state by the parent or parents of the child. If a court has ordered child
27 support incident to a final divorce decree or other final order for child support, the debt

1 shall be limited to the amount specified in the decree or order.

2 ➔Section 12. KRS 205.720 is repealed, reenacted as a new section of KRS
3 Chapter 15, and amended to read as follows:

4 (1) By applying for Title IV-D services or accepting public assistance for or on behalf
5 of a needy dependent child, the recipient shall be deemed to have made an
6 assignment to the cabinet of the right to any child support or maintenance owed up
7 to the amount of public assistance paid by the Office of Attorney General~~[cabinet]~~
8 to the recipient~~[, including amounts which have accrued at the time the assignment~~
9 ~~is made between October 1, 1997, and September 30, 2000]~~. The office~~[cabinet]~~
10 shall be subrogated to the right of the child or the person having custody to collect
11 and receive all child support payments and to initiate any support action existing
12 under the laws of this state.

13 (2) The Office of the Attorney General~~[cabinet]~~ shall distribute all child support
14 payments and assigned arrearages as required by 42 U.S.C. secs. 651 et seq.

15 (3) When Title IV-D services on behalf of a dependent child are terminated, current
16 and past due court-ordered or administratively determined child support owed the
17 child shall be payable to the physical custodian of the dependent child for the period
18 of time the dependent child was in the physical custody of that custodian.

19 ➔Section 13. KRS 205.721 is repealed, reenacted as a new section of KRS
20 Chapter 15, and amended to read as follows:

21 (1) All services available to individuals receiving public assistance under Title IV-A of
22 the Federal Social Security Act benefits shall also be available to individuals not
23 receiving public assistance benefits, upon application by the individual with the
24 cabinet.

25 (2) The Office of Attorney General~~[cabinet]~~ shall continue to provide IV-D services
26 when a family ceases to receive public assistance without requiring a formal
27 application and without payment of the application fee specified in subsection (3) of

1 this section. IV-D services shall be discontinued upon the request of the recipient.

2 (3) Except as provided in subsection (2) of this section, the office~~[cabinet]~~ may charge
3 an application fee for the services based on a fee schedule, which shall take into
4 account the applicant's net income. No application fee shall be required from
5 individuals receiving public assistance.

6 (4) The Office of the Attorney General~~[cabinet]~~ shall impose an annual fee of thirty-
7 five dollars (\$35) pursuant to 42 U.S.C. sec. 654, which shall be satisfied by
8 withholding the fee from a child support disbursement.

9 ➔Section 14. KRS 205.725 is repealed, reenacted as a new section of KRS
10 Chapter 15, and amended to read as follows:

11 (1) Whenever the cabinet receives an application for public assistance on behalf of a
12 needy dependent child or reviews the records of those currently receiving public
13 assistance on behalf of a needy dependent child and it appears to the satisfaction of
14 the cabinet that either or both parents have failed to provide support to the child, the
15 Office of the Attorney General~~[cabinet]~~ shall take appropriate action under this
16 chapter, or any other appropriate state and federal laws and regulations, to assure
17 that the responsible parent or parents provide support to the child.

18 (2) Subsection (1) of this section shall not apply if the:

19 (a) Cabinet has reason to believe allegations of child abuse or domestic violence
20 and that enforcement of subsection (1) of this section could be harmful to the
21 custodial parent or needy dependent child;

22 (b) Cabinet believes that enforcement of subsection (1) of this section may not be
23 in the best interest of the needy dependent child; or

24 (c) Custodial parent is the needy dependent child's mother, and she did not
25 identify a father on the child's birth certificate at the time of birth.

26 (3) As used in Sections 15, 17, 22, and 37 of this Act~~[KRS 205.730, 205.735, 205.765,~~
27 ~~and 205.785]~~, the term "child" includes a child of an individual who is not receiving

1 public assistance and who is eligible to receive child support services in accordance
2 with Title IV-D of the Social Security Act.

3 ➔Section 15. KRS 205.730 is repealed, reenacted as a new section of KRS
4 Chapter 15, and amended to read as follows:

- 5 (1) Unless the *Office of the Attorney General*~~[cabinet]~~ has reason to believe
6 allegations of child abuse or domestic violence and that the disclosure of the
7 information could be harmful to the custodial parent or the child of the parent, the
8 *office*~~[cabinet]~~ shall attempt to locate a noncustodial parent of a child described in
9 *Section 14 of this Act*~~[KRS 205.725]~~, and establish or set an amount of
10 modification, and enforce the child support obligation.
- 11 (2) Upon the request of a putative father and for the purpose of establishing paternity
12 only, the *Office of the Attorney General*~~[cabinet]~~ shall attempt to locate a custodial
13 parent of a child described in *Section 9 of this Act*~~[KRS 205.712]~~ if the
14 *office*~~[cabinet]~~ finds the action to be in the best interest of the child.
- 15 (3) If paternity is established for a child described in *Section 14 of this Act*~~[KRS~~
16 ~~205.725]~~ as a result of the location of the custodial parent, the *Office of the*
17 *Attorney General*~~[cabinet]~~ shall establish a child support obligation or a
18 modification for a child support obligation and shall enforce the child support
19 obligation if the *office*~~[cabinet]~~ finds the enforcement of the order to be in the best
20 interest of the child.
- 21 (4) The *Office of the Attorney General*~~[cabinet]~~ shall serve as a registry for the receipt
22 of information which directly relates to the identity or location of absent parents,
23 and, upon request of a putative father, the location of a custodial parent, in order to
24 establish paternity, to answer interstate inquiries concerning deserting parents or
25 custodial parents, to coordinate and supervise any activity on a state level in search
26 of an absent parent or custodial parent, to develop guidelines for coordinating
27 activities of any governmental agency in providing information necessary for

1 location of absent parents or custodial parents, to obtain information on the location
2 of parents to enforce state and federal laws against parental kidnapping and to make
3 or to enforce a child custody or visitation order, and is to process all requests
4 received from an initiating county or an initiating state which has adopted the
5 Uniform Reciprocal Enforcement of Support Act or the Uniform Interstate Family
6 Support Act.

7 (5) In order to carry out responsibilities imposed under this chapter, the Office of the
8 Attorney General~~[cabinet]~~ may request information and assistance from any
9 governmental agency. All state, county, and city agencies, officers, and employees
10 shall cooperate with the Office of the Attorney General~~[cabinet]~~ in determining the
11 location of parents who have abandoned or deserted children and shall cooperate
12 with the office~~[cabinet]~~ in determining the location of custodial parents for the
13 purpose of establishing paternity with all pertinent information relative to the
14 location, income and assets, property, and debt of the parents, notwithstanding any
15 provision of state law making the information confidential.

16 (6) The information which is obtained by the Office of the Attorney General~~[cabinet]~~
17 shall only be available to such governmental agency or political subdivision of any
18 state for purposes of locating an absent parent to enforce the parent's obligation of
19 support and for the purposes of location of custodial parents to establish paternity of
20 putative fathers.

21 ➔Section 16. KRS 205.732 is repealed, reenacted as a new section of KRS
22 Chapter 15, and amended to read as follows:

23 The Office of the Attorney General~~[cabinet]~~ shall, to the extent federal funding is
24 available, establish a statewide program to help low-income, noncustodial parents find
25 and keep employment. The goal of the program shall be to reduce welfare payments by
26 helping participants become financially responsible for their children. The office~~[cabinet]~~
27 shall involve local social service providers and state and local government agencies, and

1 may provide incentives to employers who hire program participants. The program shall
2 also encourage noncustodial parents to be actively involved in their children's lives.
3 Noncustodial parents may be required to enroll in the program by court order.

4 ➔Section 17. KRS 205.735 is repealed, reenacted as a new section of KRS
5 Chapter 15, and amended to read as follows:

6 All business concerns doing business in this state, to the extent that they have employees
7 working within this state, or maintain personnel files within this state, or are incorporated
8 under the laws of this state, shall provide the **Office of the Attorney General**~~[cabinet]~~
9 with the following information upon certification by the secretary that the information is
10 for the purpose of locating a parent, and the establishment, modification, and
11 enforcement of a child support and medical support order, and that the information
12 obtained will be treated as confidential information by this ~~[cabinet or the]~~agency or
13 cabinet of any other state which administers the Child Support Enforcement Program
14 pursuant to Part D of Title IV of the Social Security Act for the other state: full name,
15 Social Security account number, date of birth, home address, wages, and number of
16 dependents listed for tax purposes.

17 ➔Section 18. KRS 205.745 is repealed, reenacted as a new section of KRS
18 Chapter 15, and amended to read as follows:

19 (1) A child support lien or levy in favor of the **Office of the Attorney General**~~[cabinet]~~
20 shall be enforceable against all real and personal property of the obligor if he has
21 failed to make child support payment in an amount equal to support payable for one
22 (1) month and the child support has been assigned to the **office**~~[cabinet]~~. In
23 accordance with subsection (4) of this section, the lien or levy shall have first
24 priority over any other lien assigned by any other agency, association, or
25 corporation.

26 (2) The **Office of the Attorney General**~~[cabinet]~~ shall file a notice of lien or levy with
27 the county clerk of any county or counties in which the obligor has interest in

1 property and the notice shall be recorded in the same manner as notices of lis
2 pendens. The recordation shall constitute notice of both the original amount of child
3 support due and all subsequent amounts due by the same obligor. Upon request, an
4 authorized agent of the *Office of the Attorney General*~~[cabinet]~~ shall disclose the
5 specific amount of liability to any interested party legally entitled to the
6 information. The notice, when so filed, shall be conclusive to all persons of the lien
7 or levy on the property having legal situs in that county. The lien or levy shall
8 commence as to property of the obligor located in the Commonwealth at the time
9 the notice is filed and shall continue until the original amount of child support due
10 and any subsequent amounts, including interest, penalties, or fees, are fully paid.
11 The lien or levy shall attach to all interest in real and personal property in the
12 Commonwealth, then owned or subsequently acquired by the obligor. The clerk
13 shall be entitled to a fee pursuant to KRS Chapter 64.

14 (3) The *Office of Attorney General*~~[cabinet]~~ may force the sale of the property of the
15 parent subject to the lien or levy for the payment of assigned child support, and
16 distribute the proceeds in accordance with 42 U.S.C. secs. 651 et seq.

17 (4) The *Office of Attorney General's*~~[cabinet's]~~ lien or levy shall be superior to any
18 mortgage or encumbrance created after the notice of lien or levy is recorded. The
19 *office*~~[cabinet]~~ shall give full faith and credit to child support liens or levies created
20 in other states without requirement of judicial notice or proceedings prior to
21 enforcement, but the liens or levies shall subordinate to any child support lien or
22 levy of the *office*~~[cabinet]~~ that relates to the same obligor and property.

23 (5) The *Office of the Attorney General*~~[cabinet]~~ shall not enforce the lien by
24 foreclosure action on a principal residence of an obligor if to do so would deprive a
25 minor child of the obligor of a homestead, unless the failure to enforce the lien by
26 foreclosure would result in the loss of the home of the minor child of the custodial
27 parent.

- 1 (6) In the event another lienholder initiates a foreclosure action against the property of
2 the obligor, the Office of the Attorney General~~[cabinet]~~ may protect its interest in
3 the property by filing an answer counterclaim and cross-claim and participate in the
4 proceeds of any sale of the property as its interests may appear.
- 5 (7) The Office of the Attorney General~~[cabinet]~~ shall notify the obligor of the filing of
6 its claim of lien or levy and the opportunity to contest and appeal the action in
7 accordance with the requirements of KRS Chapter 13B.
- 8 (8) Liens or levies resulting from actions provided by this section shall be inapplicable
9 to an account maintained at a financial institution that is or may be subject to the
10 data match system established by Section 31 of this Act~~[KRS 205.774]~~, and is
11 subordinate to any prior lien, levy, or security interest perfected by a financial
12 institution or other legitimate lien or levy holder.
- 13 (9) The Office of the Attorney General~~[cabinet]~~ may, after application to and approval
14 of the Circuit Court, enforce the lien by the immobilization with vehicle boots of a
15 vehicle registered in the obligor's name. The office~~[cabinet]~~ shall establish
16 procedures for vehicle booting by the promulgation of administrative regulations in
17 accordance with the provisions of KRS Chapter 13A. The procedures shall require
18 that the following conditions are verified before a vehicle is immobilized with a
19 vehicle boot:
- 20 (a) There is an arrearage that equals or exceeds six (6) months without payment;
- 21 (b) The obligor has failed, after receiving appropriate notice, to comply with
22 subpoenas or warrants relating to child support proceedings;
- 23 (c) A lien has been filed in the county where the vehicle is kept;
- 24 (d) The Department of Vehicle Regulation shows that the vehicle identification
25 number for the vehicle to be booted is registered in the obligor's name;
- 26 (e) The vehicle to be booted is solely owned by the obligor, co-owned by the
27 obligor and current spouse, or owned by a business in which the obligor is the

1 sole proprietor;

2 (f) A notice of intent has been sent to the obligor, unless there is reason to believe
3 that the obligor will leave town or hide the vehicle;

4 (g) The obligor does not contact the cabinet within ten (10) days of notice to
5 negotiate a settlement; and

6 (h) A target date is set for booting.

7 The administrative regulations shall also require that the cabinet send a cancellation
8 notice to the obligor and the sheriff if a decision is made to terminate the booting of
9 a vehicle. Once a vehicle has been booted, the Office of the Attorney
10 General~~[cabinet]~~ shall attempt to reach a payment agreement with the obligor
11 including terms for the release of the vehicle. If an agreement is not reached with
12 the obligor, the office~~[cabinet]~~ may proceed with the sale of the vehicle. If the
13 office~~[cabinet]~~ sells a vehicle, the office~~[cabinet]~~ shall notify the Department of
14 Vehicle Regulation to issue clear title to the new owner of the vehicle.

15 ➔Section 19. KRS 205.750 is repealed, reenacted as a new section of KRS
16 Chapter 15, and amended to read as follows:

17 (1) Child support payments made pursuant to a court order shall be made through the
18 state agency or an agency designated by the state agency to receive payments and
19 paid to the Office of the Attorney General~~[cabinet]~~ upon notice by the
20 office~~[cabinet]~~ to the court and the obligor that the child is a recipient of services
21 pursuant to Title IV-D of the Social Security Act.

22 (2) Payment of support payments by the obligor directly to a child who is receiving
23 public assistance after the obligor has been notified pursuant to subsection (1) of
24 this section does not abate the obligor's support obligation to the Office of the
25 Attorney General~~[cabinet]~~.

26 ➔Section 20. KRS 205.752 is repealed, reenacted as a new section of KRS
27 Chapter 15, and amended to read as follows:

1 If any check tendered to the Office of the Attorney General~~[cabinet]~~ is not paid when
2 presented to the drawee bank for payment, there shall be paid as a penalty by the payor
3 who tendered the check, or the payor for whom the check was tendered, upon notice and
4 demand of the office~~[cabinet]~~, an amount equal to ten percent (10%) of the check. The
5 penalty under this section shall not be less than ten dollars (\$10) or more than twenty-five
6 dollars (\$25). If the payor who tendered the check shows to the Office of the Attorney
7 General's~~[cabinet's]~~ satisfaction that the failure to honor payment of the check resulted
8 from error by parties other than the payor, the office~~[cabinet]~~ shall waive the penalty.

9 ➔Section 21. KRS 205.755 is repealed, reenacted as a new section of KRS
10 Chapter 15, and amended to read as follows:

11 (1) Any payments of support made on behalf of a needy dependent child who is
12 receiving public assistance shall be deposited by the Office of the Attorney
13 General~~[cabinet]~~ in a manner prescribed by the Attorney General~~[secretary]~~ which
14 is consistent with state and federal law and regulations. Distribution of any
15 payments so made shall be made in a manner prescribed by the Attorney
16 General~~[secretary]~~ which is consistent with state and federal law and regulations.

17 (2) The Office of the Attorney General~~[cabinet]~~ may establish a system to receive and
18 process all child support payments using automated payment options including, but
19 not limited to, telephone and personal computer payment methods.

20 ➔Section 22. KRS 205.765 is repealed, reenacted as a new section of KRS
21 Chapter 15, and amended to read as follows:

22 The Office of the Attorney General~~[cabinet]~~ may appear in any judicial proceeding on
23 behalf of the dependent child in order to secure support for the child from his parent or
24 parents.

25 ➔Section 23. KRS 205.766 is repealed, reenacted as a new section of KRS
26 Chapter 15, and amended to read as follows:

27 For purposes of Sections 8 to 46 of this Act~~[KRS 205.710 to 205.800]~~, KRS Chapter 403,

1 and KRS Chapter 407, the Circuit Court and the District Court shall have concurrent
2 jurisdiction to establish, modify, and enforce obligations of child support in cases where
3 the determination of paternity is not an issue, except that the jurisdiction of the District
4 Court in cases not involving the determination of paternity shall be limited to those cases
5 where there is no Circuit Court order of this state previously setting child support.

6 ➔Section 24. KRS 205.767 is repealed, reenacted as a new section of KRS
7 Chapter 15, and amended to read as follows:

8 (1) The **Office of the Attorney General**~~[cabinet]~~ shall require a parent in appropriate
9 cases to give security, post bond, or give some other guarantee to secure payment of
10 overdue support.

11 (2) The **Office of the Attorney General**~~[cabinet]~~ shall provide advance notice to the
12 obligor regarding the delinquency of the support payment and the requirement of
13 posting security, bond or guarantee. The obligor shall be notified of his rights and
14 methods available to contest the impending action in compliance with due process
15 of law and administrative regulations.

16 ➔Section 25. KRS 205.768 is repealed, reenacted as a new section of KRS
17 Chapter 15, and amended to read as follows:

18 (1) The **Office of the Attorney General**~~[cabinet]~~ shall periodically make information
19 available to consumer reporting agencies regarding the amount of overdue support
20 owed by a parent. Amounts may be reported by the **office**~~[cabinet]~~ to the certified
21 consumer reporting agency.

22 (2) The **Office of the Attorney General**~~[cabinet]~~ shall provide advance notice to the
23 obligor concerning the proposed release of the information to the certified
24 consumer reporting agency and inform the obligor of the methods available to
25 contest the accuracy of the information in compliance with due process of law.

26 (3) The **Office of the Attorney General**~~[cabinet]~~ may charge the certified consumer
27 reporting agency a fee not to exceed the actual cost of providing the information.

1 ➔Section 26. KRS 205.7685 is repealed, reenacted as a new section of KRS
2 Chapter 15, and amended to read as follows:

- 3 (1) The *Office of the Attorney General*~~[cabinet]~~ shall request information from a
4 certified consumer reporting agency only when a full credit report is needed for the
5 purpose of establishing a parent's capacity to make child support payments,
6 determining the appropriate levels of child support payments, or enforcing a child
7 support order, award, agreement, or judgment.
- 8 (2) The report will be kept confidential and be used solely for the purpose of
9 establishing an individual's capacity to make child support payments or determining
10 the appropriate level of the payments.
- 11 (3) The report will not be used in connection with any other civil, administrative, or
12 criminal proceeding or for any other purpose.

13 ➔Section 27. KRS 205.769 is repealed, reenacted as a new section of KRS
14 Chapter 15, and amended to read as follows:

- 15 (1) In cases deemed appropriate pursuant to established guidelines, the *Office of the*
16 *Attorney General*~~[cabinet]~~ shall refer for federal income tax refund offset and state
17 income tax refund offset verified amounts which are owed for overdue child
18 support and maintenance amounts that are included in the same support order as
19 child support. The *office*~~[cabinet]~~ shall refer for federal income tax refund offset
20 and state income tax refund offset verified amounts which are owed for medical
21 support, when the medical support arrearage accrued is based on a medical support
22 order for a specified dollar amount.
- 23 (2) In nonpublic assistance cases, the custodial parent shall be notified in advance if
24 any offset amount will be first used to satisfy any unreimbursed public assistance
25 payments which have been provided to the family.
- 26 (3) Written notice in advance shall be provided the obligor of the referral for state
27 income tax refund offset, together with the opportunity to contest the referral

1 pursuant to procedures which are in compliance with the state's procedural due
2 process requirements.

3 (4) If the offset amount is found to be in error or to exceed the amount of overdue
4 support, the office~~[cabinet]~~ shall promptly refund the excess amount pursuant to
5 established procedures.

6 (5) The office~~[cabinet]~~ may charge a reasonable fee to cover the cost of collecting
7 overdue support using the state tax refund offset.

8 (6) The Department of Revenue shall notify the Office of the Attorney
9 General~~[cabinet]~~ of the parent's home address and Social Security number or
10 numbers. The office~~[cabinet]~~ shall provide this information to any other state
11 involved in enforcing the support order.

12 (7) The Office of the Attorney General~~[cabinet]~~ has the unfettered right to intercept
13 federal income tax refunds and state income tax refunds, pursuant to 45 C.F.R.
14 303.72 and KRS 131.560 to 131.595, to satisfy all child support, maintenance, and
15 medical support arrearages due the office~~[cabinet]~~ or its assignee.

16 ➔Section 28. KRS 205.7695 is repealed, reenacted as a new section of KRS
17 Chapter 15, and amended to read as follows:

18 The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ and the
19 Department of Revenue shall work together to develop a system of information sharing
20 for the effective and efficient collection of child support payments. Any requirement
21 included in KRS Chapter 15, 131, 205, 403, or 405 or any other law for either the
22 office~~[cabinet]~~ or the department for the confidentiality of individual personal and
23 financial records shall not be violated in the process of this coordination.

24 ➔Section 29. KRS 205.770 is repealed, reenacted as a new section of KRS
25 Chapter 15, and amended to read as follows:

26 (1) If a child is receiving services under Part D of Title IV of the Social Security Act
27 and the Office of the Attorney General~~[cabinet]~~ has taken action under Sections 8

1 to 46 of this Act or KRS~~[the provisions of KRS 205.715 to 205.800,]~~ 403.215,
 2 405.405 to 405.530 and 530.050 to obtain support on behalf of the child, matters
 3 concerning custody of the child and visitation rights of the parents shall not be used
 4 by either parent as a reason not to pay child support to the Office of the Attorney
 5 General~~[cabinet]~~.

6 (2) Upon a determination by the Office of the Attorney General~~[cabinet]~~ that such
 7 would be in the best interest of the child, the Office of the Attorney
 8 General~~[cabinet]~~ may petition a Circuit Court of proper jurisdiction in the name of
 9 the child to make a determination of child custody and visitation rights of a parent.

10 ➔Section 30. KRS 205.772 is repealed, reenacted as a new section of KRS
 11 Chapter 15, and amended to read as follows:

12 (1) Financial institutions doing business in the Commonwealth shall enter into
 13 cooperative agreements with the Office of the Attorney General~~[cabinet]~~ or its
 14 designee to operate a data match system. Pursuant to the agreements, the financial
 15 institution shall be required to provide identifying information each calendar quarter
 16 for each obligated parent who maintains an account at the institution and who owes
 17 an arrearage, and who shall be identified by the Office of the Attorney
 18 General~~[cabinet]~~.

19 (2) The cooperative agreement shall include provisions for financial institutions to
 20 encumber or surrender assets held by the institutions on behalf of any obligated
 21 parent who is subject to a child support lien pursuant to Section 33 of this Act~~[KRS~~
 22 ~~205.778]~~.

23 (3) The financial institution shall be paid a fee for conducting data matches from the
 24 obligor's account, not to exceed the actual cost.

25 (4) No liability shall arise for the Commonwealth or the financial institution under this
 26 section with respect to any disclosure of financial records for the establishment,
 27 modification, or enforcement of a child support obligation of the individual.

- 1 (5) The financial institution shall not be liable for encumbering or surrendering any
 2 assets held by such financial institution in response to a notice of lien or levy issued
 3 by the Office of the Attorney General~~[cabinet]~~, for any other action taken in good
 4 faith to comply with the requirement of this section.
- 5 (6) "Financial institution" means:
- 6 (a) A depository institution and an institution-affiliated party as defined by 12
 7 U.S.C. sec. 1813(c) and (u);
- 8 (b) Any federal or state credit union, including an institution-affiliated party of
 9 that credit union, as defined by 12 U.S.C. sec. 1752 and 12 U.S.C. sec.
 10 1786(r);
- 11 (c) Any benefit association, insurance company, safe deposit company, money
 12 market mutual fund, brokerage firm, trust company, or similar entity
 13 authorized to do business in the Commonwealth.
- 14 (7) The Office of the Attorney General~~[cabinet]~~ may promulgate administrative
 15 regulations to implement the requirements of this section.
- 16 ➔Section 31. KRS 205.774 is repealed, reenacted as a new section of KRS
 17 Chapter 15, and amended to read as follows:
- 18 (1) The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ shall
 19 use~~[design, develop, implement, and operate a]~~ the wage reporting and financial
 20 institution match system formerly designed, developed, implemented, and operated
 21 by the Cabinet for Health and Family Services for the purpose of identifying the
 22 financial assets of individuals as identified by cabinet agencies, for the purpose of
 23 administering the child support enforcement program of the Commonwealth. The
 24 office~~[Cabinet for Health and Family Services]~~ may promulgate administrative
 25 regulations to implement this section.
- 26 (2) Each financial institution in the Commonwealth shall enter into an agreement with
 27 the Office of the Attorney General~~[Cabinet for Health and Family Services]~~ to

1 develop and operate a data match system to facilitate identification of financial
2 assets of individuals identified by cabinet agencies for the purpose of administering
3 the child support enforcement programs of the Commonwealth.

4 ➔Section 32. KRS 205.776 is repealed, reenacted as a new section of KRS
5 Chapter 15, and amended to read as follows:

- 6 (1) A financial institution furnishing a report or providing asset information of an
7 individual owing past-due support to the Office of the Attorney General~~[Cabinet~~
8 ~~for Health and Family Services]~~ under either subsection (1) or subsection (2) of
9 Section 31 of this Act~~[KRS 205.774]~~ shall not disclose to a depositor or an account
10 holder that the name of that person has been received from or furnished to the
11 office~~[Cabinet for Health and Family Services]~~. An institution may disclose to its
12 depositors or account holder that under the financial institution match system the
13 Office of the Attorney General~~[Cabinet for Health and Family Services]~~ has the
14 authority to request certain identifying information on certain depositors or account
15 holders.
- 16 (2) If a financial institution willfully violates the provisions of this section by releasing
17 asset information of an individual owing child support to the Office of the Attorney
18 General~~[Cabinet for Health and Family Services]~~, the institution shall pay to the
19 office~~[Cabinet for Health and Family Services]~~ the lesser of one thousand dollars
20 (\$1,000) or the amount on deposit or in the account of the person to whom the
21 disclosure was made.
- 22 (3) A financial institution shall incur no obligation or liability to a depositor or account
23 holder or any other person arising from the furnishing of a report or information to
24 the Office of the Attorney General~~[Cabinet for Health and Family Services]~~ under
25 Section 31 of this Act~~[KRS 205.774]~~, or from the failure to disclose to a depositor
26 or account holder that the name of the person was included in a list furnished by the
27 financial institution to the office~~[Cabinet for Health and Family Services]~~, or in a

1 report furnished by the financial institution to the office~~[Cabinet for Health and~~
2 ~~Family Services]~~.

3 (4) Regardless of whether the action was specifically authorized or described in
4 Section 11 to 46 of this Act~~[KRS 205.715 to 205.800]~~ or an agreement, a financial
5 institution shall not be liable for providing or disclosing of any information; for
6 encumbering, holding, refusing to release, surrendering, or transferring any account
7 balance or asset; or any other action taken by a financial institution pursuant to
8 Section 8 to 46 of this Act~~[KRS 205.715 to 205.800]~~ or agreement as required by
9 Section 31 of this Act~~[KRS 205.774]~~.

10 (5) A financial institution shall not give notice to an account holder or customer of the
11 financial institution that the financial institution has provided information or taken
12 any action pursuant to Sections 8 to 46 of this Act~~[KRS 205.715 to 205.800]~~ or the
13 agreement and shall not be liable for failure to provide that notice; provided
14 however, that a financial institution may disclose to its depositors or account
15 holders that, under the data match system, the Office of the Attorney
16 General~~[cabinet]~~ has the authority to request certain identifying information on
17 certain depositors or account holders. The office~~[cabinet]~~ shall notify, not less than
18 annually, affected depositors or account holders who have not otherwise received
19 notification.

20 (6) A financial institution may charge an account levied on by the Office of the
21 Attorney General~~[Cabinet for Health and Family Services]~~ a fee of not more than
22 twenty dollars (\$20) which may be deducted from the account prior to remitting any
23 funds to the office~~[Cabinet for Health and Family Services]~~.

24 ➔Section 33. KRS 205.778 is repealed, reenacted as a new section of KRS
25 Chapter 15, and amended to read as follows:

26 (1) When the Office of the Attorney General~~[cabinet]~~ determines that the name, record
27 address, and either Social Security number or taxpayer identification number of an

1 account with a financial institution matches the name, record address, and either the
2 Social Security number or taxpayer identification number of a parent who owes
3 past-due support in an amount equal to or greater than one (1) month's obligation, a
4 lien or levy shall, subject to the provision of subsection (3) of this section, arise
5 against the assets in the account at the time of receipt of the notice by the financial
6 institution at which the account is maintained. The office~~[cabinet]~~ shall provide a
7 notice of the match, the lien or levy arising therefrom, and the action to be taken to
8 surrender or encumber the account with the lien or levy for child support payment
9 to the individual identified and the financial institution holding the account. The
10 financial institution shall have no obligation to hold, encumber, or surrender assets
11 in any account based on a match until receipt of the notice from the office~~[cabinet]~~.

12 (2) The Office of the Attorney General~~[cabinet]~~ shall provide notice to the individual
13 subject to a child support lien or levy on assets in an account held by a financial
14 institution within two (2) business days of the date that notice is sent to the financial
15 institution.

16 (3) A financial institution ordered to surrender or encumber an account shall be entitled
17 to collect its normally scheduled account activity fees to maintain the account
18 during the period of time the account is seized or encumbered.

19 (4) Any levy issued on an identified account by the Office of the Attorney
20 General~~[Cabinet for Health and Family Services]~~ for past-due child support shall
21 have first priority over any other lien or levy issued by the Department of Revenue
22 or any other agency, corporation, or association.

23 ➔Section 34. KRS 205.7785 is repealed, reenacted as a new section of KRS
24 Chapter 15, and amended to read as follows:

25 (1) An interstate lien may be created and a notice of interstate lien may be filed on all
26 of an obligor's real and personal property that is located in another state to enforce a
27 child support obligation which has been judicially or administratively established in

1 the Commonwealth. The lien shall be filed in the appropriate offices of the state or
2 county where the property of the obligor is located. All aspects of the lien,
3 including its priority and enforcement, are governed by the law of the state where
4 the property is located and shall remain until released by the authorized agent of the
5 party which filed the lien, or in accordance with the laws of the state of filing.

6 (2) A lien to enforce a child support obligation which is created in another state shall be
7 enforceable against all real and personal property of the obligor located in this state
8 upon the filing of a notice of interstate lien with the county clerk of any county or
9 counties in which the obligor has interest in property, and the notice shall be
10 recorded in the same manner as notices of lis pendens. The recordation shall
11 constitute notice of both the original amount of child support due and all subsequent
12 amounts due by the same obligor. Upon request, an authorized agent of the party
13 which filed the notice of interstate lien shall disclose the specific amount of liability
14 to any interested party legally entitled to that information. The notice, when so
15 filed, shall be conclusive notice to all persons of the lien on the property having
16 legal situs in that county. The lien shall commence as to property of the obligor
17 located in the Commonwealth at the time the notice is filed and shall continue until
18 the original amount of child support due and any subsequent amounts, including
19 interest, penalties, or fees, are fully paid. The lien shall attach to all interest in the
20 real and personal property in the Commonwealth, then owned or subsequently
21 acquired by the obligor. The clerk shall be entitled to a fee pursuant to KRS 64.012
22 for filing the lien and the same fee for releasing the lien.

23 (3) A child support lien created in another state shall be on a parity with state, county,
24 and municipal ad valorem tax liens, and superior to the lien of any mortgage or
25 other encumbrance created after the notice of interstate lien is recorded; however, it
26 shall be subordinate to any child support lien which has been filed by the ***Office of***
27 ***the Attorney General*** ~~[cabinet]~~ as to the same obligor and property.

1 (4) The authority by which the child support lien is created in another state and filed in
2 this state shall be certified on the notice of interstate lien by a person who is
3 authorized to certify on behalf of the party that is filing the notice of interstate lien.

4 (5) The Office of the Attorney General~~[secretary of the cabinet]~~ may promulgate
5 administrative regulations under the provisions of KRS Chapter 13A to implement
6 this section.

7 ➔Section 35. KRS 205.780 is repealed, reenacted as a new section of KRS
8 Chapter 15, and amended to read as follows:

9 At any time prior to a child's twenty-first birthday, the Office of the Attorney
10 General~~[cabinet]~~ may institute a legal action against an obligor for the reimbursement of
11 money paid by the office~~[cabinet]~~ for the benefit of the child through the public
12 assistance programs.

13 ➔Section 36. KRS 205.782 is repealed and reenacted as a new section of KRS
14 Chapter 15 to read as follows:

15 In a county containing a city of the first class, the provisions of KRS 454.140
16 notwithstanding, including those provisions related to priority of other officers, all forms
17 of legal process may be served in any child support action by a constable of the county
18 upon direction by the initiating party. A constable shall not be automatically deemed an
19 interested party in litigation merely by virtue of serving process on behalf of the
20 Commonwealth.

21 ➔Section 37. KRS 205.785 is repealed, reenacted as a new section of KRS
22 Chapter 15, and amended to read as follows:

23 (1) It shall be unlawful for anyone to knowingly refuse to give the Attorney General or
24 his or her designee~~[secretary]~~ the name of a parent of a child for whom services are
25 being provided under Part D of Title IV of the Social Security Act or information
26 which will assist the Attorney General~~[secretary]~~ in locating a parent of a child.

27 (2) Any information gathered pursuant to subsection (1) of this section shall not be

1 used in criminal prosecutions against the informant.

2 (3) It shall be unlawful for anyone to knowingly give the **Attorney General or his or**
3 **her designee**~~[secretary]~~ the incorrect name of a parent of a child or to knowingly
4 give the **Attorney General**~~[secretary]~~ incorrect information on the parent's
5 whereabouts when it is done for the purpose of concealing the identity of the real
6 parent of the child or when it is done with the intent of concealing the location of
7 the parent.

8 (4) Failure to provide information as required in subsection (1) of this section or
9 providing incorrect information as prohibited in subsection (3) of this section shall
10 constitute a Class A misdemeanor.

11 ➔Section 38. KRS 205.790 is repealed, reenacted as a new section of KRS
12 Chapter 15, and amended to read as follows:

13 The procedures, actions and remedies provided for in **Sections 8 to 46 of this Act**~~[KRS~~
14 ~~205.710 to 205.800]~~, 403.215, 405.405 to 405.530, and 530.050 shall be in addition to
15 and not in substitution of other proceedings provided by law.

16 ➔Section 39. KRS 205.792 is repealed, reenacted as a new section of KRS
17 Chapter 15, and amended to read as follows:

18 In addition to the procedures for judicial determination, and enforcement of support
19 obligations described in **Sections 8 to 46 of this Act**~~[KRS 205.710 through 205.800]~~, the
20 **Office of the Attorney General**~~[cabinet]~~ may employ administrative process, as described
21 in KRS 405.405 to 405.520, to determine and enforce support obligations when paternity
22 is not in question.

23 ➔Section 40. KRS 205.793 is repealed, reenacted as a new section of KRS
24 Chapter 15, and amended to read as follows:

25 (1) The **Office of the Attorney General**~~[cabinet]~~ shall have authority to issue an
26 administrative subpoena commanding information and records relating to the
27 establishment, enforcement, and collection of child support.

1 (2) All public and private entities including financial institutions shall comply with a
2 subpoena issued under this section within a reasonable time period. Financial
3 institutions may deduct twenty dollars (\$20) from the account on which the
4 subpoenaed information has been issued.

5 (3) The **Office of the Attorney General**~~[cabinet]~~ may enforce compliance by filing an
6 action in the Franklin Circuit Court.

7 (4) The subpoena shall be issued by a person designated by the **Attorney**
8 **General**~~[secretary]~~.

9 ➔Section 41. KRS 205.795 is repealed, reenacted as a new section of KRS
10 Chapter 15, and amended to read as follows:

11 The **Attorney General**~~[secretary]~~ may adopt regulations necessary to prevent conflict
12 with federal laws and regulations or the loss of federal funds. The **Attorney**
13 **General**~~[secretary]~~ may adopt regulations to establish procedures necessary to guarantee
14 due process of law. These regulations shall be consistent with the purpose and intent of
15 **Section 8 to 46 of this Act**~~[KRS 205.710 to 205.800]~~.

16 ➔Section 42. KRS 205.796 is repealed, reenacted as a new section of KRS
17 Chapter 15, and amended to read as follows:

18 No employee or agent of the Commonwealth shall divulge any information referred to in
19 **Sections 8 to 46 of this Act**~~[KRS 205.715 to 205.800]~~, except in the manner prescribed in
20 **Sections 8 to 46 of this Act**~~[KRS 205.715 to 205.800]~~ to any public or private agency or
21 individual; provided, however, that information may be disclosed and shared by and
22 between any employee of the **Office of the Attorney General**~~[Cabinet for Health and~~
23 ~~Family Services]~~ and any designee, local administering agency, or any local housing
24 authority for the purpose of verifying eligibility and detecting and preventing fraud, error,
25 and abuse in the programs included in the reporting system. Unauthorized disclosure of
26 any information shall be a violation that is punishable by a fine of one hundred dollars
27 (\$100) per offense; except that the unauthorized release of the information about any

1 individual shall be a separate offense from information released about any other
2 individual.

3 ➔Section 43. KRS 205.7965 is repealed, reenacted as a new section of KRS
4 Chapter 15, and amended to read as follows:

5 Nothing in Sections 8 to 46 of this Act~~[KRS 205.715 to 205.800]~~ shall be construed to
6 prevent the release by the Office of the Attorney General~~[Cabinet for Health and Family
7 Services]~~ of wage and financial institution information data to the United States Social
8 Security Administration or the agencies of other states who administer federally funded
9 welfare and unemployment compensation programs.

10 ➔Section 44. KRS 205.798 is repealed, reenacted as a new section of KRS
11 Chapter 15, and amended to read as follows:

12 The Office of the Attorney General~~[cabinet]~~ may coordinate with other state agencies
13 and cabinets to develop a system for the effective and efficient collection of child support
14 payments.

15 ➔Section 45. KRS 205.800 is repealed, reenacted as a new section of KRS
16 Chapter 15, and amended to read as follows:

17 Where establishment of paternity and enforcement and collection of child support is by
18 law the responsibility of local officials, the Office of the Attorney General~~[cabinet]~~ shall
19 refer cases to the appropriate official for such. The Office of the Attorney
20 General~~[cabinet]~~ may enter into cooperative arrangements with appropriate courts and
21 law enforcement officials to assist the office~~[cabinet]~~ in administering the program of
22 child support recovery, including the entering into of financial arrangements with such
23 courts and officials as provided for under the provisions of federal law and regulations
24 and any other matters of common concern to such courts or officials and the
25 office~~[cabinet]~~.

26 ➔Section 46. KRS 205.802 is repealed, reenacted as a new section of KRS
27 Chapter 15, and amended to read as follows:

1 All forms, child support orders, wage withholding orders, or orders amending an existing
 2 child support order, entered in any case in Circuit, District, or Family Court that require
 3 entry into the state case registry pursuant to subsection (4) of Section 9 of this Act~~[KRS~~
 4 ~~205.712(4)]~~ shall be entered on forms adopted by the Administrative Office of the Courts
 5 in coordination with the Office of the Attorney General~~[Cabinet for Health and Family~~
 6 ~~Services]~~. If the provisions of a child support order are contained in an order that is
 7 narrative in nature, the adopted forms shall be used in addition to the narrative order.

8 ➔Section 47. KRS 341.412 is amended to read as follows:

9 For the purposes of KRS 341.412 to 341.414:

- 10 (1) "National Directory of New Hires" means the database that stores personal and
 11 financial data on employed individuals across the country and contains information
 12 and data on individuals receiving unemployment compensation;
- 13 (2) "New hire records" means the directory of newly hired and rehired employees
 14 reported under state and federal law and managed by the federal Office of Child
 15 Support Enforcement, Administration for Children and Families, United States
 16 Department of Health and Human Services, and the Office of the Attorney
 17 General~~[Cabinet for Health and Family Services]~~;
- 18 (3) "Office" means the Kentucky Office of Unemployment Insurance;
- 19 (4) "Secretary" means the secretary of the Education and Labor Cabinet;
- 20 (5) "Two-factor authentication" means authentication that requires entry of a username
 21 and password followed by entry of another method of identification; and
- 22 (6) "Unemployment insurance rolls" means unemployed workers receiving
 23 unemployment insurance in Kentucky.

24 ➔Section 48. KRS 405.411 is amended to read as follows:

- 25 (1) The Office of the Attorney General's~~[Cabinet for Health and Family Services]~~
 26 designee under subsection (7) of Section 9 of this Act~~[KRS 205.712(7)]~~ for the
 27 administration of child support may compile a list of the names of persons under its

1 jurisdiction who have a child support arrearage that equals or exceeds six (6)
2 months without payment, or fail, after receiving appropriate notice, to comply with
3 subpoenas or warrants relating to paternity or child support proceedings as provided
4 by 42 U.S.C. sec. 666(a)(16). The Office of the Attorney General~~[cabinet]~~ may
5 furnish this list to the newspaper of general circulation in that county for
6 publication.

7 (2) The Department for Income Support, Child Support Enforcement, in the Office of
8 the Attorney General~~[Cabinet for Health and Family Services]~~ shall determine
9 uniform standards for publication. The Office of the Attorney General~~[cabinet]~~ is
10 authorized to promulgate the necessary administrative regulations under KRS
11 Chapter 13A to implement the provisions of this section.

12 (3) For purposes of this section, "newspaper of general circulation" means a publication
13 bearing a title or name, regularly issued at least as frequently as once a week for a
14 definite price, having a second-class mailing privilege, being not less than four (4)
15 pages, published continuously during the immediately preceding one (1) year
16 period, which is published for the dissemination of news of general interest, and is
17 circulated generally in the political subdivision in which it is published and in
18 which notice is to be given. In any county where a publication fully complying with
19 this definition does not exist, the Office of the Attorney General~~[Cabinet for Health~~
20 ~~and Family Services]~~ may publish this list in the publication utilized by the Circuit
21 Court Clerk of the county for publication of other legal notices in the county. A
22 newspaper that is not engaged in the distribution of news of general interest to the
23 public, but that is primarily engaged in the distribution of news of interest to a
24 particular group of citizens, is not a newspaper of general circulation.

25 ➔Section 49. KRS 405.430 is amended to read as follows:

26 (1) When a parent presents himself to the Office of the Attorney General~~[cabinet]~~ for
27 the voluntary establishment of paternity and clear evidence of parentage is not

1 present, the office~~[cabinet]~~ shall pay when administratively ordered the cost of
2 genetic testing to establish paternity, subject to recoupment from the alleged father
3 when paternity is established.

4 (2) The Office of the Attorney General~~[cabinet]~~ shall obtain additional testing in any
5 case if an original test is contested, upon request and advance payment by the
6 contestant.

7 (3) In a contested paternity case, the child, the mother, and the putative father shall
8 submit to genetic testing upon a request of any of the parties, unless the person or
9 guardian of the person who is requested to submit to genetic testing shows good
10 cause, taking into account the best interests of the child, why the genetic tests
11 cannot be performed. The request shall be supported by a sworn statement of the
12 party, requesting that the test be performed, which shall include the information
13 required by 42 U.S.C. sec. 666(a)(5)(B)(i) or (ii).

14 (4) When a parent who fails to support a child is not obligated to provide child support
15 by court order, the Office of the Attorney General~~[cabinet]~~ may administratively
16 establish a child support obligation based upon a voluntary acknowledgment of
17 paternity as set forth in KRS Chapter 406, the parent's minimum monthly child
18 support obligation and proportionate share of child care costs incurred due to
19 employment or job search of either parent, or incurred while receiving elementary
20 or secondary education, or higher education or vocational training which will lead
21 to employment. The monthly child support obligation shall be determined pursuant
22 to the Kentucky child support guidelines set forth in KRS 403.212 or 403.2121. The
23 actual cost of child care shall be reasonable and shall be allocated between the
24 parents in the same proportion as each parent's gross income, as determined under
25 the guidelines, bears to the total family gross income.

26 (5) The Office of the Attorney General~~[cabinet]~~ shall recognize a voluntary
27 acknowledgment of paternity as a basis for seeking a support order, irrespective of

- 1 the alleged father's willingness to consent to a support order.
- 2 (6) When in the best interest of the child, the **Office of the Attorney General**~~[cabinet]~~
3 may review and adjust a parent's child support obligation or child care obligation as
4 established by the **office**~~[cabinet]~~, upon a request of the **office**~~[cabinet]~~ when an
5 assignment has been made, or upon either parent's petition if the amount of the
6 child support awarded under the order differs from the amount that would be
7 awarded in accordance with KRS 403.212 or 403.2121. The **Office of the Attorney**
8 **General**~~[cabinet]~~ shall notify parents at least once every three (3) years of the right
9 to a review.
- 10 (7) In establishing or modifying a parent's monthly child support obligation, the **Office**
11 **of the Attorney General**~~[cabinet]~~ may use automated methods to identify orders
12 eligible for review, conduct the review, identify orders eligible for adjustment, and
13 apply the adjustment to eligible orders in accordance with KRS 403.212 or
14 403.2121. The **office**~~[cabinet]~~ shall utilize information, including financial records,
15 about the parent and child which it has good reason to believe is reliable and may
16 require the parents to provide income verification.
- 17 (8) In cases in which past-due support is owed for a child receiving public assistance
18 under Title IV-A of the Federal Social Security Act, the **Office of the Attorney**
19 **General**~~[cabinet]~~ shall issue an administrative order, or seek a judicial order,
20 requiring the obligated parent to participate in work activities, or educational or
21 vocational training activities for at least twenty (20) hours per week, unless the
22 parent is incapacitated as defined by 42 U.S.C. sec. 607.
- 23 (9) The **Office of the Attorney General**~~[cabinet]~~ may disclose financial records only
24 for the purpose of establishing, modifying, or enforcing a child support obligation
25 of an individual. A financial institution shall not be liable to any individual for
26 disclosing any financial record of the individual to the **office**~~[cabinet]~~ attempting to
27 establish, modify, or enforce a child support obligation.

- 1 (10) The *Office of the Attorney General*~~[cabinet]~~ may issue both intrastate and interstate
2 administrative subpoenas to any individual or entity for financial or other
3 information or documents which are needed to establish, modify, or enforce a child
4 support obligation pursuant to Title IV-D of the Social Security Act, 42 U.S.C. secs.
5 651 et seq. An administrative subpoena lawfully issued in another state to an
6 individual or entity residing in this state shall be honored and enforced in the
7 Circuit Court of the county in which the individual or entity resides.
- 8 (11) In any case where a person or entity fails to respond to a subpoena within the
9 specified time frame, the cabinet shall impose a penalty.
- 10 (12) No person shall knowingly make, present, or cause to be made or presented to an
11 employee or officer of the cabinet any false, fictitious, or fraudulent statement,
12 representation, or entry in any application, report, document, or financial record
13 used in determining child support or child care obligations.
- 14 (13) If a person knowingly or by reason of negligence discloses a financial record of an
15 individual, that individual may pursue civil action for damages in a federal District
16 Court or appropriate state court. No liability shall arise with respect to any
17 disclosure which results from a good faith, but erroneous, interpretation. In any
18 civil action brought for reason of negligence of disclosure of financial records, upon
19 finding of liability on the part of the defendant, the defendant shall be liable to the
20 plaintiff in an amount equal to:
- 21 (a) The sum of the greater of one thousand dollars (\$1,000) for each act of
22 unauthorized disclosure of financial records; or
- 23 (b) The sum of the actual damages sustained by the plaintiff resulting from the
24 unauthorized disclosure; plus
- 25 (c) If willful disclosure or disclosure was a result of gross negligence, punitive
26 damages, plus the costs, including attorney fees, of the action.
- 27 (14) The *Office of the Attorney General*~~[cabinet]~~ shall issue an administrative order or

1 seek a judicial order requiring a parent with a delinquent child support obligation,
2 as defined by administrative regulation promulgated under KRS 15.055, to
3 participate in the program described in Section 16 of this Act~~[KRS 205.732]~~ to help
4 low-income, noncustodial parents find and keep employment unless the parent is
5 incapacitated as defined by 42 U.S.C. sec. 607.

6 ➔Section 50. KRS 405.435 is amended to read as follows:

- 7 (1) An employer or labor organization in the Commonwealth of Kentucky shall provide
8 information to the Office of the Attorney General~~[Cabinet for Health and Family
9 Services]~~ when that employer or labor organization hires an employee who resides
10 or works in the Commonwealth, or rehires or permits the return to work of an
11 employee who has been laid-off, furloughed, separated, granted a leave without
12 pay, or terminated from employment, unless the reporting could endanger the safety
13 of the employee or compromise an ongoing investigation or intelligence mission as
14 determined by the Attorney General~~[secretary of health and family services]~~.
- 15 (2) The employer shall provide the information within twenty (20) days of the hiring or
16 return to work of the employee. The information shall include:
- 17 (a) The employee's name, address, and Social Security number;
 - 18 (b) The employer's name, address, and, if the employer has been assigned one,
19 federal and state employer identification numbers; and
 - 20 (c) The date services for remuneration were first performed by the employee.
- 21 (3) An employer shall report the required information by submitting a copy of the
22 employee's W-4 form or, at the option of the employer, an equivalent form provided
23 by the Office of the Attorney General~~[Cabinet for Health and Family Services]~~ as
24 prescribed by administrative regulation promulgated by the office~~[Cabinet for
25 Health and Family Services]~~ in accordance with KRS Chapter 13A.
- 26 (4) The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ shall
27 enter all new hire information into the database of the office~~[cabinet]~~ within five (5)

- 1 business days.
- 2 (5) The **Office of the Attorney General**~~[Cabinet for Health and Family Services]~~ may
3 promulgate administrative regulations in accordance with KRS Chapter 13A if the
4 **office**~~[Cabinet for Health and Family Services]~~ determines exceptions are needed to
5 reduce unnecessary or burdensome reporting or are needed to facilitate cost-
6 effective operation of the **office**~~[cabinet]~~ under this section.
- 7 (6) The **Office of the Attorney General**~~[Cabinet for Health and Family Services]~~ shall
8 use the information collected pursuant to this section for the location of
9 noncustodial parents, establishment, modification, and enforcement of child support
10 and any other matter related to paternity or child support.
- 11 (7) If the employer fails to report as required by this section, the **Office of the Attorney**
12 **General**~~[Cabinet for Health and Family Services]~~ shall give the employer written
13 notice of the provisions of this section, including the penalty for failure to report.
- 14 (8) If the employer has not filed a report within twenty (20) days from the date that the
15 written notice is sent to him, the **Office of the Attorney General**~~[Cabinet for Health
16 and Family Services]~~ shall send a second written notice.
- 17 (9) If the employer fails to file a W-4 or equivalent form within twenty (20) days from
18 the date that the second written notice is sent, or supplies a false or incomplete
19 report, and the failure is a result of a conspiracy between the employee and the
20 employer to prevent the proper information from being filed within twenty (20)
21 days from the date that the second written notice is sent, the **Office of the Attorney**
22 **General**~~[Cabinet for Health and Family Services]~~ shall send the employer by
23 certified mail, return receipt request, notice of an administrative fine. The fine shall
24 be two hundred fifty dollars (\$250) per calendar month per person for any violation
25 occurring after the second notice has been given, and continuing until a W-4 or
26 equivalent form is received by the **office**~~[Cabinet for Health and Family Services]~~.
27 No fine shall be imposed for any period of less than one (1) full calendar month.

1 (10) The employer shall have ten (10) days after receipt of the administrative fine notice
2 to request a hearing before the Office of the Attorney General~~[Cabinet for Health~~
3 ~~and Family Services]~~ on whether the administrative fine was properly assessed. If a
4 timely request for a hearing is received, the office~~[Cabinet for Health and Family~~
5 ~~Services]~~ shall schedule and conduct a hearing in accordance with administrative
6 regulations promulgated by the office~~[cabinet]~~ in accordance with KRS Chapter
7 13A.

8 ➔Section 51. KRS 405.450 is amended to read as follows:

9 (1) A hearing officer appointed by the secretary shall conduct dispute hearings in the
10 county of the child or parent's residence or any other location acceptable to the
11 parent, which shall be scheduled within sixty (60) days of the parent's request for a
12 hearing. The dispute hearing proceedings shall be conducted in accordance with
13 KRS Chapter 13B.

14 (2) The parent's obligation to pay minimum monthly support shall be stayed until his
15 receipt of the final order.

16 (3) The parent or the Office of the Attorney General~~[cabinet]~~ may file an appeal in the
17 Circuit Court in the county of the parent's or the child's residence in accordance
18 with KRS Chapter 13B.

19 (4) The parent shall, during the pendency of his appeal from the final order, absent a
20 showing of indigency or need exceeding the child's need, pay the minimum
21 monthly support obligation to the office~~[cabinet]~~, which shall, if the parent's appeal
22 is successful, return his money together with interest at the legal rate for judgments.

23 (5) If the Office of the Attorney General~~[cabinet]~~ elects to conduct the modification
24 review as specified in KRS 405.430 (6), either party may contest the adjustment to
25 the obligation amount within thirty (30) days after the date of the notice of the
26 adjustment by requesting a review under subsection (1) of this section and, if
27 appropriate, a request for adjustment of the order as permitted by this chapter.

1 ➔Section 52. KRS 405.460 is amended to read as follows:

2 (1) When an arrearage has accrued that is equal to the amount of support payable for
3 one (1) month on court-ordered or administratively-determined child support, which
4 was set prior to July 15, 1988, the *Office of the Attorney General*~~[cabinet]~~ may use
5 judicial or administrative remedies to enforce the support obligation without the
6 necessity of any action by a hearing officer.

7 (2) In cases where the obligor has not requested a dispute hearing, action to collect the
8 debt may be taken twenty (20) days after the obligor's receipt of the notice of
9 support obligation or his refusal to accept the notice.

10 ➔Section 53. KRS 405.463 is amended to read as follows:

11 The Kentucky Lottery Corporation and the *Office of the Attorney General*~~[Cabinet for~~
12 ~~Health and Family Services]~~ shall develop a system to allow the Kentucky Lottery
13 Corporation to receive a list of delinquent child support obligors from the *office*~~[Cabinet~~
14 ~~for Health and Family Services]~~ on a monthly basis. The Kentucky Lottery Corporation
15 shall withhold delinquent amounts from prizes of winners that appear on the list. This
16 system shall be timely and shall not create an unavoidable delay in the payment of a
17 lottery prize.

18 ➔Section 54. KRS 405.465 is amended to read as follows:

19 (1) This section shall apply only to those child support, medical support, maintenance,
20 and medical support insurance orders that are established, modified, or enforced by
21 the *Office of the Attorney General*~~[Cabinet for Health and Family Services]~~ or
22 those court orders obtained in administering Part D, Title IV of the Federal Social
23 Security Act.

24 (2) All child support orders and medical support insurance orders being established,
25 modified, or enforced by the *Office of the Attorney General*~~[Cabinet for Health and~~
26 ~~Family Services]~~, or those orders obtained pursuant to the administration of Part D,
27 Title IV of the Federal Social Security Act, shall provide for income withholding

1 which shall begin immediately.

2 (3) The court shall order either or both parents who are obligated to pay child support,
3 medical support, or maintenance under this section to assign to the Office of the
4 Attorney General~~[Cabinet for Health and Family Services]~~ that portion of salary or
5 wages of the parent due and to be due in the future as will be sufficient to pay the
6 child support amount ordered by the court.

7 (4) The order shall be binding upon the employer or any subsequent employer upon the
8 service by certified mail of a copy of the order upon the employer and until further
9 order of the court. The employer may deduct the sum of one dollar (\$1) for each
10 payment made pursuant to the order.

11 (5) The employer shall notify the Office of the Attorney General~~[cabinet]~~ when an
12 employee, for whom a wage withholding is in effect, terminates employment and
13 provide the terminated employee's last known address and the name and address of
14 the terminated employee's new employer, if known.

15 (6) (a) An employer with twenty (20) or more employees shall notify in writing the
16 Office of the Attorney General~~[cabinet]~~, or its designee administering the
17 support order, of any lump-sum payment of any kind of one hundred fifty
18 dollars (\$150) or more to be made to an employee under a wage withholding
19 order. An employer with twenty (20) or more employees shall notify in
20 writing the Office of the Attorney General~~[cabinet]~~ or its designee no later
21 than forty-five (45) days before the lump-sum payment is to be made or, if the
22 employee's right to the lump-sum payment is determined less than forty-five
23 (45) days before it is to be made, the date on which that determination is
24 made. After notification, the employer shall hold each lump-sum payment of
25 one hundred fifty dollars (\$150) or more for thirty (30) days after the date on
26 which it would otherwise be paid to the employee and, on order of the court,
27 pay all or a specified amount of the lump-sum payment to the Department for

1 Income Support, Child Support Enforcement. The employer may deduct the
2 sum of one dollar (\$1) for each payment.

3 (b) As used in this subsection, "lump-sum payment of any kind" means a lump-
4 sum payment of earnings as defined in KRS 427.005.

5 (7) Any assignment made pursuant to court order shall have priority as against any
6 attachment, execution, or other assignment, unless otherwise ordered by the court.

7 (8) No assignment under this section by an employee shall constitute grounds for
8 dismissal of the obligor, refusal to employ, or taking disciplinary action against any
9 obligor subject to withholding required by this section.

10 ➔Section 55. KRS 405.467 is amended to read as follows:

11 (1) All support orders issued by the *Office of the Attorney General*~~[Cabinet for Health~~
12 ~~and Family Services]~~, including those issued pursuant to Part D, Title IV of the
13 Federal Social Security Act, shall provide for immediate withholding of earnings of
14 the parent or parents obligated to pay child support and medical support as is
15 necessary to pay the child support obligation, except where one (1) of the parties
16 demonstrates, and the court or administrative order finds that there is good cause
17 not to require immediate income withholding, or a written agreement is reached by
18 both parties which provides for an alternative arrangement.

19 (2) In any case in which a support order was issued in the state and in which a parent is
20 required to pay court-ordered or administratively determined child support, medical
21 support, maintenance, and medical support insurance, and wage withholding is not
22 in effect, and an arrearage accrues that is equal to the amount of support payment
23 for one (1) month, upon request of the absent parent, request of the custodial parent,
24 or upon administrative determination, the *Attorney General*~~[secretary]~~ shall issue
25 an order for withholding of earnings of the parent as is necessary to comply with
26 the order plus interest at the legal rate on the arrearage, if any, without the need for
27 a judicial or administrative hearing.

- 1 (3) If a court-ordered arrearage repayment amount does not exist and an arrearage
2 accrues that is equal to the amount of support payable for one (1) month, an
3 arrearage repayment amount may be determined administratively. The *Office of the*
4 *Attorney General*~~[cabinet]~~ shall promulgate administrative regulations establishing
5 the guidelines for arrearage payments.
- 6 (4) In any case in which a parent is required either by court order or administrative
7 order to provide medical insurance coverage for the child and the parent has failed
8 to make application to obtain coverage for the child, the *Attorney*
9 *General*~~[secretary]~~ shall issue an order for withholding of the employee's share, if
10 any, of premiums for health coverage and to pay the share of premiums to the
11 insurer, without the need for a judicial or administrative hearing.
- 12 (5) The *Office of the Attorney General*~~[cabinet]~~ shall advise the obligated parent that a
13 wage withholding has commenced by sending a copy of the order to withhold at the
14 same time that the order is sent to the employer. The only basis for contesting the
15 withholding shall be a mistake of fact or law. If the parent contests the withholding,
16 the *Office of the Attorney General*~~[cabinet]~~ shall give the obligor an opportunity to
17 present his or her case at an administrative hearing conducted in accordance with
18 KRS Chapter 13B and decide if the withholding will continue.
- 19 (6) The *Office of the Attorney General*~~[cabinet]~~ shall combine any administrative or
20 judicial wage withholding order, or multiple administrative or judicial orders for
21 child support and medical support into a single wage withholding order when
22 payable through the *office*~~[cabinet]~~ to a single family or to multiple family units.
- 23 (7) The *Office of the Attorney General*~~[cabinet]~~ shall serve the order to withhold
24 earnings or notice of multiple wage withholding orders specifying wage
25 withholding requirements on the employer of an obligor by certified mail, return
26 receipt requested. The order shall state the amount to be withheld, or the
27 requirement to enroll the child under the health insurance coverage, including

1 amounts to be applied to arrearages, plus interest at the legal rate on the arrearage,
2 if any, and the date the withholding is to begin. The total amount to be withheld,
3 including current support and payment on arrearages plus interest, and medical
4 insurance coverage may not exceed the limit permitted under the federal Consumer
5 Credit Protection Act at 15 U.S.C. sec. 1673(b).

6 (8) If there is more than one (1) notice for child support withholding against a single
7 absent parent, the Office of the Attorney General~~[cabinet]~~ shall allocate amounts
8 available for withholding, giving priority to current child support, up to the limits
9 imposed under Section 303(b) of the Consumer Credit Protection Act at 15 U.S.C.
10 sec. 1673(b). The allocation by the office~~[cabinet]~~ shall not result in a withholding
11 for one (1) of the support obligations not being implemented. Amounts resulting
12 from wage withholding shall be allocated on a proportionate basis between multiple
13 family units. Any custodial parent adversely affected by the provisions of this
14 subsection shall have standing to challenge any proportionate allocations and, for
15 good cause shown, a District Court, Circuit Court, or family court of competent
16 jurisdiction may set aside the Office of the Attorney General's~~[cabinet's]~~
17 proportional allocations as to the custodial parent.

18 (9) If the amounts to be withheld preclude collection of the total amount of combined
19 child support and medical support due to the limits of the federal Consumer Credit
20 Protection Act at 15 U.S.C. sec. 1673(b), the actual amount received shall be
21 applied first to the current monthly child support obligation amount. Any payment
22 exceeding the current monthly child support obligation shall then be applied by the
23 Office of the Attorney General~~[cabinet]~~ to the administratively ordered or
24 judicially ordered medical support obligation.

25 (10) The employer shall forward to the Office of the Attorney General~~[Cabinet for~~
26 ~~Health and Family Services]~~ that portion of salary or wages of the parent due and to
27 be due in the future as will be sufficient to pay the child support amount ordered.

- 1 (11) The employer shall be held liable to the Office of the Attorney General~~[cabinet]~~ for
2 any amount which the employer fails to withhold from earnings due an obligor
3 following receipt of an order to withhold earnings.
- 4 (12) Any order to withhold earnings under this section shall have priority as against any
5 attachment, execution, or other assignment, notwithstanding any state statute or
6 administrative regulation to the contrary.
- 7 (13) No withholding under this section shall be grounds for discharging from
8 employment, refusing to employ, or taking disciplinary action against any obligor
9 subject to withholding required by this section.
- 10 (14) The remedies provided for in this section shall also be available for applicable
11 support orders issued in other states.
- 12 (15) Interstate requests for withholding of earnings shall be processed by the Office of
13 the Attorney General~~[cabinet]~~.
- 14 ➔Section 56. KRS 405.480 is amended to read as follows:
- 15 (1) An order to withhold and deliver shall be personally served or mailed by certified
16 mail, return receipt requested, on the person in possession or control of the property
17 and the obligor.
- 18 (2) The order shall state the basis for and the amount of the support debt and that the
19 obligor may offer a bond satisfactory to the Office of the Attorney General~~[cabinet]~~
20 to avoid losing possession of the property.
- 21 ➔Section 57. KRS 405.490 is amended to read as follows:
- 22 (1) Any person, including the obligor, who has been served with an order to withhold
23 and deliver the obligor's property shall answer the order within twenty (20) days.
- 24 (2) The person in possession of any obligor's property shall withhold it and deliver it to
25 the Office of Attorney General~~[cabinet]~~ in accordance with the Attorney
26 General's~~[secretary's]~~ directions; or the obligor may offer a bond which is
27 satisfactory to the office~~[cabinet]~~.

- 1 (3) The person in possession of obligor's property shall have no liability or further
2 responsibility after fulfilling the duties under this section.
- 3 (4) The obligor may dispute the amount of delinquent support by requesting a dispute
4 hearing with twenty (20) days.
- 5 (5) If the obligor does not request a hearing, acknowledgment of the obligation is
6 presumed and the Attorney General~~[secretary]~~ may apply the withheld property to
7 the delinquent child support obligation.
- 8 (6) If a hearing is requested, when property or a bond is released to the Attorney
9 General~~[secretary]~~ pursuant to an order to withhold and deliver property, the
10 Attorney General~~[secretary]~~ shall hold the property or bond, pending determination
11 of the obligor's liability by a hearing officer, pursuant to KRS 405.450.
- 12 (7) Upon a decision adverse to the Office of the Attorney General~~[Cabinet for Health~~
13 ~~and Family Services]~~ by a hearing officer, of the Circuit Court on appeal, the
14 office~~[cabinet]~~ shall return the property together with interest at the legal rate for
15 judgments.

16 ➔Section 58. KRS 405.520 is amended to read as follows:

17 The Office of the Attorney General~~[cabinet]~~ may promulgate administrative regulations
18 to implement Sections 8 to 46 of this Act and KRS~~[the provisions of KRS 205.715 to~~
19 ~~205.800,]~~ 403.215, 405.405 to 405.520, 405.991(2), and 530.050. The office~~[cabinet]~~
20 may adopt regulations necessary to prevent conflict with federal laws and regulations or
21 the loss of federal funds and to establish procedures necessary to guarantee due process
22 of law.

23 ➔Section 59. KRS 407.5102 is amended to read as follows:

24 The Circuit Court, District Court, family courts, and the Office of the Attorney
25 General~~[Department for Income Support, Child Support Enforcement, within the Cabinet~~
26 ~~for Health and Family Services]~~ shall be the tribunals of this state. The Office of the
27 Attorney General~~[Department for Income Support, Child Support Enforcement, within~~

1 ~~the Cabinet for Health and Family Services]~~ shall be the support enforcement agency of
2 this state.

3 ➔Section 60. KRS 407.5201 is amended to read as follows:

4 (1) In a proceeding to establish or enforce a support order or to determine parentage of
5 a child, a tribunal of this state may exercise personal jurisdiction over a nonresident
6 individual or the individual's guardian or conservator if:

- 7 (a) The individual is personally served with summons, or notice within this state;
- 8 (b) The individual submits to the jurisdiction of this state by consent in a record,
9 by entering a general appearance, or by filing a responsive pleading having
10 the effect of waiving any contest to personal jurisdiction;
- 11 (c) The individual resided with the child in this state;
- 12 (d) The individual resided in this state and provided prenatal expenses or support
13 for the child;
- 14 (e) The child resides in this state as a result of the acts or directives of the
15 individual;
- 16 (f) The individual engaged in sexual intercourse in this state and the child may
17 have been conceived by that act of intercourse;
- 18 (g) The individual asserted parentage of a child in the putative father registry
19 maintained in this state by the Office of the Attorney General~~[Cabinet for~~
20 ~~Health and Family Services]~~; or
- 21 (h) There is any other basis consistent with the constitutions of this state and the
22 United States for the exercise of personal jurisdiction.

23 (2) The bases of personal jurisdiction set forth in subsection (1) of this section or in any
24 other law of this state may not be used to acquire personal jurisdiction for a tribunal
25 of this state to modify a child support order of another state unless the requirements
26 of KRS 407.5611 are met, or, in the case of a foreign support order, unless the
27 requirements of KRS 407.5615 are met.

1 ➔Section 61. KRS 407.5308 is amended to read as follows:

2 (1) If the *Office of the Attorney General*~~[Cabinet for Health and Family Services]~~
3 determines that a contracting official is neglecting or refusing to provide services to
4 an individual, the *Office of the Attorney General*~~[Cabinet for Health and Family~~
5 ~~Services]~~ may order that official to perform his duties under KRS 407.5101 to
6 407.5902 or may provide those services directly to the individual.

7 (2) The *Office of the Attorney General*~~[Cabinet for Health and Family Services]~~ may
8 determine that a foreign country has established a reciprocal arrangement for child
9 support with this state and take appropriate action for notification of the
10 determination.

11 ➔Section 62. KRS 407.5310 is amended to read as follows:

12 (1) The *Office of the Attorney General*~~[Cabinet for Health and Family Services]~~ is the
13 state information agency under KRS 407.5101 to 407.5902.

14 (2) The state information agency shall:

15 (a) Compile and maintain a current list, including addresses, of the tribunals in
16 this state which have jurisdiction under KRS 407.5101 to 407.5902 and any
17 support enforcement agencies in this state and transmit a copy to the state
18 information agency of every other state;

19 (b) Maintain a register of names and addresses of tribunals and support
20 enforcement agencies received from other states;

21 (c) Forward to the appropriate tribunal in the county in this state in which the
22 obligee who is an individual or the obligor resides, or in which the obligor's
23 property is believed to be located, all documents concerning a proceeding
24 under KRS 407.5101 to 407.5902 received from another state or foreign
25 country; and

26 (d) Obtain information concerning the location of the obligor and the obligor's
27 property within this state not exempt from execution, by such means as postal

1 verification and federal or state locator services, examination of telephone
2 directories, requests for the obligor's address from employers, and
3 examination of governmental records, including, to the extent not prohibited
4 by other law, those relating to real property, vital statistics, law enforcement,
5 taxation, motor vehicles, driver's licenses, and Social Security.

6 ➔Section 63. KRS 407.5602 is amended to read as follows:

7 (1) Except as otherwise provided in KRS 407.5706, a support order or income-
8 withholding order of another state or a foreign support order may be registered in
9 this state by sending the following to the Office of the Attorney General~~Cabinet~~
10 ~~for Health and Family Services~~]:

- 11 (a) A letter of transmittal to the tribunal requesting registration and enforcement;
- 12 (b) Two (2) copies, including one (1) certified copy, of the order to be registered,
13 including any modification of the order;
- 14 (c) A sworn statement by the person requesting registration or a certified
15 statement by the custodian of the records showing the amount of any
16 arrearage;
- 17 (d) The name of the obligor and, if known;
- 18 1. The obligor's address and the obligor's Social Security number provided
19 in accordance with KRS 403.135;
- 20 2. The name and address of the obligor's employer and any other source of
21 income of the obligor; and
- 22 3. A description and the location of property of the obligor in this state not
23 exempt from execution; and
- 24 (e) Except as otherwise provided in KRS 407.5312, the name and address of the
25 obligee and, if applicable, the person to whom support payments are to be
26 remitted.

27 (2) On receipt of a request for registration, the registering tribunal shall cause the order

1 to be filed as an order of a tribunal of another state or a foreign support order,
 2 together with one (1) copy of the documents and information, regardless of their
 3 form.

4 (3) A petition or comparable pleading seeking a remedy that must be affirmatively
 5 sought under other law of this state may be filed at the same time as the request for
 6 registration or later. The pleading shall specify the grounds for the remedy sought.

7 (4) If two (2) or more orders are in effect, the person requesting registration shall:

8 (a) Furnish to the tribunal a copy of every support order asserted to be in effect in
 9 addition to the documents specified in this section;

10 (b) Specify the order alleged to be the controlling order, if any; and

11 (c) Specify the amount of consolidated arrears, if any.

12 (5) A request for a determination of which is the controlling order may be filed
 13 separately or with a request for registration and enforcement or for registration and
 14 modification. The person requesting registration shall give notice of the request to
 15 each party whose rights may be affected by the determination.

16 ➔Section 64. KRS 407.5703 is amended to read as follows:

17 Under Section 9 of this Act~~[KRS 205.712]~~, the Office of the Attorney
 18 General~~[Department for Income Support, Child Support Enforcement, within the Cabinet~~
 19 ~~for Health and Family Services]~~ is recognized as the agency designated by the United
 20 States central authority to perform specific functions under the Convention.

21 ➔Section 65. KRS 407.5704 is amended to read as follows:

22 (1) In a support proceeding under this Article, Office of the Attorney General~~the~~
 23 ~~Cabinet for Health and Family Services]~~ shall:

24 (a) Transmit and receive applications; and

25 (b) Initiate or facilitate the institution of a proceeding regarding an application in
 26 a tribunal of this state.

27 (2) The following support proceedings are available to an obligee under the

1 Convention:

- 2 (a) Recognition or recognition and enforcement of a foreign support order;
- 3 (b) Enforcement of a support order issued or recognized in this state;
- 4 (c) Establishment of a support order if there is no existing order, including, if
- 5 necessary, determination of parentage of a child;
- 6 (d) Establishment of a support order if recognition of a foreign support order is
- 7 refused under KRS 407.5708(2)(b), (d), or (i);
- 8 (e) Modification of a support order of a tribunal of this state; and
- 9 (f) Modification of a support order of a tribunal of another state or a foreign
- 10 country.

11 (3) The following support proceedings are available under the Convention to an obligor

12 against which there is an existing support order:

- 13 (a) Recognition of an order suspending or limiting enforcement of an existing
- 14 support order of a tribunal of this state;
- 15 (b) Modification of a support order of a tribunal of this state; and
- 16 (c) Modification of a support order of a tribunal of another state or a foreign
- 17 country.

18 (4) A tribunal of this state may not require security, bond, or deposit, however

19 described, to guarantee the payment of costs and expenses in proceedings under the

20 Convention.

21 ➔Section 66. KRS 407.5705 is amended to read as follows:

22 (1) A petitioner may file a direct request seeking establishment or modification of a

23 support order or determination of parentage of a child. In the proceeding, the law of

24 this state applies.

25 (2) A petitioner may file a direct request seeking recognition and enforcement of a

26 support order or support agreement. In the proceeding, KRS 407.5706, 407.5707,

27 407.5708, 407.5709, 407.5710, 407.5711, 407.5712, and 407.5713 apply.

- 1 (3) In a direct request for recognition and enforcement of a Convention support order
2 or foreign support agreement:
- 3 (a) A security, bond, or deposit is not required to guarantee the payment of costs
4 and expenses; and
- 5 (b) An obligee or obligor that in the issuing country has benefited from free legal
6 assistance is entitled to benefit, at least to the same extent, from any free legal
7 assistance provided for by the law of this state under the same circumstances.
- 8 (4) A petitioner filing a direct request is not entitled to assistance from the Office of the
9 Attorney General~~[Cabinet for Health and Family Services]~~.
- 10 (5) This Article does not prevent the application of laws of this state that provide
11 simplified, more expeditious rules regarding a direct request for recognition and
12 enforcement of a foreign support order or foreign support agreement.
- 13 ➔Section 67. KRS 407.5708 is amended to read as follows:
- 14 (1) Except as otherwise provided in subsection (2) of this section, a tribunal of this
15 state shall recognize and enforce a registered Convention support order.
- 16 (2) The following grounds are the only grounds on which a tribunal of this state may
17 refuse recognition and enforcement of a registered Convention support order:
- 18 (a) Recognition and enforcement of the order is manifestly incompatible with
19 public policy, including the failure of the issuing tribunal to observe minimum
20 standards of due process, which include notice and an opportunity to be heard;
- 21 (b) The issuing tribunal lacked personal jurisdiction consistent with KRS
22 407.5201;
- 23 (c) The order is not enforceable in the issuing country;
- 24 (d) The order was obtained by fraud in connection with a matter of procedure;
- 25 (e) A record transmitted in accordance with KRS 407.5706 lacks authenticity or
26 integrity;
- 27 (f) A proceeding between the same parties and having the same purpose is

1 pending before a tribunal of this state and that proceeding was the first to be
2 filed;

3 (g) The order is incompatible with a more recent support order involving the
4 same parties and having the same purpose if the more recent support order is
5 entitled to recognition and enforcement under KRS 407.5101 to 407.5902;

6 (h) Payment, to the extent alleged arrears have been paid in whole or in part;

7 (i) In a case in which the respondent neither appeared nor was represented in the
8 proceeding in the issuing foreign country:

9 1. If the law of that country provides for prior notice of proceedings, the
10 respondent did not have proper notice of the proceedings and an
11 opportunity to be heard; or

12 2. If the law of that country does not provide for prior notice of the
13 proceedings, the respondent did not have proper notice of the order and
14 an opportunity to be heard in a challenge or appeal on fact or law before
15 a tribunal; or

16 (j) The order was made in violation of KRS 407.5711.

17 (3) If a tribunal of this state does not recognize a Convention support order under
18 paragraph (b), (d), or (i) of subsection (2) of this section:

19 (a) The tribunal may not dismiss the proceeding without allowing a reasonable
20 time for a party to request the establishment of a new Convention support
21 order; and

22 (b) The Office of the Attorney General~~[Cabinet for Health and Family Services]~~
23 shall take all appropriate measures to request a child support order for the
24 obligee if the application for recognition and enforcement was received under
25 KRS 407.5704.

26 ➔Section 68. KRS 151B.015 is amended to read as follows:

27 (1) The Education and Labor Cabinet is hereby created, which shall constitute a cabinet

1 of the state government within the meaning of KRS Chapter 12. The cabinet shall
2 consist of a secretary and those administrative bodies and employees as provided by
3 law.

4 (2) Subject to KRS Chapter 12, the cabinet shall be composed of the major
5 organizational units listed below, units listed in KRS 12.020, and other
6 departments, divisions, and sections as are from time to time deemed necessary for
7 the proper and efficient operation of the cabinet:

8 (a) Office of the Secretary, which shall include the Office of Legal Services, the
9 Office of Administrative Services, the Office of Technology Services, the
10 Office of Policy and Audit, the Office of Legislative Services, the Office of
11 Communications, and the Office of Kentucky Center for Statistics, as follows:

12 1. The Office of Legal Services shall:

13 a. Be headed by an executive director appointed by the secretary with
14 the approval of the Governor in accordance with KRS 12.050 and
15 12.210; and

16 b. Include the Workplace Standards Legal Division, Workforce
17 Development Legal Division, and Workers' Claims Legal
18 Division, each of which shall be headed by a general counsel
19 appointed by the secretary with the approval of the Governor in
20 accordance with KRS 12.050 and 12.210; and

21 2. The following agencies and entities are attached to the Office of the
22 Secretary for administrative purposes only:

23 a. Early Childhood Advisory Council;

24 b. Governor's School for Entrepreneurs Program;

25 c. Governor's Scholar Program;

26 d. Board of the Kentucky Center for Statistics; and

27 e. Foundation for Adult Education;

- 1 (b) Department of Workers' Claims, which shall be headed by a commissioner
2 appointed by the Governor and confirmed by the Senate in accordance with
3 KRS 342.228. The department shall be divided for administrative purposes
4 into the Office of Administrative Law Judges, the Division of Claims
5 Processing, the Division of Security and Compliance, the Division of
6 Workers' Compensation Funds, and the Division of Specialist and Medical
7 Services. The Office of Administrative Law Judges shall be headed by a chief
8 administrative law judge appointed in accordance with KRS 342.230. Each
9 division in the department shall be headed by a director appointed by the
10 secretary with the approval of the Governor in accordance with KRS 12.050.
11 The Workers' Compensation Board shall be attached to the Department of
12 Workers' Claims for administrative purposes only;
- 13 (c) Department of Workplace Standards, which shall be headed by a
14 commissioner appointed by the Governor in accordance with KRS 12.040 and
15 shall be divided for administrative purposes into the Division of Occupational
16 Safety and Health Compliance, the Division of Occupational Safety and
17 Health Education and Training, and the Division of Wages and Hours. Each
18 of these divisions shall be headed by a director appointed by the secretary
19 with the approval of the Governor in accordance with KRS 12.050;
- 20 (d) Office of Unemployment Insurance, which shall be headed by an executive
21 director appointed by the Governor in accordance with KRS 12.040;
- 22 (e) Kentucky Unemployment Insurance Commission;
- 23 (f) Department for Libraries and Archives;
- 24 (g) Office of Educational Programs;
- 25 (h) Kentucky Workforce Innovation Board;
- 26 **(i) Disability Determination Services Program;** and
- 27 **(j)(+)** Department of Workforce Development, which shall be headed by a

1 commissioner appointed by the Governor in accordance with KRS 12.040
2 who shall report to the secretary. Each office or division in the department
3 shall be headed by an executive director or director appointed by the secretary
4 with the approval of the Governor in accordance with KRS 12.050. The
5 department shall be composed of the following offices:

- 6 1. Career Development Office;
- 7 2. Office of Vocational Rehabilitation;
- 8 3. Office of Employer and Apprenticeship Services;
- 9 4. Office of Adult Education;
- 10 5. Kentucky Apprenticeship Council, which shall be attached to the
11 department for administrative purposes only;
- 12 6. Division of Technical Assistance; and
- 13 7. Office of the Kentucky Workforce Innovation Board.

14 (3) The following agencies are attached to the cabinet for administrative purposes only:

- 15 (a) Kentucky Occupational Safety and Health Review Commission;
- 16 (b) State Labor Relations Board;
- 17 (c) Workers' Compensation Funding Commission;
- 18 (d) Kentucky Occupational Safety and Health Standards Board;
- 19 (e) Kentucky Environmental Education Council;
- 20 (f) Kentucky Geographic Education Board;
- 21 (g) Board of Directors for the Center for School Safety;
- 22 (h) Kentucky Commission on Proprietary Education;
- 23 (i) Employers' Mutual Insurance Authority;
- 24 (j) Workers' Compensation Nominating Committee;
- 25 (k) Kentucky Commission on the Deaf and Hard of Hearing;
- 26 (l) Kentucky Educational Television;
- 27 (m) Kentucky Work Ready Skills Advisory Committee; and

1 (n) Foundation for Adult Education.

2 ➔Section 69. KRS 151B.212 is amended to read as follows:

3 (1) For the purposes of KRS 151B.211 to 151B.214, "competitive integrated
4 employment" means work that is performed on a full-time or part-time basis for
5 which an individual is:

6 (a) Earning compensation at or above minimum wage and comparable to the
7 customary rate paid by the employer to employees without disabilities
8 performing similar duties and with similar training and experience;

9 (b) Receiving the same level of benefits provided to other employees without
10 disabilities in similar positions;

11 (c) Working at a location where the employee interacts with other individuals
12 without disabilities; and

13 (d) Receiving opportunities for advancement when appropriate similar to other
14 employees without disabilities in similar positions.

15 (2) The Employment First Council is hereby established within the Office of
16 Vocational Rehabilitation as an advisory council to the executive and legislative
17 branches of government on matters pertaining to increasing meaningful
18 opportunities for competitive integrated employment for citizens with a disability
19 seeking employment, regardless of their level of disability.

20 (3) The Employment First Council shall be composed of twenty-eight (28) members.
21 Members of the council shall be appointed by the Governor in a manner that is
22 geographically and culturally representative of the population of the
23 Commonwealth and shall include:

24 (a) One (1) representative from the Office of Vocational Rehabilitation;

25 (b) One (1) representative from the Kentucky Workforce Innovation Board;

26 (c) One (1) representative from the Department of Education;

27 (d) One (1) representative from the Office of Career and Technical Education;

- 1 (e) One (1) representative from the Department for Medicaid Services;
- 2 (f) One (1) representative from the Department for Behavioral Health,
3 Developmental and Intellectual Disabilities;
- 4 (g) One (1) representative from the Commonwealth Council on Developmental
5 Disabilities;
- 6 (h) One (1) representative from Kentucky Protection and Advocacy;
- 7 (i) One (1) representative from the Education and Labor Cabinet~~Department~~
8 ~~for Income Support~~, Disability Determination Services;
- 9 (j) One (1) representative from the Division of Behavioral Health;
- 10 (k) One (1) representative from the Kentucky Autism Training Center;
- 11 (l) One (1) representative from the Department for Behavioral Health,
12 Developmental and Intellectual Disabilities, Office of Autism;
- 13 (m) One (1) representative from the University of Kentucky Human Development
14 Institute;
- 15 (n) Two (2) representatives from a state vocational rehabilitation provider
16 agency;
- 17 (o) One (1) representative from the Statewide Council for Vocational
18 Rehabilitation;
- 19 (p) One (1) representative from the Kentucky Chamber of Commerce;
- 20 (q) One (1) representative from the Council of State Governments;
- 21 (r) Four (4) representatives each having at least one (1) of the following
22 qualifications:
- 23 1. A physical or mental impairment that substantially limits one (1) or
24 more major life activity;
- 25 2. A history or record of such an impairment; or
- 26 3. A person who is perceived by others as having such an impairment;
- 27 (s) Two (2) representatives who have an immediate family member with a

1 disability; and

2 (t) Four (4) representatives of business, industry, and labor.

3 (4) After the initial appointments, members of the Employment First Council shall
4 serve terms of three (3) years. Members shall be eligible to succeed themselves and
5 shall serve until their successor is appointed.

6 (5) Members of the Employment First Council shall not be paid for their service as
7 council members, and shall not be reimbursed for any expenses involved in
8 attending council meetings.

9 (6) The Employment First Council shall elect a chair, a vice chair, and a legislative
10 liaison from its council members who shall serve in those capacities until replaced.
11 The legislative liaison shall communicate with the legislative and executive branch
12 about the council's progress and ensure that the work of the council is separate and
13 distinct from the work of the Statewide Council for Vocational Rehabilitation.

14 (7) A majority of council members shall constitute a quorum for the purposes of
15 conducting business. The council shall be subject to the provisions of the Kentucky
16 Open Records Act, as set forth in KRS 61.870 to 61.884.

17 (8) The Employment First Council shall meet quarterly, upon the call of the chair, or at
18 the request of the secretary of the Education and Labor Cabinet. The council shall
19 receive assistance in carrying out its administrative functions from the Department
20 of Workforce Development and shall be attached to the Education and Labor
21 Cabinet for administrative purposes.

22 ➔Section 70. KRS 207.200 is amended to read as follows:

23 (1) The Kentucky Department of Workplace Standards is authorized to enforce the
24 employment provisions of KRS 207.130 to 207.240 in conjunction with the State
25 Attorney General's office and the state and local courts.

26 (2) Any individual with a disability requesting the intervention of the Kentucky
27 Department of Workplace Standards under this section shall, within one hundred

1 and eighty (180) days of the alleged incident, submit with his request a signed,
2 sworn statement specifying and describing the disability or disabilities which affect
3 him. This statement may be used by the commissioner of workplace standards or
4 his representative to determine if the individual does, or does not, have a "physical
5 disability" as defined in KRS 207.130(2). If the commissioner of workplace
6 standards or his representative determines that the aggrieved individual does have a
7 disability which falls under the definition in KRS 207.130(2), the Department of
8 Workplace Standards shall provide a copy of the aggrieved individual's signed
9 statement to the employer for his inspection.

10 (3) In the event the employer wishes to challenge the validity of the statement, he shall
11 so notify the commissioner of workplace standards, who shall in turn notify the
12 aggrieved individual. If the aggrieved individual wishes the Department of
13 Workplace Standards to continue its involvement with the case, he shall be required
14 to submit to the commissioner of workplace standards, within thirty (30) days of
15 such notice, a signed, sworn statement from a licensed physician of his choice, or
16 from one of the state or federal agencies serving individuals with disabilities:

17 (a) Specifying and describing the disability or disabilities affecting the individual;
18 and

19 (b) Indicating any specific type of employment for which such disability should
20 be considered a bona fide or necessary reason for limitation or exclusion.

21 (4) (a) The state agencies which may be consulted under subsection (3) of this
22 section may include, but are not limited to, the following:

- 23 1. Department of Education, Office of Vocational Rehabilitation Services;
- 24 2. Cabinet for Health and Family Services, Department for Public Health;
- 25 3. Education and Labor Cabinet~~[for Health and Family Services,~~
26 ~~Department for Income Support].~~

27 (b) The commissioner of workplace standards, in conjunction with the agencies

1 designated in this subsection, is authorized to adopt appropriate regulations
2 governing the issuance and setting the standards of determinations of ability
3 or disability;

4 (c) The agencies designated in this subsection, and any other state agency which
5 serves individuals with disabilities and which the commissioner of workplace
6 standards deems proper, shall cooperate to the fullest with the Department of
7 Workplace Standards in issuing a statement of disability and limitations as
8 specified in subsection (3) of this section within twenty (20) days of the date
9 the individual with a disability presents himself before such agency for
10 examination.

11 (5) (a) For the purposes of KRS 207.130 to 207.240, the commissioner of workplace
12 standards, or his authorized representative, shall have the power to enter the
13 place of employment of any employer, labor organization, or employment
14 agency to inspect and copy employment records, to compare character of
15 work and operations on which persons employed by him are engaged, to
16 question such persons, and to obtain such other information as is reasonably
17 necessary to make a preliminary determination that the aggrieved individual
18 is, or is not, fully capable of carrying out the duties of the job which he or she
19 had been denied;

20 (b) In the event that a preliminary determination is made that the aggrieved
21 individual is not fully capable of carrying out the duties of the job which he or
22 she had been denied, the aggrieved individual and the employer shall both be
23 so advised;

24 (c) The aggrieved individual, within ten (10) days of receiving such notification,
25 may file with the Department of Workplace Standards an application for
26 reconsideration of the determination. Upon such application, the
27 commissioner of workplace standards or his representative shall make a new

1 determination within ten (10) days whether the aggrieved individual is, or is
2 not, fully capable of carrying out the duties of the job which he or she had
3 been denied. If the determination is again made that the aggrieved individual
4 is not fully capable of carrying out these duties, the aggrieved individual and
5 the employer shall both be so advised;

6 (d) In the event that a preliminary determination has been made that the aggrieved
7 individual is fully capable of carrying out the duties of the job which he or she
8 had been denied, the employer, labor organization, or employment agency
9 shall be so advised and encouraged to make an immediate offer to the
10 aggrieved individual of the position which he or she had been denied. In the
11 event the position has already been filled, the employer, labor organization, or
12 employment agency shall be encouraged to make an offer to the aggrieved
13 individual of the next available position for which he or she is qualified.

14 ➔Section 71. KRS 403.212 is amended to read as follows:

15 (1) The following provisions and child support table shall be the child support
16 guidelines established for the Commonwealth of Kentucky.

17 (2) The *Office of the Attorney General*~~[Cabinet for Health and Family Services shall]~~:

18 (a) Promulgate an administrative regulation in accordance with KRS Chapter
19 13A establishing a child support obligation worksheet; and

20 (b) Make accessible on its Web site a manual providing examples or illustrations
21 of the application of the child support guidelines and the child support
22 obligation worksheet.

23 (3) For the purposes of the child support guidelines:

24 (a) "Income" means actual gross income of the parent if employed to full capacity
25 or potential income if unemployed or underemployed;

26 (b) "Gross income" includes income from any source, except as excluded in this
27 subsection, and includes but is not limited to income from salaries, wages,

1 retirement and pension funds, commissions, bonuses, dividends, severance
2 pay, pensions, interest, trust income, annuities, capital gains, Social Security
3 benefits, workers' compensation benefits, unemployment insurance benefits,
4 disability insurance benefits, Supplemental Security Income (SSI), gifts,
5 prizes, and alimony or maintenance received. Specifically excluded are
6 benefits received from means-tested public assistance programs, including but
7 not limited to public assistance as defined under Title IV-A of the Federal
8 Social Security Act, and food stamps;

9 (c) For income from self-employment, rent, royalties, proprietorship of a
10 business, or joint ownership of a partnership or closely held corporation,
11 "gross income" means gross receipts minus ordinary and necessary expenses
12 required for self-employment or business operation. Straight-line
13 depreciation, using Internal Revenue Service (IRS) guidelines, shall be the
14 only allowable method of calculating depreciation expense in determining
15 gross income. Specifically excluded from ordinary and necessary expenses for
16 purposes of this guideline shall be investment tax credits or any other business
17 expenses inappropriate for determining gross income for purposes of
18 calculating child support. Income and expenses from self-employment or
19 operation of a business shall be carefully reviewed to determine an
20 appropriate level of gross income available to the parent to satisfy a child
21 support obligation. In most cases, this amount will differ from a determination
22 of business income for tax purposes. Expense reimbursement or in-kind
23 payments received by a parent in the course of employment, self-employment,
24 or operation of a business or personal use of business property or payments of
25 expenses by a business, shall be counted as income if they are significant and
26 reduce personal living expenses such as a company or business car, free
27 housing, reimbursed meals, or club dues;

- 1 (d) "Self-support reserve" means a low-income adjustment amount to the
2 obligated parent of nine hundred fifteen dollars (\$915) per month that
3 considers the subsistence needs of the obligor with a limited ability to pay in
4 accordance with 45 C.F.R. sec. 302.56(c)(1)(ii), and as applied under
5 subsection (5) of this section;
- 6 (e) 1. If there is a finding that a parent is voluntarily unemployed or
7 underemployed, child support shall be calculated based on a
8 determination of potential income, except that a finding of voluntary
9 unemployment or underemployment and a determination of potential
10 income shall not be made for a parent who is incarcerated, physically or
11 mentally incapacitated, or is caring for a very young child, age three (3)
12 or younger, for whom the parents owe a joint legal responsibility;
- 13 2. A court may find a parent is voluntarily unemployed or underemployed
14 without finding that the parent intended to avoid or reduce the child
15 support obligation; and
- 16 3. Imputation of potential income, when applicable, shall include
17 consideration of the following circumstances of the parents, to the extent
18 known:
- 19 a. Assets and residence;
- 20 b. Employment, earning history, and job skills;
- 21 c. Educational level, literacy, age, health, and criminal record that
22 could impair the ability to gain or continue employment;
- 23 d. Record of seeking work;
- 24 e. Local labor market, including availability of employment for
25 which the parent may be qualified and employable;
- 26 f. Prevailing earnings in the local labor market; and
- 27 g. Other relevant background factors, including employment barriers;

- 1 (f) "Obligor" has the same meaning as in Section 8 of this Act~~[KRS 205.710]~~;
- 2 (g) "Imputed child support obligation" means the amount of child support the
3 parent would be required to pay from application of the child support
4 guidelines;
- 5 (h) Income statements of the parents shall be verified by documentation of both
6 current and past income. Suitable documentation shall include, but shall not
7 be limited to, income tax returns, paystubs, employer statements, or receipts
8 and expenses if self-employed;
- 9 (i) "Combined monthly adjusted parental gross income" means the combined
10 monthly gross incomes of both parents, less any of the following payments
11 made by the parent:
- 12 1. The amount of pre-existing orders for current maintenance for prior
13 spouses to the extent payment is actually made and the amount of
14 current maintenance, if any, ordered paid in the proceeding before the
15 court;
- 16 2. The amount of pre-existing orders of current child support for prior-born
17 children to the extent payment is actually made under those orders; and
- 18 3. A deduction for the support to the extent payment is made, if a parent is
19 legally responsible for and is actually providing support for other prior-
20 born children who are not the subject of a particular proceeding. If the
21 prior-born children reside with that parent, an "imputed child support
22 obligation" shall be allowed in the amount which would result from
23 application of the guidelines for the support of the prior-born children;
24 and
- 25 (j) "Split custody arrangement" means a situation where each parent has sole
26 custody and decision-making authority while the child or children is in his or
27 her residence. Visitation only occurs when the child is in residence with the

1 other parent.

2 (4) Any child support obligation shall be calculated by using the number of children for
3 whom the parents share a joint legal responsibility.

4 (5) (a) Except as provided in paragraph (b) of this subsection, the child support
5 obligation set forth in the child support guidelines table shall be divided
6 between the parents in proportion to their combined monthly adjusted parental
7 gross income.

8 (b) The child support obligation of an obligated parent whose monthly adjusted
9 gross income is equal to or less than the amounts in subparagraphs 1. to 5. of
10 this paragraph shall be calculated using the monthly adjusted gross income of
11 the obligated parent alone to provide for the self-support reserve. The
12 following monthly adjusted gross income amounts shall qualify an individual
13 for the self-support reserve:

- 14 1. One thousand one hundred dollars (\$1,100) with one (1) child;
- 15 2. One thousand three hundred dollars (\$1,300) with two (2) children;
- 16 3. One thousand four hundred dollars (\$1,400) with three (3) children;
- 17 4. One thousand five hundred dollars (\$1,500) with four (4) or five (5)
18 children; or
- 19 5. One thousand six hundred dollars (\$1,600) with six (6) or more children.

20 (c) The obligated parent shall pay the lesser support amount calculated in
21 accordance with:

- 22 1. Paragraph (a) of this subsection;
- 23 2. Paragraph (b) of this subsection; and
- 24 3. As determined under KRS 403.2121 if the shared parenting time credit
25 is applicable.

26 (6) The minimum amount of child support shall be sixty dollars (\$60) per month,
27 except as provided in KRS 403.2121(3).

1 (7) The court may use its judicial discretion in determining child support in
 2 circumstances where combined adjusted parental gross income exceeds the
 3 uppermost levels of the guideline table.

4 (8) The child support obligation in a split custody arrangement shall be calculated in
 5 the following manner:

6 (a) Two (2) separate child support obligation worksheets shall be prepared, one
 7 (1) for each household, using the number of children born of the relationship
 8 in each separate household, rather than the total number of children born of
 9 the relationship.

10 (b) The parent with the greater monthly obligation amount shall pay the
 11 difference between the obligation amounts, as determined by the worksheets,
 12 to the other parent.

13 (9) The child support guidelines table is as follows:

14 COMBINED
 15 MONTHLY
 16 ADJUSTED
 17 PARENTAL
 18 GROSS SIX

19 INCOME	ONE	TWO	THREE	FOUR	FIVE	OR
20	CHILD	CHILDREN				MORE
21 \$ 0	\$60	\$60	\$60	\$60	\$60	\$60
22 100	60	60	60	60	60	60
23 200	60	60	60	60	60	60
24 300	60	60	60	60	60	60
25 400	60	60	60	60	60	60
26 500	60	60	60	60	60	60
27 600	60	60	60	60	60	60

1	700	60	60	60	60	60	60
2	800	60	60	60	60	60	60
3	900	60	60	60	60	60	60
4	1,000	85	85	85	85	85	85
5	1,100	148	150	152	154	155	157
6	1,200	200	231	234	237	239	242
7	1,300	216	312	316	320	323	327
8	1,400	231	339	398	403	407	412
9	1,500	247	362	437	486	491	497
10	1,600	262	384	464	518	570	582
11	1,700	277	406	491	548	603	655
12	1,800	292	428	517	578	635	691
13	1,900	307	450	544	607	668	726
14	2,000	322	472	570	637	701	762
15	2,100	337	494	597	667	734	797
16	2,200	352	516	624	697	766	833
17	2,300	367	538	650	726	799	869
18	2,400	382	560	677	756	832	904
19	2,500	397	582	704	786	865	940
20	2,600	412	604	730	816	897	975
21	2,700	427	626	757	845	930	1,011
22	2,800	442	648	783	875	963	1,046
23	2,900	457	670	810	905	995	1,082
24	3,000	472	692	837	935	1,028	1,118
25	3,100	487	714	863	964	1,061	1,153
26	3,200	502	737	890	994	1,094	1,189
27	3,300	517	759	917	1,024	1,126	1,224

1	3,400	532	781	943	1,054	1,159	1,260
2	3,500	547	803	970	1,083	1,192	1,295
3	3,600	562	825	997	1,113	1,224	1,331
4	3,700	577	847	1,023	1,143	1,257	1,367
5	3,800	592	869	1,050	1,173	1,290	1,402
6	3,900	607	891	1,076	1,202	1,323	1,438
7	4,000	621	912	1,102	1,230	1,353	1,471
8	4,100	634	931	1,125	1,256	1,382	1,502
9	4,200	647	950	1,148	1,282	1,410	1,533
10	4,300	660	969	1,171	1,308	1,439	1,564
11	4,400	673	988	1,194	1,334	1,467	1,595
12	4,500	686	1,007	1,217	1,359	1,495	1,625
13	4,600	699	1,026	1,240	1,385	1,524	1,656
14	4,700	712	1,045	1,263	1,411	1,552	1,687
15	4,800	725	1,064	1,286	1,437	1,580	1,718
16	4,900	738	1,084	1,309	1,463	1,609	1,749
17	5,000	751	1,103	1,332	1,488	1,637	1,780
18	5,100	764	1,122	1,356	1,514	1,666	1,810
19	5,200	777	1,141	1,379	1,540	1,694	1,841
20	5,300	790	1,160	1,402	1,566	1,722	1,872
21	5,400	799	1,172	1,415	1,581	1,739	1,890
22	5,500	805	1,177	1,419	1,585	1,744	1,896
23	5,600	810	1,181	1,423	1,590	1,749	1,901
24	5,700	815	1,186	1,427	1,594	1,753	1,906
25	5,800	820	1,191	1,431	1,598	1,758	1,911
26	5,900	825	1,195	1,435	1,603	1,763	1,916
27	6,000	831	1,200	1,439	1,607	1,768	1,922

1	6,100	837	1,208	1,449	1,618	1,780	1,935
2	6,200	844	1,217	1,459	1,629	1,792	1,948
3	6,300	851	1,226	1,469	1,641	1,805	1,962
4	6,400	858	1,234	1,479	1,652	1,817	1,975
5	6,500	865	1,243	1,489	1,663	1,829	1,988
6	6,600	871	1,251	1,499	1,674	1,841	2,002
7	6,700	881	1,263	1,513	1,690	1,859	2,021
8	6,800	892	1,278	1,530	1,709	1,880	2,044
9	6,900	903	1,292	1,548	1,729	1,902	2,067
10	7,000	914	1,306	1,565	1,748	1,923	2,090
11	7,100	925	1,320	1,582	1,767	1,944	2,113
12	7,200	935	1,335	1,600	1,787	1,965	2,136
13	7,300	946	1,348	1,616	1,805	1,986	2,159
14	7,400	954	1,360	1,630	1,820	2,003	2,177
15	7,500	962	1,372	1,643	1,836	2,019	2,195
16	7,600	969	1,384	1,657	1,851	2,036	2,213
17	7,700	977	1,396	1,670	1,866	2,052	2,231
18	7,800	984	1,407	1,683	1,880	2,068	2,248
19	7,900	991	1,419	1,696	1,895	2,084	2,266
20	8,000	996	1,426	1,704	1,903	2,094	2,276
21	8,100	1,000	1,429	1,709	1,908	2,099	2,282
22	8,200	1,004	1,433	1,713	1,914	2,105	2,288
23	8,300	1,008	1,437	1,718	1,919	2,110	2,294
24	8,400	1,012	1,441	1,722	1,924	2,116	2,300
25	8,500	1,016	1,444	1,727	1,929	2,122	2,306
26	8,600	1,020	1,448	1,731	1,934	2,127	2,312
27	8,700	1,026	1,456	1,740	1,944	2,138	2,324

1	8,800	1,033	1,464	1,749	1,953	2,149	2,336
2	8,900	1,039	1,472	1,758	1,963	2,160	2,347
3	9,000	1,046	1,480	1,766	1,973	2,170	2,359
4	9,100	1,052	1,488	1,775	1,983	2,181	2,371
5	9,200	1,059	1,496	1,784	1,993	2,192	2,382
6	9,300	1,065	1,502	1,792	2,002	2,202	2,393
7	9,400	1,070	1,507	1,799	2,010	2,211	2,403
8	9,500	1,075	1,511	1,807	2,018	2,220	2,413
9	9,600	1,080	1,516	1,814	2,026	2,229	2,423
10	9,700	1,085	1,520	1,822	2,035	2,238	2,433
11	9,800	1,090	1,524	1,829	2,043	2,247	2,443
12	9,900	1,094	1,529	1,836	2,051	2,256	2,453
13	10,000	1,099	1,533	1,844	2,059	2,265	2,463
14	10,100	1,104	1,538	1,851	2,068	2,275	2,472
15	10,200	1,109	1,542	1,859	2,076	2,284	2,482
16	10,300	1,115	1,549	1,867	2,086	2,294	2,494
17	10,400	1,123	1,560	1,878	2,098	2,308	2,509
18	10,500	1,130	1,571	1,889	2,110	2,321	2,523
19	10,600	1,137	1,582	1,900	2,123	2,335	2,538
20	10,700	1,145	1,593	1,911	2,135	2,349	2,553
21	10,800	1,152	1,604	1,922	2,147	2,362	2,568
22	10,900	1,159	1,615	1,933	2,160	2,376	2,582
23	11,000	1,167	1,626	1,944	2,172	2,389	2,597
24	11,100	1,174	1,637	1,956	2,185	2,403	2,612
25	11,200	1,182	1,649	1,968	2,198	2,418	2,628
26	11,300	1,191	1,661	1,980	2,212	2,433	2,644
27	11,400	1,199	1,673	1,992	2,225	2,448	2,660

1	11,500	1,207	1,685	2,004	2,239	2,462	2,677
2	11,600	1,215	1,695	2,016	2,252	2,477	2,693
3	11,700	1,222	1,705	2,029	2,266	2,493	2,710
4	11,800	1,229	1,714	2,041	2,280	2,508	2,726
5	11,900	1,237	1,723	2,054	2,294	2,523	2,743
6	12,000	1,244	1,732	2,066	2,308	2,539	2,759
7	12,100	1,252	1,742	2,078	2,322	2,554	2,776
8	12,200	1,259	1,751	2,091	2,336	2,569	2,793
9	12,300	1,267	1,760	2,103	2,349	2,584	2,809
10	12,400	1,274	1,769	2,116	2,363	2,600	2,826
11	12,500	1,282	1,778	2,128	2,377	2,615	2,842
12	12,600	1,289	1,788	2,141	2,391	2,630	2,859
13	12,700	1,296	1,797	2,153	2,405	2,645	2,876
14	12,800	1,304	1,806	2,165	2,419	2,661	2,892
15	12,900	1,311	1,815	2,178	2,433	2,676	2,909
16	13,000	1,319	1,825	2,190	2,447	2,691	2,925
17	13,100	1,326	1,834	2,203	2,461	2,707	2,942
18	13,200	1,334	1,843	2,215	2,474	2,722	2,959
19	13,300	1,341	1,852	2,228	2,488	2,737	2,975
20	13,400	1,348	1,861	2,238	2,500	2,750	2,990
21	13,500	1,353	1,868	2,247	2,510	2,761	3,001
22	13,600	1,359	1,875	2,255	2,519	2,771	3,012
23	13,700	1,364	1,882	2,264	2,529	2,781	3,023
24	13,800	1,370	1,889	2,272	2,538	2,792	3,035
25	13,900	1,375	1,896	2,281	2,547	2,802	3,046
26	14,000	1,381	1,903	2,289	2,557	2,812	3,057
27	14,100	1,386	1,910	2,297	2,566	2,822	3,068

1	14,200	1,391	1,916	2,304	2,574	2,831	3,078
2	14,300	1,396	1,922	2,312	2,582	2,841	3,088
3	14,400	1,401	1,929	2,319	2,591	2,850	3,098
4	14,500	1,406	1,935	2,327	2,599	2,859	3,108
5	14,600	1,410	1,941	2,334	2,607	2,868	3,118
6	14,700	1,415	1,947	2,342	2,616	2,877	3,128
7	14,800	1,420	1,954	2,349	2,624	2,886	3,138
8	14,900	1,425	1,960	2,357	2,632	2,896	3,147
9	15,000	1,430	1,966	2,364	2,641	2,905	3,157
10	15,100	1,435	1,972	2,371	2,649	2,914	3,167
11	15,200	1,440	1,978	2,379	2,657	2,923	3,177
12	15,300	1,444	1,985	2,386	2,666	2,932	3,187
13	15,400	1,449	1,991	2,394	2,674	2,941	3,197
14	15,500	1,454	1,997	2,401	2,682	2,950	3,207
15	15,600	1,459	2,003	2,409	2,691	2,960	3,217
16	15,700	1,464	2,010	2,416	2,699	2,969	3,227
17	15,800	1,469	2,016	2,424	2,707	2,978	3,237
18	15,900	1,474	2,022	2,431	2,715	2,987	3,247
19	16,000	1,478	2,028	2,439	2,724	2,996	3,257
20	16,100	1,484	2,035	2,445	2,732	3,005	3,266
21	16,200	1,490	2,041	2,452	2,739	3,013	3,275
22	16,300	1,495	2,047	2,459	2,747	3,022	3,285
23	16,400	1,501	2,053	2,466	2,755	3,030	3,294
24	16,500	1,506	2,059	2,473	2,763	3,039	3,303
25	16,600	1,512	2,065	2,480	2,770	3,047	3,313
26	16,700	1,518	2,071	2,487	2,778	3,056	3,322
27	16,800	1,523	2,077	2,494	2,786	3,065	3,331

1	16,900	1,529	2,083	2,501	2,794	3,073	3,340
2	17,000	1,534	2,089	2,508	2,801	3,082	3,350
3	17,100	1,540	2,095	2,515	2,809	3,090	3,359
4	17,200	1,545	2,102	2,522	2,817	3,099	3,368
5	17,300	1,551	2,108	2,529	2,825	3,107	3,378
6	17,400	1,557	2,114	2,536	2,832	3,116	3,387
7	17,500	1,562	2,120	2,543	2,840	3,124	3,396
8	17,600	1,568	2,126	2,550	2,848	3,133	3,405
9	17,700	1,573	2,132	2,557	2,856	3,141	3,415
10	17,800	1,579	2,138	2,563	2,863	3,149	3,423
11	17,900	1,584	2,144	2,570	2,870	3,157	3,432
12	18,000	1,589	2,149	2,576	2,878	3,166	3,441
13	18,100	1,595	2,155	2,583	2,885	3,174	3,450
14	18,200	1,600	2,161	2,590	2,893	3,182	3,459
15	18,300	1,605	2,167	2,596	2,900	3,190	3,467
16	18,400	1,611	2,173	2,603	2,907	3,198	3,476
17	18,500	1,616	2,178	2,609	2,915	3,206	3,485
18	18,600	1,621	2,184	2,616	2,922	3,214	3,494
19	18,700	1,627	2,190	2,623	2,929	3,222	3,503
20	18,800	1,632	2,196	2,629	2,937	3,231	3,512
21	18,900	1,637	2,202	2,636	2,944	3,239	3,520
22	19,000	1,642	2,207	2,642	2,952	3,247	3,529
23	19,100	1,648	2,213	2,649	2,959	3,255	3,538
24	19,200	1,653	2,219	2,656	2,966	3,263	3,547
25	19,300	1,658	2,225	2,662	2,974	3,271	3,556
26	19,400	1,664	2,231	2,669	2,981	3,279	3,565
27	19,500	1,669	2,236	2,675	2,989	3,287	3,573

1	19,600	1,674	2,242	2,682	2,996	3,295	3,582
2	19,700	1,680	2,248	2,689	3,003	3,304	3,591
3	19,800	1,685	2,254	2,695	3,011	3,312	3,600
4	19,900	1,690	2,260	2,702	3,018	3,320	3,609
5	20,000	1,696	2,265	2,709	3,025	3,328	3,617
6	20,100	1,701	2,271	2,715	3,033	3,336	3,626
7	20,200	1,706	2,277	2,722	3,040	3,344	3,635
8	20,300	1,710	2,282	2,728	3,047	3,352	3,643
9	20,400	1,713	2,287	2,733	3,053	3,358	3,651
10	20,500	1,717	2,292	2,739	3,059	3,365	3,658
11	20,600	1,720	2,297	2,745	3,066	3,372	3,666
12	20,700	1,723	2,302	2,750	3,072	3,379	3,673
13	20,800	1,726	2,307	2,756	3,078	3,386	3,681
14	20,900	1,730	2,313	2,761	3,084	3,393	3,688
15	21,000	1,733	2,318	2,767	3,091	3,400	3,695
16	21,100	1,736	2,323	2,773	3,097	3,407	3,703
17	21,200	1,739	2,328	2,778	3,103	3,413	3,710
18	21,300	1,743	2,333	2,784	3,109	3,420	3,718
19	21,400	1,746	2,338	2,789	3,116	3,427	3,725
20	21,500	1,749	2,343	2,795	3,122	3,434	3,733
21	21,600	1,752	2,348	2,801	3,128	3,441	3,740
22	21,700	1,756	2,353	2,806	3,134	3,448	3,748
23	21,800	1,759	2,358	2,812	3,141	3,455	3,755
24	21,900	1,762	2,363	2,817	3,147	3,462	3,763
25	22,000	1,765	2,368	2,823	3,153	3,469	3,770
26	22,100	1,769	2,373	2,829	3,160	3,475	3,778
27	22,200	1,772	2,378	2,834	3,166	3,482	3,785

1	22,300	1,775	2,383	2,840	3,172	3,489	3,793
2	22,400	1,778	2,388	2,845	3,178	3,496	3,800
3	22,500	1,782	2,393	2,851	3,185	3,503	3,808
4	22,600	1,785	2,398	2,857	3,191	3,510	3,815
5	22,700	1,788	2,403	2,862	3,197	3,517	3,823
6	22,800	1,791	2,408	2,868	3,203	3,524	3,830
7	22,900	1,795	2,413	2,873	3,210	3,531	3,838
8	23,000	1,798	2,418	2,879	3,216	3,537	3,845
9	23,100	1,801	2,423	2,885	3,222	3,544	3,853
10	23,200	1,804	2,429	2,890	3,228	3,551	3,860
11	23,300	1,808	2,434	2,896	3,235	3,558	3,868
12	23,400	1,811	2,439	2,901	3,241	3,565	3,875
13	23,500	1,814	2,444	2,907	3,247	3,572	3,883
14	23,600	1,817	2,449	2,913	3,253	3,579	3,890
15	23,700	1,821	2,454	2,918	3,260	3,586	3,898
16	23,800	1,824	2,459	2,924	3,266	3,593	3,905
17	23,900	1,827	2,464	2,929	3,272	3,599	3,913
18	24,000	1,830	2,469	2,935	3,278	3,606	3,920
19	24,100	1,834	2,474	2,941	3,285	3,613	3,928
20	24,200	1,837	2,479	2,946	3,291	3,620	3,935
21	24,300	1,840	2,484	2,952	3,297	3,627	3,943
22	24,400	1,843	2,489	2,957	3,304	3,634	3,950
23	24,500	1,847	2,494	2,963	3,310	3,641	3,957
24	24,600	1,850	2,499	2,969	3,316	3,648	3,965
25	24,700	1,853	2,504	2,974	3,322	3,655	3,972
26	24,800	1,856	2,509	2,980	3,329	3,661	3,980
27	24,900	1,860	2,514	2,986	3,335	3,668	3,987

1	25,000	1,863	2,519	2,991	3,341	3,675	3,995
2	25,100	1,866	2,524	2,997	3,347	3,682	4,002
3	25,200	1,869	2,529	3,002	3,354	3,689	4,010
4	25,300	1,873	2,534	3,008	3,360	3,696	4,017
5	25,400	1,876	2,540	3,014	3,366	3,703	4,025
6	25,500	1,879	2,545	3,019	3,372	3,710	4,032
7	25,600	1,882	2,550	3,025	3,379	3,716	4,040
8	25,700	1,886	2,555	3,030	3,385	3,723	4,047
9	25,800	1,889	2,560	3,036	3,391	3,730	4,055
10	25,900	1,892	2,565	3,042	3,397	3,737	4,062
11	26,000	1,895	2,570	3,047	3,404	3,744	4,070
12	26,100	1,899	2,575	3,053	3,410	3,751	4,077
13	26,200	1,902	2,580	3,058	3,416	3,758	4,085
14	26,300	1,905	2,585	3,064	3,422	3,765	4,092
15	26,400	1,908	2,590	3,070	3,429	3,772	4,100
16	26,500	1,912	2,595	3,075	3,435	3,778	4,107
17	26,600	1,915	2,600	3,081	3,441	3,785	4,115
18	26,700	1,918	2,605	3,086	3,447	3,792	4,122
19	26,800	1,921	2,610	3,092	3,454	3,799	4,130
20	26,900	1,925	2,615	3,098	3,460	3,806	4,137
21	27,000	1,928	2,620	3,103	3,466	3,813	4,145
22	27,100	1,931	2,625	3,109	3,473	3,820	4,152
23	27,200	1,934	2,630	3,114	3,479	3,827	4,160
24	27,300	1,938	2,635	3,120	3,485	3,834	4,167
25	27,400	1,941	2,640	3,126	3,491	3,840	4,175
26	27,500	1,944	2,645	3,131	3,498	3,847	4,182
27	27,600	1,948	2,650	3,137	3,504	3,854	4,190

1	27,700	1,951	2,656	3,142	3,510	3,861	4,197
2	27,800	1,954	2,661	3,148	3,516	3,868	4,205
3	27,900	1,957	2,666	3,154	3,523	3,875	4,212
4	28,000	1,961	2,671	3,159	3,529	3,882	4,219
5	28,100	1,964	2,676	3,165	3,535	3,889	4,227
6	28,200	1,967	2,681	3,170	3,541	3,896	4,234
7	28,300	1,970	2,686	3,176	3,548	3,902	4,242
8	28,400	1,972	2,689	3,179	3,551	3,907	4,247
9	28,500	1,974	2,691	3,182	3,555	3,911	4,251
10	28,600	1,976	2,694	3,185	3,558	3,914	4,255
11	28,700	1,978	2,696	3,188	3,561	3,918	4,259
12	28,800	1,980	2,699	3,191	3,565	3,922	4,263
13	28,900	1,982	2,701	3,194	3,568	3,926	4,268
14	29,000	1,984	2,704	3,197	3,571	3,930	4,272
15	29,100	1,986	2,707	3,200	3,575	3,934	4,276
16	29,200	1,988	2,709	3,203	3,578	3,938	4,280
17	29,300	1,990	2,712	3,206	3,581	3,941	4,284
18	29,400	1,992	2,714	3,209	3,584	3,945	4,289
19	29,500	1,993	2,717	3,212	3,588	3,949	4,293
20	29,600	1,995	2,719	3,215	3,591	3,953	4,297
21	29,700	1,997	2,722	3,218	3,594	3,957	4,301
22	29,800	1,999	2,724	3,221	3,598	3,961	4,305
23	29,900	2,001	2,727	3,224	3,601	3,965	4,310
24	30,000	2,003	2,730	3,227	3,604	3,968	4,314

25 ➔Section 72. KRS 405.405 is amended to read as follows:
26 The definitions provided in Section 8 of this Act ~~[KRS 205.710]~~ shall be applicable to
27 KRS 405.430 to 405.530, unless the context requires otherwise.

1 ➔Section 73. KRS 407.5101 is amended to read as follows:

2 As used in KRS 407.5101 to 407.5902:

- 3 (1) "Child" means an individual, whether over or under the age of majority, who is or is
4 alleged to be owed a duty of support by the individual's parent or who is or is
5 alleged to be the beneficiary of a support order directed to the parent;
- 6 (2) "Child support order" means a support order for a child, including a child who has
7 attained the age of majority under the law of the issuing state or foreign country;
- 8 (3) "Convention" means the Convention on the International Recovery of Child
9 Support and Other Forms of Family Maintenance, concluded at The Hague on
10 November 23, 2007;
- 11 (4) "Duty of support" means an obligation imposed or imposable by law to provide
12 support for a child, spouse, or former spouse, including an unsatisfied obligation to
13 provide support;
- 14 (5) "Foreign country" means a country, including a political subdivision thereof, other
15 than the United States, that authorizes the issuance of support orders and:
- 16 (a) Which has been declared under the law of the United States to be a foreign
17 reciprocating country;
- 18 (b) Which has established a reciprocal arrangement for child support with this
19 state as provided in KRS 407.5308;
- 20 (c) Which has enacted a law or established procedures for the issuance and
21 enforcement of support orders which are substantially similar to the
22 procedures under KRS 407.5101 to 407.5902; or
- 23 (d) In which the Convention is in force with respect to the United States;
- 24 (6) "Foreign support order" means a support order of a foreign tribunal;
- 25 (7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of
26 a foreign country which is authorized to establish, enforce, or modify support orders
27 or to determine parentage of a child. The term includes a competent authority under

- 1 the Convention;
- 2 (8) "Home state" means the state or foreign country in which a child lived with a parent
3 or a person acting as parent for at least six (6) consecutive months immediately
4 preceding the time of filing of a petition or comparable pleading for support and, if
5 a child is less than six (6) months old, the state or foreign country in which the child
6 lived from birth with any of them. A period of temporary absence of any of them is
7 counted as part of the six (6) month or other period;
- 8 (9) "Income" includes earnings or other periodic entitlements to money from any
9 source and any other property subject to withholding for support under the law of
10 this state;
- 11 (10) "Income-withholding order" means an order or other legal process directed to an
12 obligor's employer as defined in Section 8 of this Act ~~[KRS 205.710]~~ or other debtor
13 to withhold support from the income of the obligor;
- 14 (11) "Initiating tribunal" means the tribunal of a state or foreign country from which a
15 petition or comparable pleading is forwarded or in which a petition or comparable
16 pleading is filed for forwarding to another state or foreign country;
- 17 (12) "Issuing foreign country" means the foreign country in which a tribunal issues a
18 support order or a judgment determining parentage of a child;
- 19 (13) "Issuing state" means the state in which a tribunal issues a support order or a
20 judgment determining parentage of a child;
- 21 (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a
22 support order or a judgment determining parentage of a child;
- 23 (15) "Law" includes decisional and statutory law and rules and regulations having the
24 force of law;
- 25 (16) "Obligee" means:
- 26 (a) An individual to whom a duty of support is or is alleged to be owed or in
27 whose favor a support order or a judgment determining parentage of a child

- 1 has been issued;
- 2 (b) A foreign country, state, or political subdivision of a state to which the rights
- 3 under a duty of support or support order have been assigned or which has
- 4 independent claims based on financial assistance provided to an individual
- 5 obligee in place of child support;
- 6 (c) An individual seeking a judgment determining parentage of the individual's
- 7 child; or
- 8 (d) A person that is a creditor in a proceeding under Article 7 of this chapter;
- 9 (17) "Obligor" means an individual, or the estate of a decedent that:
- 10 (a) Owes or is alleged to owe a duty of support;
- 11 (b) Is alleged but has not been adjudicated to be a parent of a child;
- 12 (c) Is liable under a support order; or
- 13 (d) Is a debtor in a proceeding under Article 7 of this chapter;
- 14 (18) "Outside this state" means a location in another state or a country other than the
- 15 United States, whether or not the country is a foreign country;
- 16 (19) "Person" means an individual, corporation, business trust, estate, trust, partnership,
- 17 limited liability company, association, joint venture, public corporation,
- 18 government or governmental subdivision, agency, or instrumentality, or any other
- 19 legal or commercial entity;
- 20 (20) "Record" means information that is inscribed on a tangible medium or that is stored
- 21 in an electronic or other medium and is retrievable in perceivable form;
- 22 (21) "Register" means to file in a tribunal of this state, a support order or judgment
- 23 determining parentage of a child issued in another state or foreign country;
- 24 (22) "Registering tribunal" means a tribunal in which a support order or judgment
- 25 determining parentage of a child is registered;
- 26 (23) "Responding state" means a state in which a petition or comparable pleading for
- 27 support or to determine parentage of a child is filed or to which a petition or

- 1 comparable pleading is forwarded for filing from another state or foreign country;
- 2 (24) "Responding tribunal" means the authorized tribunal in a responding state or
3 foreign country;
- 4 (25) "Spousal-support order" means a support order for a spouse or former spouse of the
5 obligor;
- 6 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico,
7 the United States Virgin Islands, or any territory or insular possession under the
8 jurisdiction of the United States. The term includes an Indian nation or tribe;
- 9 (27) "Support enforcement agency" means a public official, governmental entity, or
10 private agency authorized to:
- 11 (a) Seek enforcement of support orders or laws relating to the duty of support;
- 12 (b) Seek establishment or modification of child support;
- 13 (c) Request determination of parentage;
- 14 (d) Attempt to locate obligors or their assets; or
- 15 (e) Request determination of the controlling child support order;
- 16 (28) "Support order" means a judgment, decree, decision, directive, or order, whether
17 temporary, final, or subject to modification, issued in a state or foreign country for
18 the benefit of a child, a spouse, or a former spouse, which provides for monetary
19 support, health care, arrearages, retroactive support, or reimbursement for financial
20 assistance provided to an individual obligee in place of child support. The term may
21 include related costs and fees, interest, income withholding, automatic adjustment,
22 reasonable attorney's fees, and other relief; and
- 23 (29) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized
24 to establish, enforce, or modify support orders or to determine parentage of a child.

25 ➔Section 74. KRS 45A.550 is amended to read as follows:

26 As used in KRS 45A.550 to 45A.554 and KRS 11A.130, unless the context requires
27 otherwise:

- 1 (1) "Privatize" means to contract out in order to procure the services of a private vendor
2 to provide a service that is similar to, and in lieu of, a service provided by state
3 employees of the privatizing agency;
- 4 (2) "Privatization contract" means an agreement or combination of a series of
5 agreements by which a private vendor agrees to provide services that are
6 substantially similar to, and in lieu of, services previously provided, in whole or in
7 part, by at least ten (10) permanent, full-time, budgeted employees of the state
8 agency. This term includes but is not limited to concession contracts. This term
9 does not include personal service contracts as defined in KRS 45A.690, contracts
10 entered into pursuant to KRS Chapter 176, 177, 178, 179, 180, or 181, Medicaid
11 provider contracts, architect and engineering contracts entered into pursuant to KRS
12 45A.800 to 45A.835, price contracts, construction contracts, or memoranda of
13 understanding or memoranda of agreements or program administration contracts
14 with the Office of the Attorney General~~[Cabinet for Human Resources]~~, including
15 contracts for child support collections and enforcement with contracting officials as
16 authorized by Section 9 of this Act~~[KRS 205.712]~~; and
- 17 (3) "Services" shall not include administration and support functions of government.
18 "Administration and support functions" shall include, but not be limited to,
19 construction contracts, bond counsel and bond underwriting services, architect and
20 engineering services, price contracts, personal service contracts, and memoranda of
21 understanding and memoranda of agreement.
- 22 ➔Section 75. KRS 314.077 is amended to read as follows:
- 23 (1) Notwithstanding any provision of law to the contrary, upon receipt of a notice from
24 the Office of the Attorney General~~[Cabinet for Health and Family Services]~~ that a
25 nurse is in violation of Section 9 of this Act~~[KRS 205.712]~~, the board shall issue an
26 order suspending the nurse's license. If the individual is an applicant for licensure,
27 the board shall issue a denial of licensure. The order shall constitute disciplinary

1 action against the nurse or individual.

2 (2) Suspension of a license or denial of licensure under subsection (1) of this section
3 shall continue until the Office of the Attorney General~~[Cabinet for Health and~~
4 ~~Family Services]~~ notifies the board that the nurse or individual is no longer in
5 violation of Section 9 of this Act~~[KRS 205.712]~~.

6 (3) A nurse shall not be entitled to a hearing before the board on a suspension of a
7 license in child support cases administered by the Office of the Attorney
8 General~~[Cabinet for Health and Family Services]~~ in accordance with 42 U.S.C.
9 secs. 651 et seq.

10 (4) To reinstate a license suspended under this section, a nurse shall comply with all
11 reinstatement requirements.

12 ➔Section 76. KRS 403.090 is amended to read as follows:

13 (1) The fiscal court of any county may, by resolution, authorize the appointment of a
14 "friend of the court." If the Circuit Court of the county has but one (1) judge, the
15 appointment shall be made by the judge. If the court has two (2) or more judges, the
16 appointment shall be made by joint action of the judges, at the general term. The
17 person appointed to the office of friend of the court shall serve at the pleasure of,
18 and subject to removal by, the appointing authority. The person appointed shall be a
19 licensed practicing attorney. The appointed person shall take the constitutional oath
20 of office and shall give bond in such sum as may be fixed by the appointing judge
21 or judges.

22 (2) Except for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., it shall
23 be the duty of the friend of the court to supervise and enforce the payment of sums
24 ordered or adjudged by the Circuit Court in divorce actions to be paid for the care
25 and maintenance of minor children. All persons who have been ordered or adjudged
26 by the court, in connection with divorce actions, to make payments for the care and
27 maintenance of children, shall, if so ordered by the court, make such payments to

1 the friend of the court. The friend of the court shall see that the payments, except
2 for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., are properly
3 applied in accordance with the order or judgment. However, if the court so directs,
4 the payments may be made through the juvenile session of District Court of the
5 county; in such case the friend of the court shall render such assistance as may be
6 required in keeping records concerning such payments and in the enforcement of
7 delinquent payments, and the Circuit Court may direct that a designated amount or
8 portion of the funds appropriated by the fiscal court for expenses of the friend of the
9 court be paid to the juvenile session of District Court as reimbursement for the
10 expenses incurred by the juvenile session of District Court in connection with the
11 handling of such payments. The friend of the court shall promptly investigate all
12 cases where payments have become delinquent, and when necessary shall cause the
13 delinquent person to be brought before the court for the purpose of compelling
14 payment. The friend of the court shall ascertain the facts concerning the care,
15 custody, and maintenance of children for whom payments are being made, and shall
16 report to the court all cases in which the children are not receiving proper care or
17 maintenance, or in which the person having custody is failing to furnish proper
18 custody. He shall make such other reports to the court as the court may require.

19 (3) In the event that a waiver is granted under 42 U.S.C. secs. 651 et seq., allowing
20 payment of wage withholding collections to be directed to the friend of the court, an
21 obligor shall be given the option of payment either to the friend of the court or the
22 centralized collection agency.

23 (4) In any action for divorce where the parties have minor children, the friend of the
24 court, if requested by the trial judge, shall make such investigation as will enable
25 the friend of the court to ascertain all facts and circumstances that will affect the
26 rights and interests of the children and will enable the court to enter just and proper
27 orders and judgment concerning the care, custody, and maintenance of the children.

1 The friend of the court shall make a report to the trial judge, at a time fixed by the
2 judge, setting forth recommendations as to the care, custody, and maintenance of
3 the children. The friend of the court may request the court to postpone the final
4 submission of any case to give the friend of the court a reasonable time in which to
5 complete the investigation.

6 (5) The friend of the court shall have authority to secure the issuance by the court of
7 any order, rule, or citation necessary for the proper enforcement of orders and
8 judgments in divorce actions concerning the custody, care, and maintenance of
9 children. In performing duties under subsection (4) of this section the friend of the
10 court shall attend the taking of depositions within the county, and shall have
11 authority to cross-examine the witnesses. In the case of depositions taken on
12 interrogatories, the friend of the court may file cross-interrogatories. The friend of
13 the court shall be duly notified of the time and place of the taking of depositions in
14 all divorce actions where the parties have minor children, and shall attend the taking
15 of all such depositions when the friend of the court deems it necessary for the
16 protection of the minor children, or when the friend of the court may be directed by
17 the court to attend.

18 (6) The friend of the court shall not directly or indirectly represent any party to a
19 divorce action except as herein authorized to represent the minor children of parties
20 to a divorce action, but if an allowance is made for the support of a spouse and an
21 infant child or children, may proceed to enforce the payment of the allowance made
22 to the spouse also.

23 (7) Where a friend of the court is acting as a designee of the ***Office of the Attorney***
24 ***General***~~cabinet~~ pursuant to KRS ***Section 9 of this Act***~~[205.712]~~ and an applicant
25 for Title IV-D services pursuant to ***Section 13 of this Act***~~[KRS 205.721]~~ has
26 requested a modification of an existing child support order pursuant to a divorce or
27 other judicial order, the friend of the court shall seek the modification, providing all

1 jurisdictional requirements are met. The friend of the court's representation shall
 2 extend only for the limited purpose of seeking a modification of an existing child
 3 support order consistent with the provisions of KRS 403.212 or 403.2121.

4 (8) The fiscal court of any county which has authorized the appointment of a friend of
 5 the court under this section shall, by resolution, fix a reasonable compensation for
 6 the friend of the court and make a reasonable allowance for necessary expenses,
 7 equipment, and supplies, payable out of the general fund of the county, upon
 8 approval of the appointing judge or judges.

9 ➔Section 77. KRS 405.500 is amended to read as follows:

10 (1) Whenever Sections 8 to 46 of this Act or KRS~~[205.715 to 205.800,]~~ 403.215,
 11 405.405 to 405.520, 405.991(2), or~~and~~ 530.050 require delivery of a notice or
 12 other communication in person or by certified mail, return receipt requested, receipt
 13 shall be rebuttably presumed if the obligor or any other adult with apparent
 14 authority at the obligor's address signs a receipt or if the obligor or other adult
 15 refuses to accept the notice or communication.

16 (2) In the case of a notice to withhold and deliver property served on a person in
 17 possession or control of property, receipt shall be rebuttably presumed if the person
 18 to whom the order is directed signs or refuses to sign a receipt or if his employee,
 19 agent or other adult with apparent authority signs or refuses to sign a receipt.

20 ➔Section 78. KRS 205.172 is amended to read as follows:

21 The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ shall submit
 22 a report to the Legislative Research Commission on efforts to implement KRS 205.1781,
 23 205.193, 205.200, 205.5371, 205.5373, 205.5375, 205.5376, and Section 14 of this
 24 Act~~[205.725]~~ no later than December 1, 2022, within one (1) year after July 14, 2022, and
 25 at any time thereafter upon request from the Legislative Research Commission.

26 ➔Section 79. KRS 205.173 is amended to read as follows:

27 The Attorney General shall:

- 1 (1) On behalf of the Commonwealth of Kentucky, have jurisdiction to enforce this
2 chapter; and
- 3 (2) Bring an action against the Cabinet for Health and Family Services if any statutory
4 provisions are not fully implemented as required by KRS 205.178, 205.1781,
5 205.1783, 205.193, 205.200, 205.231, 205.232, 205.525, 205.5371, 205.5372,
6 205.5373, 205.5374, 205.5375, 205.5376, and **Section 14 of this Act**~~[205.725]~~ or
7 for any violation thereof.

8 ➔Section 80. KRS 205.191 is amended to read as follows:

9 For the purposes of KRS 205.178, 205.193, 205.200, 205.231, 205.232, 205.525, and
10 **Section 14 of this Act**~~[205.725]~~, unless context requires otherwise:

11 (1) "Cash assistance":

- 12 (a) Means cash benefits provided under this chapter, including via an electronic
13 benefit transfer card; and
- 14 (b) Does not include foster care payments, kinship care payments, fictive kin care
15 payments, or relative placement payments made by the cabinet; and

16 (2) "Public assistance" has the same meaning as in KRS 205.010 but does not include
17 foster care payments, kinship care payments, fictive kin care payments, or relative
18 placement payments made by the cabinet.

19 ➔Section 81. KRS 405.470 is amended to read as follows:

- 20 (1) The **Attorney General**~~[secretary]~~ may collect delinquent child support by issuing an
21 order to withhold and deliver earnings or property of any kind, real and personal,
22 including booting of vehicle in accordance with administrative regulations
23 promulgated under **Section 18 of this Act**~~[KRS 205.745]~~, which the **Attorney**
24 **General**~~[secretary]~~ has reason to believe are due, owing or belonging to the parent.
- 25 (2) Fifty percent (50%) of the disposable earnings against which a support debt is
26 asserted shall be exempt and may be delivered to the obligor. The only other
27 exemptions allowed shall be those provided in KRS 427.060.

1 (3) The order shall continue to operate until the child support debt is paid in full and
2 shall take priority over all other debts and creditors of such debtor.

3 ➔Section 82. KRS 131.672 is amended to read as follows:

4 (1) To assist the department in the collection of delinquent taxes and debts owed to the
5 Commonwealth, the department shall implement and operate a financial institution
6 match system for the purpose of identifying and seizing the financial assets of
7 delinquent taxpayers and debtors as identified by the department. The provisions of
8 KRS 131.670 to 131.676 shall be applied uniformly to all financial institutions
9 within the Commonwealth holding accounts subject to levy as authorized by KRS
10 131.500 and shall not be implemented in any financial institution unless and until
11 the department is prepared to implement the system in ninety percent (90%) of all
12 financial institutions within a period of no longer than eighteen (18) months from
13 June 26, 2007, or unless the financial institution in which the system will be
14 implemented and the department agree, in writing, to implement the system sooner
15 in that financial institution.

16 (2) The department and the financial institution shall implement and operate the system
17 identified in subsection (1) of this section by use of the data match system operated
18 by the financial institution as required by Sections 30 and 31 of this Act ~~KRS~~
19 ~~205.772 and 205.774~~ for the purpose of administering the child support
20 enforcement programs of the Commonwealth.

21 (3) (a) When the department determines that the name, record address, and either
22 Social Security number or taxpayer identification number of an account with a
23 financial institution matches the name, record address, and either the Social
24 Security number or taxpayer identification number of a delinquent taxpayer or
25 debtor, a lien or levy shall, subject to the provisions of subsection (4) of this
26 section, arise against the assets in the account at the time of receipt of the
27 notice by the financial institution at which the account is maintained.

1 (b) The department shall provide notice of the following to the debtor or
2 delinquent taxpayer and the financial institution:

- 3 1. The match;
- 4 2. The lien or levy arising therefrom; and
- 5 3. The action to be taken to surrender or encumber the account with the
6 lien or levy for delinquent taxes.

7 Notice shall be provided to the debtor or delinquent taxpayer within two (2)
8 business days of the date the notice is sent to the financial institution.

9 (4) A financial institution ordered to surrender or encumber an account shall be entitled
10 to collect its normally scheduled account activity fees to maintain the account
11 during the period of time the account is seized or encumbered.

12 (5) A financial institution may charge an account levied on by the department a fee of
13 not more than twenty dollars (\$20), which may be deducted from the account prior
14 to remitting any funds to the department.

15 (6) The department shall bear the cost or, if paid by the delinquent taxpayer or debtor,
16 reimburse the delinquent taxpayer or debtor for any bank charges incurred as a
17 result of any erroneous lien or levy by the department, provided the erroneous lien
18 or levy was caused by department error and, prior to the issuance of the erroneous
19 lien or levy, the delinquent taxpayer or debtor timely responded to all contacts by
20 the department and provided information or documentation sufficient to establish
21 his or her position.

22 (7) The department shall promulgate administrative regulations to implement KRS
23 131.670 to 131.676.

24 (8) For purposes of this section, "financial institution" has the same meaning as
25 provided in Section 30 of this Act ~~[KRS 205.772]~~.

26 ➔Section 83. KRS 205.990 is amended to read as follows:

27 (1) Any person who violates any of the provisions of KRS 205.170 or subsections (1)

- 1 to (3) of KRS 205.175 shall be guilty of a Class A misdemeanor.
- 2 (2) Any person who violates subsection (4) of KRS 205.175 shall be guilty of a Class D
3 felony.
- 4 (3) Any person who willfully violates any of the provisions of KRS 205.310, or any
5 rule or regulation thereunder, shall be guilty of a Class B misdemeanor. Each
6 failure or violation shall constitute a separate offense.
- 7 (4) Any bank, savings and loan association, credit union, or other financial institution
8 which fails to comply with the provisions of subsection (1) of KRS 205.835 or
9 which submits fraudulent information to the cabinet shall be guilty of a Class A
10 misdemeanor.
- 11 (5) Any bank, savings and loan association, credit union, investment company, savings
12 institution, trust company, insurance or annuity company, pension or profit-sharing
13 trust company, or other financial institution failing to comply with provisions of
14 KRS 405.430(11) shall be subject to a penalty of five hundred dollars (\$500) for
15 each failure to comply.
- 16 (6) Any person or financial institution that fails to comply with the provisions of
17 Section 30 of this Act~~[KRS 205.772]~~ or any administrative regulation promulgated
18 under Section 30 of this Act~~[KRS 205.772]~~, within ninety (90) days after
19 notification by the cabinet shall, unless the failure is due to reasonable cause as
20 defined in KRS 131.010, be fined not less than one thousand dollars (\$1,000) and
21 no more than five thousand dollars (\$5,000) for each full month of noncompliance.
22 The fine shall begin on the first day of the month beginning after the expiration of
23 the ninety (90) days.
- 24 ➔Section 84. KRS 70.325 is amended to read as follows:
- 25 (1) Except as provided in subsection (2) of this section, for any constable or deputy
26 constable taking office after January 1, 2023, who was not a constable or deputy
27 constable in the preceding four (4) year term of office, the powers and duties of the

- 1 office of constable shall not include the general powers of a peace officer or police
2 officer. The powers and duties of the office of constable shall include:
- 3 (a) The specific powers and duties enumerated in this chapter;
 - 4 (b) The power to distrain for his or her fees or for that of other officers as
5 provided in KRS 64.400;
 - 6 (c) The power to take necessary steps to stop, prevent, or bring under control any
7 dog found chasing or molesting wild elk or deer at any time as provided in
8 KRS 150.390;
 - 9 (d) The power, in a county containing a city of the first class, to serve all forms of
10 legal process in any child support action as provided in Section 36 of this
11 Act~~[KRS 205.782]~~;
 - 12 (e) The power to sell property to satisfy a lien created by a taker-up of boats,
13 rafts, platforms, or timber as provided in KRS 364.020;
 - 14 (f) The power to serve a warrant to levy and seize upon the baggage and other
15 personal property of a guest for unpaid services to the keeper of a hotel, inn,
16 boarding house, or house of private entertainment as provided in KRS
17 376.350;
 - 18 (g) The power to enforce a lien for the care of livestock as provided in KRS
19 376.410;
 - 20 (h) The power to execute a warrant in actions regarding forcible entry or detainers
21 as provided in KRS 383.210 and 383.245;
 - 22 (i) The power to serve subpoenas issued by the Parole Board as provided in KRS
23 439.390; and
 - 24 (j) The power to take up vagrants, kill mad dogs, kill and bury a distempered
25 horse, ass, or mule, kill and bury cattle, and alter a stud, jackass, or bull as
26 provided in KRS 64.190.
- 27 (2) After January 1, 2023, no constable who is elected for the first time or a deputy

1 constable appointed pursuant to KRS 70.320 shall be granted the powers generally
 2 applicable to peace officers and police officers unless the individual has been
 3 certified and maintains his or her certification pursuant to KRS 15.380.

4 ➔Section 85. KRS 205.992 is amended to read as follows:

5 Any person violating the provisions of Section 37 of this Act~~[KRS 205.785]~~ shall be
 6 fined not more than five hundred dollars (\$500) or be imprisoned in the county jail for
 7 not more than one (1) year, or both.

8 ➔Section 86. KRS 12.023 is amended to read as follows:

9 The following organizational units and administrative bodies shall be attached to the
 10 Office of the Governor:

- 11 (1) Council on Postsecondary Education;
- 12 (2) Department of Military Affairs;
- 13 (3) Department for Local Government;
- 14 (4) Kentucky Commission on Human Rights;
- 15 (5) Kentucky Commission on Women;
- 16 (6) Kentucky Commission on Military Affairs;
- 17 (7) Office of Minority Empowerment;
- 18 (a) The Martin Luther King Commission;
- 19 (8) Office of Homeland Security;~~[and]~~
- 20 (9) Kentucky Communications Network Authority; and
- 21 (10) Commonwealth Office of the Inspector General.

22 ➔SECTION 87. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO
 23 READ AS FOLLOWS:

24 *The Commonwealth Office of the Inspector General is hereby created and shall*
 25 *constitute an independent office of state government and shall be administratively*
 26 *attached to the Office of the Governor. The Commonwealth Office of the Inspector*
 27 *General shall be responsible for conducting various investigations and operations*

1 within the executive branch. The Governor shall appoint an executive director to head
 2 the office. The Commonwealth Office of the Inspector General shall be responsible
 3 for:

4 (1) The conduct of:

5 (a) Audits and investigations for detecting the perpetration of fraud or abuse of
 6 any program by any client, or by any vendor of services with whom the
 7 Cabinet for Health and Family Services has contracted; and

8 (b) Special investigations requested by the secretary, commissioners, or office
 9 heads of the Cabinet for Health and Family Services into matters related to
 10 the Cabinet for Health and Family Services or its programs;

11 (2) Regulatory functions related to survey and enforcement of licensure
 12 requirements established by the Cabinet for Health and Family Services;

13 (3) Determining penalties for any violation of licensure requirements established by
 14 the Cabinet for Health and Family Services;

15 (4) Review of health facilities participating in transplant programs within the
 16 Cabinet for Health and Family Services, for the purpose of determining any
 17 violations of KRS 311.1911 to 311.1951, 311.1961, and 311.1963; and

18 (5) The notification and forwarding of any information relevant to the possible
 19 criminal violations to the appropriate prosecuting authority of any violations.

20 ➔Section 88. KRS 205.8455 is amended to read as follows:

21 (1) To implement provisions of this section, the commissioner of the Department for
 22 Medicaid Services shall create, no later than July 30, 1994, a Recipient Utilization
 23 Review Committee with the authority to:

24 (a) Review individual recipient utilization or program benefits, recipient medical
 25 records, and other additional information or data necessary to make a
 26 decision;

27 (b) Determine if a recipient has utilized the program or services in a fraudulent or

- 1 abusive manner;
- 2 (c) Refer cases of suspected recipient fraud to the Commonwealth Office of the
3 Inspector General as established in Section 87 of this Act~~[the Cabinet for~~
4 ~~Health and Family Services]~~;
- 5 (d) Institute administrative actions to restrict or revoke the recipient's
6 participation in the Medical Assistance Program; and
- 7 (e) Initiate actions to recover the value of benefits received by the recipient which
8 were determined to be related to fraudulent or abusive activities.
- 9 (2) The Recipient Utilization Review Committee shall be composed of five (5)
10 members as follows: one (1) licensed physician, one (1) representative from the
11 same program benefit area that is the subject of the review, one (1) recipient or
12 representative of medical assistance benefits, one (1) representative of the
13 Surveillance and Utilization Review Subsystems Unit, as required under Title XIX
14 of the Social Security Act, and the commissioner of the Department for Public
15 Health, who shall serve by virtue of his or her office.
- 16 (3) A medical assistance recipient whose eligibility has been revoked due to defrauding
17 the Medical Assistance Program shall not be eligible for future medical assistance
18 services for a period of not more than one (1) year or until full restitution has been
19 made to the Department for Medicaid Services, whichever comes first.
- 20 (4) When a medical assistance recipient whose eligibility has been revoked due to
21 defrauding of the Medical Assistance Program reapplies for coverage, during the
22 period of revocation, due to pregnancy, a communicable disease, or other condition
23 that creates a risk to public health, or a condition which if not treated could result in
24 immediate grave bodily harm, the recipient utilization review committee for the
25 Department for Medicaid Services may change the revoked status of the previously
26 eligible recipient to restricted status if it has been determined that it would be in the
27 best interest of the previously eligible medical assistance recipient to receive

1 coverage for medical assistance services and the person is otherwise eligible. If this
2 change in status is granted, the case shall be reconsidered by the Recipient
3 Utilization Review Committee within sixty (60) days after the restricted status takes
4 effect.

5 (5) Upon determination by the Recipient Utilization Review Committee of the
6 Department for Medicaid Services that a medical assistance recipient has abused
7 the benefits of the Medical Assistance Program, the recipient shall immediately be
8 assigned and restricted to a managed care primary physician designated by the
9 Department for Medicaid Services. Except in the case of an emergency as defined
10 by the recipient utilization review committee and set forth by the Cabinet for Health
11 and Family Services in an administrative regulation promulgated pursuant to KRS
12 Chapter 13A, the restricted recipient shall be eligible to receive covered services
13 only upon presenting to a participating provider, prior to the receipt of services, a
14 dated written referral by the assigned managed care primary physician. Any
15 participating provider who provides services to a medical assistance recipient in
16 violation of the provisions of this subsection shall not be eligible for reimbursement
17 for any services rendered.

18 (6) The Cabinet for Health and Family Services shall request any waivers of federal
19 law that are necessary to implement the provisions of this section.

20 (7) The provisions of paragraphs (d) and (e) of subsection (1) of this section and of
21 subsections (3), (4), and (5) of this section shall have no force or effect until and
22 unless the requested waivers are granted.

23 (8) Nothing in this section shall authorize the Cabinet for Health and Family Services
24 to waive the recipient's or provider's rights to prior notice and hearing as guaranteed
25 by federal law.

26 (9) All complaints received by the Department for Medicaid Services, the
27 Commonwealth Office of the Inspector General established in Section 87 of this

1 Act, the Office of the Attorney General, or by personnel of the Cabinet for Health
2 and Family Services concerning possible fraud or abuse by a medical assistance
3 recipient shall be forwarded immediately to the Recipient Utilization Review
4 Committee for its consideration. Any cases of possible recipient fraud or abuse
5 uncovered by personnel of the Cabinet for Health and Family Services or by
6 providers shall also be referred immediately to the Recipient Utilization Review
7 Committee for its review. Records shall be kept of all cases, including records of
8 disposition, considered by the Recipient Utilization Review Committee.

9 ➔Section 89. KRS 205.8465 is amended to read as follows:

10 (1) Any person who knows or has reasonable cause to believe that a violation of this
11 chapter has been or is being committed by any person, corporation, or entity, shall
12 report or cause to be reported to the state Medicaid Fraud Control Unit, or the
13 Medicaid Fraud and Abuse hotline, the following information, if known:

- 14 (a) The name and address of the offender;
- 15 (b) The offender's place of employment;
- 16 (c) The nature and extent of the violation;
- 17 (d) The identity of the complainant; and
- 18 (e) Any other information that the receiving person reasonably believes might be
19 helpful in investigation of the alleged fraud, abuse, or misappropriation.

20 The state Medicaid Fraud Control Unit shall periodically publicize the provisions of
21 this subsection.

22 (2) The identity of any person making a report under this section shall be considered
23 confidential by the receiving party. Any person making a report under this section
24 regarding the offenses of another shall not be liable in any civil or criminal action
25 based on the report if it was made in good faith.

26 (3) No employer shall, without just cause, discharge or in any manner discriminate or
27 retaliate against any person who in good faith makes a report required or permitted

1 by KRS 205.8451 to 205.8483, testifies, or is about to testify, in any proceeding
2 with regard to any report or investigation. Any individual injured by any act in
3 violation of the provisions of this subsection shall have a civil cause of action in
4 Circuit Court to enjoin further violations, and to recover the actual damages
5 sustained, together with the costs of the lawsuit, including a reasonable fee for the
6 individual's attorney of record.

7 (4) No employee of the state Medicaid Fraud Control Unit, the Office of the Attorney
8 General, the Commonwealth Office of the Inspector General established in Section
9 87 of this Act, or the Cabinet for Health and Family Services shall notify the
10 alleged offender of the identity of the person who in good faith makes a report
11 required or permitted by KRS 205.8451 to 205.8483 nor shall the employee notify
12 the alleged offender that a report has been made alleging a violation of KRS
13 205.8451 to 205.8483 until such time as civil or criminal proceedings have been
14 initiated or a formal investigation has been initiated. Any information or report
15 concerning an alleged offender shall be considered confidential in accordance with
16 the Kentucky Open Records Law, KRS 61.870 to 61.884.

17 ➔Section 90. KRS 205.8483 is amended to read as follows:

18 (1) The Commonwealth Office of the Inspector General established in Section 87 of
19 this Act and the Cabinet for Health and Family Services shall establish, maintain,
20 and publicize a single twenty-four (24) hour toll-free hotline for the purpose of
21 receiving reports of alleged fraud and abuse by Medical Assistance Program
22 recipients and participating providers.

23 (2) The Commonwealth Office of the Inspector General established in Section 87 of
24 this Act~~[the Cabinet for Health and Family Services]~~ shall develop and implement
25 procedures for screening alleged fraud and abuse of the Medical Assistance
26 Program to ensure that appropriate written referrals are made to:

27 (a) The state Medicaid Fraud Control Unit and to the Office of the Attorney

1 General of credible allegations of fraud and abuse by providers participating
2 in the Medical Assistance Program; and

3 (b) Other agencies and licensure boards of all allegations received on the hotline
4 that are relevant to their jurisdiction.

5 (3) The Commonwealth Office of the Inspector General established in Section 87 of
6 this Act~~[the Cabinet for Health and Family Services]~~ shall provide, upon request, a
7 Medicaid fraud and abuse report that shall include but not be limited to the
8 following information from the prior fiscal year:

9 (a) The number and type of reports received in the Office of the Inspector
10 General in the Cabinet for Health and Family Services, from the Medicaid
11 fraud and abuse hotline categorized by recipient and provider groups; and

12 (b) The number and type of alleged Medicaid recipient fraud and abuse reports
13 which were opened for investigation by the Office of Inspector General and
14 their disposition.

15 ➔Section 91. KRS 218A.202 is amended to read as follows:

16 (1) The Cabinet for Health and Family Services shall establish and maintain an
17 electronic system for monitoring Schedules II, III, IV, and V controlled substances.
18 The cabinet may contract for the design, upgrade, or operation of this system if the
19 contract preserves all of the rights, privileges, and protections guaranteed to
20 Kentucky citizens under this chapter and the contract requires that all other aspects
21 of the system be operated in conformity with the requirements of this or any other
22 applicable state or federal law.

23 (2) A practitioner or a pharmacist authorized to prescribe or dispense controlled
24 substances to humans shall register with the cabinet to use the system provided for
25 in this section and shall maintain such registration continuously during the
26 practitioner's or pharmacist's term of licensure and shall not have to pay a fee or tax
27 specifically dedicated to the operation of the system.

- 1 (3) Every practitioner or pharmacy which dispenses a controlled substance to a person
2 in Kentucky, or to a person at an address in Kentucky, shall report to the Cabinet
3 for Health and Family Services the data required by this section, which includes the
4 reporting of any Schedule II controlled substance dispensed at a facility licensed by
5 the cabinet and a Schedule II through Schedule V controlled substance regardless of
6 dosage when dispensed by the emergency department of a hospital to an emergency
7 department patient. Reporting shall not be required for:
- 8 (a) A drug administered directly to a patient in a hospital, a resident of a health
9 care facility licensed under KRS Chapter 216B, a resident of a child-caring
10 facility as defined by KRS 199.011, or an individual in a jail, correctional
11 facility, or juvenile detention facility;
- 12 (b) A Schedule III through Schedule V controlled substance dispensed by a
13 facility licensed by the cabinet provided that the quantity dispensed is limited
14 to an amount adequate to treat the patient for a maximum of forty-eight (48)
15 hours and is not dispensed by the emergency department of a hospital; or
- 16 (c) A drug administered or dispensed to a research subject enrolled in a research
17 protocol approved by an institutional review board that has an active
18 federalwide assurance number from the United States Department of Health
19 and Human Services, Office for Human Research Protections, where the
20 research involves single, double, or triple blind drug administration or is
21 additionally covered by a certificate of confidentiality from the National
22 Institutes of Health.
- 23 (4) In addition to the data required by subsection (5) of this section, a Kentucky-
24 licensed acute care hospital or critical access hospital shall report to the cabinet all
25 positive toxicology screens that were performed by the hospital's emergency
26 department to evaluate the patient's suspected drug overdose.
- 27 (5) Data for each controlled substance that is reported shall include but not be limited

1 to the following:

- 2 (a) Patient identifier;
- 3 (b) National drug code of the drug dispensed;
- 4 (c) Date of dispensing;
- 5 (d) Quantity dispensed;
- 6 (e) Prescriber; and
- 7 (f) Dispenser.

8 (6) The data shall be provided in the electronic format specified by the Cabinet for
9 Health and Family Services unless a waiver has been granted by the cabinet to an
10 individual dispenser. The cabinet shall establish acceptable error tolerance rates for
11 data. Dispensers shall ensure that reports fall within these tolerances. Incomplete or
12 inaccurate data shall be corrected upon notification by the cabinet if the dispenser
13 exceeds these error tolerance rates.

14 (7) The Cabinet for Health and Family Services shall only disclose data to persons and
15 entities authorized to receive that data under this section. Disclosure to any other
16 person or entity, including disclosure in the context of a civil action where the
17 disclosure is sought either for the purpose of discovery or for evidence, is
18 prohibited unless specifically authorized by this section. The Cabinet for Health and
19 Family Services shall be authorized to provide data to:

- 20 (a) A designated representative of a board responsible for the licensure,
21 regulation, or discipline of practitioners, pharmacists, or other person who is
22 authorized to prescribe, administer, or dispense controlled substances and who
23 is involved in a bona fide specific investigation involving a designated person;
- 24 (b) Employees of the Commonwealth Office of the Inspector General established
25 in Section 87 of this Act and employees of the Cabinet for Health and Family
26 Services who have successfully completed training for the electronic system
27 and who have been approved to use the system, federal prosecutors, Kentucky

- 1 Commonwealth's attorneys and assistant Commonwealth's attorneys, county
2 attorneys and assistant county attorneys, a peace officer certified pursuant to
3 KRS 15.380 to 15.404, a certified or full-time peace officer of another state,
4 or a federal agent whose duty is to enforce the laws of this Commonwealth, of
5 another state, or of the United States relating to drugs and who is engaged in a
6 bona fide specific investigation involving a designated person;
- 7 (c) A state-operated Medicaid program in conformity with subsection (8) of this
8 section;
- 9 (d) A properly convened grand jury pursuant to a subpoena properly issued for
10 the records;
- 11 (e) A practitioner or pharmacist, or employee of the practitioner's or pharmacist's
12 practice acting under the specific direction of the practitioner or pharmacist,
13 who certifies that the requested information is for the purpose of:
- 14 1. Providing medical or pharmaceutical treatment to a bona fide current or
15 prospective patient;
 - 16 2. Reviewing data on controlled substances that have been reported for the
17 birth mother of an infant who is currently being treated by the
18 practitioner for neonatal abstinence syndrome, or has symptoms that
19 suggest prenatal drug exposure; or
 - 20 3. Reviewing and assessing the individual prescribing or dispensing
21 patterns of the practitioner or pharmacist or to determine the accuracy
22 and completeness of information contained in the monitoring system;
- 23 (f) The chief medical officer of a hospital or long-term-care facility, an employee
24 of the hospital or long-term-care facility as designated by the chief medical
25 officer and who is working under his or her specific direction, or a physician
26 designee if the hospital or facility has no chief medical officer, if the officer,
27 employee, or designee certifies that the requested information is for the

1 purpose of providing medical or pharmaceutical treatment to a bona fide
2 current or prospective patient or resident in the hospital or facility;

3 (g) In addition to the purposes authorized under paragraph (a) of this subsection,
4 the Kentucky Board of Medical Licensure, for any physician who is:

5 1. Associated in a partnership or other business entity with a physician
6 who is already under investigation by the Board of Medical Licensure
7 for improper prescribing or dispensing practices;

8 2. In a designated geographic area for which a trend report indicates a
9 substantial likelihood that inappropriate prescribing or dispensing may
10 be occurring; or

11 3. In a designated geographic area for which a report on another physician
12 in that area indicates a substantial likelihood that inappropriate
13 prescribing or dispensing may be occurring in that area;

14 (h) In addition to the purposes authorized under paragraph (a) of this subsection,
15 the Kentucky Board of Nursing, for any advanced practice registered nurse
16 who is:

17 1. Associated in a partnership or other business entity with a physician
18 who is already under investigation by the Kentucky Board of Medical
19 Licensure for improper prescribing or dispensing practices;

20 2. Associated in a partnership or other business entity with an advanced
21 practice registered nurse who is already under investigation by the
22 Board of Nursing for improper prescribing practices;

23 3. In a designated geographic area for which a trend report indicates a
24 substantial likelihood that inappropriate prescribing or dispensing may
25 be occurring; or

26 4. In a designated geographic area for which a report on a physician or
27 another advanced practice registered nurse in that area indicates a

1 substantial likelihood that inappropriate prescribing or dispensing may
2 be occurring in that area;

3 (i) A judge or a probation or parole officer administering a diversion or probation
4 program of a criminal defendant arising out of a violation of this chapter or of
5 a criminal defendant who is documented by the court as a substance abuser
6 who is eligible to participate in a court-ordered drug diversion or probation
7 program; or

8 (j) A medical examiner engaged in a death investigation pursuant to KRS 72.026.

9 (8) The Department for Medicaid Services shall use any data or reports from the
10 system for the purpose of identifying Medicaid providers or recipients whose
11 prescribing, dispensing, or usage of controlled substances may be:

12 (a) Appropriately managed by a single outpatient pharmacy or primary care
13 physician; or

14 (b) Indicative of improper, inappropriate, or illegal prescribing or dispensing
15 practices by a practitioner or drug seeking by a Medicaid recipient.

16 (9) A person who receives data or any report of the system from the cabinet shall not
17 provide it to any other person or entity except as provided in this section, in another
18 statute, or by order of a court of competent jurisdiction and only to a person or
19 entity authorized to receive the data or the report under this section, except that:

20 (a) A person specified in subsection (7)(b) of this section who is authorized to
21 receive data or a report may share that information with any other persons
22 specified in subsection (7)(b) of this section authorized to receive data or a
23 report if the persons specified in subsection (7)(b) of this section are working
24 on a bona fide specific investigation involving a designated person. Both the
25 person providing and the person receiving the data or report under this
26 paragraph shall document in writing each person to whom the data or report
27 has been given or received and the day, month, and year that the data or report

- 1 has been given or received. This document shall be maintained in a file by
2 each agency engaged in the investigation;
- 3 (b) A representative of the Department for Medicaid Services may share data or
4 reports regarding overutilization by Medicaid recipients with a board
5 designated in subsection (7)(a) of this section, or with a law enforcement
6 officer designated in subsection (7)(b) of this section;
- 7 (c) The Department for Medicaid Services may submit the data as evidence in an
8 administrative hearing held in accordance with KRS Chapter 13B;
- 9 (d) If a state licensing board as defined in KRS 218A.205 initiates formal
10 disciplinary proceedings against a licensee, and data obtained by the board is
11 relevant to the charges, the board may provide the data to the licensee and his
12 or her counsel, as part of the notice process required by KRS 13B.050, and
13 admit the data as evidence in an administrative hearing conducted pursuant to
14 KRS Chapter 13B, with the board and licensee taking all necessary steps to
15 prevent further disclosure of the data; and
- 16 (e) A practitioner, pharmacist, or employee who obtains data under subsection
17 (7)(e) of this section may share the report with the patient or person
18 authorized to act on the patient's behalf. Any practitioner, pharmacist, or
19 employee who obtains data under subsection (7)(e) of this section may place
20 the report in the patient's medical record, in which case the individual report
21 shall then be deemed a medical record subject to disclosure on the same terms
22 and conditions as an ordinary medical record in lieu of the disclosure
23 restrictions otherwise imposed by this section.
- 24 (10) The Cabinet for Health and Family Services, all peace officers specified in
25 subsection (7)(b) of this section, all officers of the court, and all regulatory agencies
26 and officers, in using the data for investigative or prosecution purposes, shall
27 consider the nature of the prescriber's and dispenser's practice and the condition for

1 which the patient is being treated.

2 (11) The data and any report obtained therefrom shall not be a public record, except that
3 the Department for Medicaid Services may submit the data as evidence in an
4 administrative hearing held in accordance with KRS Chapter 13B.

5 (12) Intentional failure to comply with the reporting requirements of this section shall be
6 a Class B misdemeanor for the first offense and a Class A misdemeanor for each
7 subsequent offense.

8 (13) Intentional disclosure of transmitted data to a person not authorized by subsections
9 (7) to (9) of this section or authorized by KRS 315.121, or obtaining information
10 under this section not relating to a bona fide current or prospective patient or a bona
11 fide specific investigation, shall be a Class B misdemeanor for the first offense and
12 a Class A misdemeanor for each subsequent offense.

13 (14) The Cabinet for Health and Family Services may, by promulgating an
14 administrative regulation, limit the length of time that data remain in the electronic
15 system. Any data removed from the system shall be archived and subject to
16 retrieval within a reasonable time after a request from a person authorized to review
17 data under this section.

18 (15) (a) The Cabinet for Health and Family Services shall work with each board
19 responsible for the licensure, regulation, or discipline of practitioners,
20 pharmacists, or other persons who are authorized to prescribe, administer, or
21 dispense controlled substances for the development of a continuing education
22 program about the purposes and uses of the electronic system for monitoring
23 established in this section.

24 (b) The cabinet shall work with the Kentucky Bar Association for the
25 development of a continuing education program for attorneys about the
26 purposes and uses of the electronic system for monitoring established in this
27 section.

- 1 (c) The cabinet shall work with the Justice and Public Safety Cabinet for the
2 development of a continuing education program for law enforcement officers
3 about the purposes and uses of the electronic system for monitoring
4 established in this section.
- 5 (16) If the cabinet becomes aware of a prescriber's or dispenser's failure to comply with
6 this section, the cabinet shall notify the licensing board or agency responsible for
7 licensing the prescriber or dispenser. The licensing board shall treat the notification
8 as a complaint against the licensee.
- 9 (17) The Cabinet for Health and Family Services, Office of Inspector General, shall
10 conduct quarterly reviews to identify patterns of potential improper, inappropriate,
11 or illegal prescribing or dispensing of a controlled substance. The Office of
12 Inspector General may independently investigate and submit findings and
13 recommendations to the appropriate boards of licensure or other reporting agencies.
- 14 (18) The cabinet shall promulgate administrative regulations to implement the
15 provisions of this section. Included in these administrative regulations shall be:
- 16 (a) An error resolution process allowing a patient to whom a report had been
17 disclosed under subsection (9) of this section to request the correction of
18 inaccurate information contained in the system relating to that patient; and
- 19 (b) A requirement that data be reported to the system under subsection (3) of this
20 section within one (1) day of dispensing.
- 21 (19) Before July 1, 2018, the Administrative Office of the Courts shall forward data
22 regarding any felony or Class A misdemeanor conviction that involves the
23 trafficking or possession of a controlled substance or other prohibited acts under
24 KRS Chapter 218A for the previous five (5) calendar years to the cabinet for
25 inclusion in the electronic monitoring system established under this section. On or
26 after July 1, 2018 such data shall be forwarded by the Administrative Office of the
27 Courts to the cabinet on a continuing basis. The cabinet shall incorporate the data

1 received into the system so that a query by patient name indicates any prior drug
2 conviction.

3 ➔Section 92. KRS 213.101 is amended to read as follows:

- 4 (1) Each abortion as defined in KRS 213.011 which occurs in the Commonwealth,
5 regardless of the length of gestation, shall be reported to the Vital Statistics Branch
6 by the person in charge of the institution within three (3) days after the end of the
7 month in which the abortion occurred. If the abortion was performed outside an
8 institution, the attending physician shall prepare and file the report within three (3)
9 days after the end of the month in which the abortion occurred.
- 10 (2) The report shall include all the information the physician is required to certify in
11 writing or determine under KRS 311.731, 311.732, 311.7704, 311.7705, 311.7706,
12 311.7707, 311.7735, 311.7736, 311.774, 311.782, and 311.783, and at a minimum:
- 13 (a) The full name and address of the physician who performed the abortion or
14 provided the abortion-inducing drug as defined in KRS 311.7731;
 - 15 (b) The address at which the abortion was performed or the address at which the
16 abortion-inducing drug was provided by a qualified physician, or the method
17 of obtaining the abortion-inducing drug if not provided by a qualified
18 physician, including mail order, Internet order, or by a telehealth provider in
19 which case identifying information for the pharmacy, Web site address, or the
20 telemedicine provider shall be included;
 - 21 (c) The names, serial numbers, National Drug Codes, lot numbers, and expiration
22 dates of the specific abortion-inducing drugs that were provided to the
23 pregnant patient and the dates each were provided;
 - 24 (d) The full name and address of the referring physician, agency, or service, if
25 any;
 - 26 (e) The pregnant patient's city or town, county, state, country of residence, and
27 zip code;

- 1 (f) The pregnant patient's age, race, and ethnicity;
- 2 (g) The age or approximate age of the father, if known;
- 3 (h) The total number and dates of each previous pregnancy, live birth, and
4 abortion of the pregnant patient;
- 5 (i) The probable gestational and post-fertilization ages of the unborn child, the
6 methods used to confirm the gestational and post-fertilization ages, and the
7 date determined;
- 8 (j) A list of any pre-existing medical conditions of the pregnant patient that may
9 complicate her pregnancy, if any, including hemorrhage, infection, uterine
10 perforation, cervical laceration, retained products, or any other condition;
- 11 (k) Whether the fetus was delivered alive and the length of time the fetus
12 survived;
- 13 (l) Whether the fetus was viable and, if viable, the medical reason for
14 termination;
- 15 (m) Whether a pathological examination of the fetus was performed;
- 16 (n) Whether the pregnant patient returned for a follow-up examination, the date
17 and results of any such follow-up examination, and what reasonable efforts
18 were made by the qualified physician to encourage the patient to reschedule a
19 follow-up examination if the appointment was missed;
- 20 (o) Whether the woman suffered any complications or adverse events as defined
21 in KRS 311.7731 and what specific complications or adverse events occurred,
22 and any follow-up treatment provided as required by KRS 311.774;
- 23 (p) Whether the pregnant patient was Rh negative and, if so, was provided with
24 an Rh negative information fact sheet and treated with the prevailing medical
25 standard of care to prevent harmful fetal or child outcomes or Rh
26 incompatibility in future pregnancies;
- 27 (q) The amount billed to cover the treatment for specific complications or adverse

1 events, including whether the treatment was billed to Medicaid, private
2 insurance, private pay, or other method. This should include ICD-10 codes
3 reported and charges for any physician, hospital, emergency room,
4 prescription or other drugs, laboratory tests, and any other costs for treatment
5 rendered;

6 (r) The reason for the abortion, if known, including abuse, coercion, harassment,
7 or trafficking; and

8 (s) Whether the pregnant patient was tested for sexually transmitted diseases
9 when providing the informed consent required in KRS 311.725 and 311.7735
10 twenty-four (24) hours before the abortion procedure or tested at the time of
11 the abortion procedure, and if the pregnant patient tested positive, was treated
12 or referred for treatment and follow-up care.

13 (3) The report shall not contain:

14 (a) The name of the pregnant patient;

15 (b) Common identifiers such as a Social Security number and motor vehicle
16 operator's license number; and

17 (c) Any other information or identifiers that would make it possible to ascertain
18 the patient's identity.

19 (4) If a person other than the physician described in this subsection makes or maintains
20 a record required by KRS 311.732, 311.7704, 311.7705, 311.7706, or 311.7707 on
21 the physician's behalf or at the physician's direction, that person shall comply with
22 the reporting requirement described in this subsection as if the person were the
23 physician.

24 (5) Each prescription issued for an abortion-inducing drug as defined in KRS 311.7731
25 for which the primary indication is the induction of abortion as defined in KRS
26 213.011 shall be reported to the Vital Statistics Branch within three (3) days after
27 the end of the month in which the prescription was issued as required by KRS

1 311.774, but the report shall not include information which will identify the woman
2 involved or anyone who may be picking up the prescription on behalf of the
3 woman.

4 (6) The name of the person completing the report and the reporting institution shall not
5 be subject to disclosure under KRS 61.870 to 61.884.

6 (7) By September 30 of each year, the Vital Statistics Branch shall issue a public report
7 that provides statistics on all data collected, including the type of abortion
8 procedure used, for the previous calendar year compiled from all of the reports
9 covering that calendar year submitted to the cabinet in accordance with this section
10 for each of the items listed in this section. Each annual report shall also provide
11 statistics for all previous calendar years in which this section was in effect, adjusted
12 to reflect any additional information from late or corrected reports. The Vital
13 Statistics Branch shall ensure that none of the information included in the report
14 could reasonably lead to the identification of any pregnant woman upon whom an
15 abortion was performed or attempted. Each annual report shall be made available
16 on the cabinet's Web site.

17 (8) (a) Any person or institution who fails to submit a report by the end of thirty (30)
18 days following the due date set in this section shall be subject to a late fee of
19 five hundred dollars (\$500) for each additional thirty (30) day period or
20 portion of a thirty (30) day period the report is overdue.

21 (b) Any person or institution who fails to submit a report, or who has submitted
22 only an incomplete report, more than one (1) year following the due date set
23 in this section, may in a civil action brought by the Vital Statistics Branch be
24 directed by a court of competent jurisdiction to submit a complete report
25 within a time period stated by court order or be subject to contempt of court.

26 (c) Failure by any physician to comply with the requirements of this section,
27 other than filing a late report, or to submit a complete report in accordance

1 with a court order shall subject the physician to KRS 311.595.

2 (9) Intentional falsification of any report required under this section is a Class A
3 misdemeanor.

4 (10) The Vital Statistics Branch shall promulgate administrative regulations in
5 accordance with KRS Chapter 13A to assist in compliance with this section.

6 (11) (a) The Commonwealth Office of the Inspector General, established in Section
7 87 of this Act~~[Cabinet for Health and Family Services]~~, shall annually audit
8 the required reporting of abortion-related information to the Vital Statistics
9 Branch in this section and KRS 213.172, and in so doing, shall function as a
10 health oversight agency of the Commonwealth for this specific purpose.

11 (b) The Commonwealth Office of the Inspector General established in Section
12 87 of this Act, shall ensure that none of the information included in the audit
13 report could reasonably lead to the identification of any pregnant woman upon
14 whom an abortion was performed or attempted.

15 (c) If any personally identifiable information is viewed or recorded by the
16 Commonwealth Office of the Inspector General in conducting an audit
17 authorized by this subsection, the information held by the Commonwealth
18 Office of the Inspector General shall not be subject to the Kentucky Open
19 Records Act, shall be confidential, and shall only be released upon court
20 order.

21 (d) The Commonwealth Office of the Inspector General shall submit a written
22 report to the General Assembly and the Attorney General by October 1 of
23 each year. The reports shall include findings from:

24 1. The audit required in this subsection, including any identified reporting
25 deficiencies; and

26 2. All abortion facility inspections, including any violations of KRS
27 216B.0431 and 216B.0435.

1 ➔Section 93. KRS 216.510 is amended to read as follows:

2 As used in KRS 216.515 to 216.530:

- 3 (1) "Long-term-care facilities" means those health-care facilities in the Commonwealth
4 which are defined by the Cabinet for Health and Family Services to be family-care
5 homes, personal-care homes, intermediate-care facilities, nursing facilities, nursing
6 homes, intermediate care facilities for individuals with intellectual disabilities, and
7 assisted living communities as defined in KRS 194A.700;
- 8 (2) "Resident" means any person who is admitted to a long-term-care facility as defined
9 in KRS 216.515 to 216.530 for the purpose of receiving personal care and
10 assistance;~~and~~
- 11 (3) "Cabinet" means the Cabinet for Health and Family Services; **and**
- 12 **(4) "Commonwealth Office of the Inspector General" means the Commonwealth**
13 **Office of the Inspector General established in Section 87 of this Act.**

14 ➔Section 94. KRS 216.530 is amended to read as follows:

- 15 (1) All inspections of long-term care facilities performed by the **Commonwealth Office**
16 **of the Inspector General**~~cabinet~~ shall be unannounced. All inspections of long-
17 term care facilities shall be conducted in accordance with the rules and regulations
18 promulgated by the **Commonwealth Office of the Inspector General**~~cabinet~~ in
19 accordance with KRS Chapter 13A setting forth the parameters of such inspections.
20 Except for complaint investigations, and except for assisted living communities,
21 personal care homes, and specialized personal care homes, inspections shall be
22 performed no later than seven (7) to fifteen (15) months after the previous
23 inspection.
- 24 (2) A person having knowledge of or conducting inspections of long-term care
25 facilities shall not, with intent to violate subsection (1) of this section, notify or
26 cause notice to be made to an owner, operator, licensee, or representative of a
27 licensee of any scheduled or contemplated inspection. A violation of this subsection

1 by a state employee shall be considered cause for dismissal under KRS Chapter
2 18A.

3 ➔Section 95. KRS 216.535 is amended to read as follows:

4 (1) As used in KRS 216.537 to 216.590:

5 (a) "Long-term care facilities" means those health care facilities in the
6 Commonwealth which are defined by the Cabinet for Health and Family
7 Services to be family care homes, personal care homes, intermediate care
8 facilities, nursing facilities, nursing homes, intermediate care facilities for
9 individuals with intellectual disabilities, and assisted living communities as
10 defined in KRS 194A.700;

11 (b) "Cabinet" means the Cabinet for Health and Family Services;

12 (c) "Resident" means any person admitted to a long-term care facility as defined
13 by this section;

14 (d) "Licensee" in the case of a licensee who is an individual means the individual,
15 and in the case of a licensee who is a corporation, partnership, or association
16 means the corporation, partnership, or association;

17 (e) "Secretary" means the secretary of the Cabinet for Health and Family
18 Services;

19 (f) "Long-term care ombudsman" means the person responsible for the operation
20 of a long-term care ombudsman program which investigates and resolves
21 complaints made by or on behalf of residents of long-term care facilities;~~f~~
22 ~~and~~

23 (g) "Willful interference" means an intentional, knowing, or purposeful act or
24 omission which hinders or impedes the lawful performance of the duties and
25 responsibilities of the ombudsman as set forth in this chapter; and

26 (h) "Commonwealth Office of the Inspector General" or "office" means the
27 Commonwealth Office of the Inspector General established in Section 87 of

1 *this Act.*

2 (2) The following information shall be available upon request of the affected Medicaid
3 recipient or responsible party:

4 (a) Business names, business addresses, and business telephone numbers of
5 operators and administrators of the facility; and

6 (b) Business names, business addresses, and business telephone numbers of staff
7 physicians and the directors of nursing.

8 (3) The following information shall be provided to the nursing facility patient upon
9 admission:

10 (a) Admission and discharge policies of the facility;

11 (b) Payment policies relevant to patients for all payor types; and

12 (c) Information developed and distributed to the nursing facility by the
13 Department for Medicaid Services, including but not limited to:

14 1. Procedures for implementation of all peer review organizations' reviews
15 and appeals processes;

16 2. Eligibility criteria for the state's Medical Assistance Program, including
17 circumstances when eligibility may be denied; and

18 3. Names and telephone numbers for case managers and all state long term
19 care ombudsmen.

20 ➔Section 96. KRS 216.555 is amended to read as follows:

21 (1) If upon inspection or investigation the *Commonwealth Office of the Inspector*
22 *General*~~[cabinet]~~ determines that a long-term care facility has violated the
23 regulations, standards, and requirements as set forth by the cabinet pursuant to the
24 provisions of KRS 216.510 to 216.525, or applicable federal laws and regulations
25 governing the certification of a long-term care facility under Title 18 or 19 of the
26 Social Security Act and such violation has been classified in KRS 216.557, the
27 *office*~~[cabinet]~~ shall immediately issue a citation to the licensee of the long-term

1 care facility. Each notice of violation shall be prepared in writing and shall specify
2 the nature of the violation, and the statutory provision or regulation alleged to have
3 been violated.

4 (2) Except as otherwise provided in this section, the results of a survey, inspection, or
5 investigation of a long-term care facility conducted by any state or federal
6 department or agency, including all statements of deficiencies, findings of
7 deficiency, and all plans of correction, shall not be used in an advertisement
8 publication, unless the advertisement publication includes all of the following:

- 9 (a) The date the survey, inspection, or investigation was conducted;
- 10 (b) A statement that a facility is required to submit a plan of correction in
11 response to a statement of deficiencies, if applicable;
- 12 (c) If a finding or deficiency cited in the statement of deficiencies has been
13 corrected, a statement that the finding or deficiency has been corrected and
14 the date that the finding or deficiency was corrected; and
- 15 (d) A statement that the advertisement publication is not authorized or endorsed
16 by the Cabinet for Health and Family Services, *Commonwealth* Office of *the*
17 Inspector General, the Centers for Medicare and Medicaid Services, or any
18 other government agency.

19 (3) This section does not prohibit the results of a survey, inspection, or investigation
20 conducted under this section from being used in an administrative proceeding or a
21 civil or criminal investigation or prosecution.

22 (4) The information required by subsection (2) of this section shall:

- 23 (a) Be in the same color, font, and size as the other language on or in the
24 advertisement publication; and
- 25 (b) Appear as prominent as other language used in the advertisement publication.

26 ➔Section 97. KRS 216.557 is amended to read as follows:

27 Citations issued pursuant to KRS 216.537 to 216.590 shall be classified according to the

1 nature of the violation as follows:

2 (1) Type "A" violation means a violation by a long-term care facility of the regulation,
3 standards, and requirements as set forth by the cabinet pursuant to KRS 216.563 or
4 the provisions of KRS 216.510 to 216.525, or applicable federal laws and
5 regulations governing the certification of a long-term care facility under Title 18 or
6 19 of the Social Security Act, which presents an imminent danger to any resident of
7 a long-term care facility and creates substantial risk that death or serious mental or
8 physical harm to a resident will occur. A Type A violation shall be abated or
9 eliminated immediately, unless a fixed period of time not to exceed ten (10) days,
10 as determined by the office~~[cabinet]~~, is required for correction. A Type A violation
11 is subject to a civil penalty in an amount not less than one thousand dollars (\$1,000)
12 nor more than five thousand dollars (\$5,000) for each and every violation. A facility
13 that is assessed a civil monetary penalty in accordance with applicable federal laws
14 and regulations under Title 18 or 19 of the Federal Social Security Act shall not be
15 subject to the civil monetary penalty established in this subsection for the same
16 violation; and

17 (2) Type "B" violation means a violation by a long-term care facility of the regulations,
18 standards, and requirements as set forth by the cabinet pursuant to KRS 216.563 or
19 the provisions of KRS 216.510 to 216.525, or applicable federal laws and
20 regulations governing the certification of a long-term care facility under Title 18 or
21 19 of the Social Security Act, which presents a direct or immediate relationship to
22 the health, safety, or security of any resident, but which does not create an
23 imminent danger. A Type B violation is subject to a civil penalty in an amount not
24 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for
25 each and every violation. A citation for a Type B violation shall specify the time
26 within which the violation is required to be corrected as approved or determined by
27 the office~~[cabinet]~~. If a Type B violation is corrected within the time specified, no

1 civil penalty shall be imposed. A facility that is assessed a civil monetary penalty in
2 accordance with applicable federal laws and regulations under Title 18 or 19 of the
3 Federal Social Security Act shall not be subject to the civil monetary penalty
4 established in this subsection for the same violation.

5 This section shall not apply to assisted living communities licensed pursuant to KRS
6 194A.700 to 194A.729.

7 ➔Section 98. KRS 216.560 is amended to read as follows:

8 (1) If a licensee has failed to correct a Type A violation within the time specified for
9 correction by the office~~[cabinet]~~, the office~~[cabinet]~~ shall assess the licensee a civil
10 penalty in the amount of five hundred dollars (\$500) for each day that the
11 deficiency continues beyond the date specified for correction. Application for an
12 extension of time, not to exceed ten (10) days, may be granted by the
13 office~~[cabinet]~~ upon a showing by the licensee that adequate arrangements have
14 been made to protect the health and safety of the residents. A facility that is
15 assessed a civil monetary penalty in accordance with applicable federal laws and
16 regulations under Title 18 or 19 of the Federal Social Security Act shall not be
17 subject to the civil monetary penalty established in this subsection for the same
18 violation.

19 (2) If a licensee has failed to correct a Type B violation within the time specified for
20 correction by the office~~[cabinet]~~, the office~~[cabinet]~~ shall assess the licensee a civil
21 penalty in the amount of two hundred dollars (\$200) for each day that the
22 deficiency continues beyond the date specified for correction. Application for an
23 extension of time, not to exceed (10) days, may be granted by the office~~[cabinet]~~
24 upon a showing by the licensee that adequate arrangements have been made to
25 protect the health and safety of the residents. A facility that is assessed a civil
26 monetary penalty in accordance with applicable federal laws and regulations under
27 Title 18 or 19 of the Federal Social Security Act shall not be subject to the civil

1 monetary penalty established in this subsection for the same violation.

2 (3) The civil penalties authorized by KRS 216.537 to 216.590 shall be trebled when a
3 licensee has received a citation for violating a statute or regulation for which it has
4 received a citation during the previous twelve (12) months.

5 (4) Payment of penalties shall not be made from moneys used for direct patient care nor
6 shall the payment of penalties be a reimbursable cost under Medicaid or Medicare.

7 (5) KRS 216B.990(3) shall not apply to the offenses defined herein.

8 (6) A personal care home that is assessed a civil monetary penalty for a Type A or
9 Type B citation shall have the amount of the penalty reduced by the dollar amount
10 that the facility can verify was used to correct the deficiency, if:

11 (a) The condition resulting in the deficiency citation existed for less than thirty
12 (30) days prior to the date of the citation; or

13 (b) The facility has not intentionally delayed correcting the deficiency to secure a
14 reduction in a penalty that might subsequently be assessed.

15 (7) All administrative fines collected by the office~~[cabinet]~~ pursuant to KRS 216.537 to
16 216.590 shall be deposited in the Kentucky nursing incentive scholarship fund,
17 which is hereby created, and the balance of that fund shall not lapse at the end of
18 the fiscal year to the general fund.

19 (8) This section shall not apply to assisted living communities licensed under KRS
20 194A.700 to 194A.729.

21 ➔Section 99. KRS 216.565 is amended to read as follows:

22 (1) In determining the amount of the initial penalty to be imposed under KRS 216.537
23 to 216.590, the office~~[cabinet]~~ shall consider at least the following factors:

24 (a) The gravity of the violation, including the probability that death or serious
25 physical or mental harm to a resident will result or has resulted; the severity of
26 the actual or potential harm, and the extent to which the provisions of the
27 applicable statutes or regulations were violated;

- 1 (b) The reasonable diligence exercised by the licensee and efforts to correct
2 violations;
- 3 (c) The number and type of previous violations committed by the licensee; and
- 4 (d) The amount of assessment necessary to insure immediate and continued
5 compliance.

6 (2) This section shall not apply to assisted living communities licensed under KRS
7 194A.700 to 194A.729.

8 ➔Section 100. KRS 216.573 is amended to read as follows:

9 (1) The office~~[cabinet]~~ may institute injunctive proceedings in Circuit Court to enforce
10 the provisions of KRS 216.537 to 216.590 or to terminate the operation of a long-
11 term care facility where any of the following exists:

- 12 (a) Failure of the licensee to take appropriate action to correct a Type A or B
13 violation; or
- 14 (b) Failure of the licensee to abide by any final order of the cabinet once it has
15 become effective and binding.

16 (2) Such injunctive relief may include temporary and permanent injunction.

17 (3) The office~~[cabinet]~~ may institute injunctive proceedings to enforce KRS 194A.700
18 to 194A.729 only under subsection (1)(b) of this section.

19 ➔Section 101. KRS 216.575 is amended to read as follows:

20 Any employee of the cabinet or office who gives or causes to be given any advance
21 notice to any long-term care facility, directly or indirectly, that an inspection or
22 investigation is under consideration or is impending, unless specifically mandated by
23 federal or state regulations to give advance notice, may be subject to dismissal,
24 suspension or demotion.

25 ➔Section 102. KRS 216.577 is amended to read as follows:

26 (1) Upon a finding that conditions in a long-term care facility constitute a Type A
27 violation, and the licensee fails to correct the violation within the time specified for

1 correction by the ~~office~~^{cabinet}, the secretary of the cabinet shall take at least one
 2 (1) of the following actions with respect to the facility in addition to the issuance of
 3 a citation, or the assessment of a civil penalty therefor:

- 4 (a) Institute proceedings to obtain an order compelling compliance with the
 5 regulations, standards, or requirements as set forth by the Cabinet for Health
 6 and Family Services, the provisions of KRS 216.510 to 216.525, or applicable
 7 federal laws and regulations governing the certification of a long-term care
 8 facility under Title 18 or 19 of the Social Security Act;
- 9 (b) Institute injunctive proceedings in Circuit Court to terminate the operation of
 10 the facility; or
- 11 (c) Selectively transfer residents whose care needs are not being adequately met
 12 by the long-term care facility.

13 (2) This section shall not apply to assisted living communities licensed under KRS
 14 194A.700 to 194A.729.

15 ➔Section 103. KRS 216.590 is amended to read as follows:

16 The ~~office~~^{cabinet} shall provide training for surveyors and investigators who perform
 17 duties related to KRS 216.537 to 216.590.

18 ➔Section 104. KRS 216.597 is amended to read as follows:

19 (1) As used in this section:

20 (a) "Cabinet" means the Cabinet for Health and Family Services;

21 **(b) "Commonwealth Office of the Inspector General" means the**
 22 **Commonwealth Office of the Inspector General established in Section 87 of**
 23 **this Act;**

24 ~~(c)~~^(b) "Personal care home" or "PCH" means an establishment located in a
 25 permanent building that does not comply with the physical plant requirements
 26 of KRS 194A.703, has resident beds, and provides:

27 1. Supervision of residents;

- 1 2. Basic health and health-related services;
- 2 3. Personal care services;
- 3 4. Residential care services; and
- 4 5. Social and recreational activities; and

5 ~~(d)~~~~(e)~~ "Specialized personal care home" or "SPCH" means a personal care
6 home that:

- 7 1. Participates in the mental illness or intellectual disability supplement
8 program pursuant to administrative regulations promulgated by the
9 cabinet; or
- 10 2. Serves residents with thirty-five percent (35%) or more having a serious
11 mental illness as defined by administrative regulations promulgated by
12 the cabinet.

13 (2) A resident in a PCH or SPCH shall:

- 14 (a) Be admitted in accordance with KRS 216.765;
- 15 (b) Be ambulatory as defined by KRS 194A.700;
- 16 (c) Be able to manage most of the activities of daily living; and
- 17 (d) Have care needs that do not exceed the capability of the PCH or SPCH.

18 (3) An individual who is nonambulatory as defined in KRS 194A.700 shall not be
19 eligible for residence in a PCH or SPCH.

20 (4) A PCH or SPCH may provide services to a resident who is deemed to have a
21 temporary condition as defined in KRS 194A.700.

22 (5) (a) Residents of a PCH or SPCH may arrange for additional services under direct
23 contract or arrangement with an outside agent, professional, provider, or other
24 individual designated by the resident if permitted by the policies of the PCH
25 or SPCH.

26 (b) Permitted services for which a resident may arrange or contract include but
27 are not limited to health services, hospice services provided by a hospice

- 1 program licensed under KRS Chapter 216B, and other end-of-life services.
- 2 (6) (a) Staffing in a PCH or SPCH shall be sufficient in number and qualification to
3 meet the twenty-four (24) hour scheduled needs of each resident.
- 4 (b) One (1) awake staff member shall be on site at each licensed entity at all
5 times.
- 6 (c) When a resident requires hands-on assistance of another person to walk,
7 transfer, or move from place to place with or without an assistive device, the
8 PCH or SPCH shall have a policy that describes how priority will be given by
9 staff sufficient to assist that resident during times of emergency when
10 evacuation may be necessary.
- 11 (7) (a) The cabinet shall promulgate administrative regulations in accordance with
12 KRS Chapter 13A to establish an initial and relicensure review process for
13 personal care homes or specialized personal care homes. Administrative
14 regulations shall establish procedures related to applying for, reviewing, and
15 approving, denying, or revoking licensure, as well as the conduct of hearings
16 upon appeals as governed by KRS Chapter 216B.
- 17 (b) Notwithstanding any provision of law to the contrary, the cabinet may request
18 additional relevant information from a personal care home or specialized
19 personal care home or conduct additional on-site visits to ensure compliance
20 with the provisions of this chapter and other applicable statutes and
21 administrative regulations if the cabinet has reasonable cause to believe that
22 the personal care home or specialized personal care home is not in
23 compliance.
- 24 (c) Notwithstanding KRS 216.530, the Commonwealth Office of the Inspector
25 General~~[cabinet]~~ shall conduct an on-site visit of a personal care home or
26 specialized personal care home:
- 27 1. As part of the initial licensure review process;

- 1 2. Twenty-four (24) months following the date of the previous licensure
2 review, if during the previous licensure review a personal care home or
3 specialized personal care home was not found to have violated an
4 administrative regulation set forth by the cabinet that presented
5 imminent danger to a resident that created substantial risk of death or
6 serious mental or physical harm; and
- 7 3. Twelve (12) months following the date of the previous licensure review,
8 if during the previous licensure review a personal care home or
9 specialized personal care home was found to have violated an
10 administrative regulation set forth by the cabinet that presented
11 imminent danger to a resident that created substantial risk of death or
12 serious mental or physical harm.

13 ➔SECTION 105. A NEW SECTION OF KRS CHAPTER 43 IS CREATED TO
14 READ AS FOLLOWS:

15 *The Commonwealth Office of the Ombudsman is hereby created and is an independent*
16 *office that shall be administratively attached to the Auditor of Public Accounts. The*
17 *Auditor shall appoint an executive director of the Commonwealth Office of the*
18 *Ombudsman. The Commonwealth Office of the Ombudsman shall:*

- 19 *(1) Investigate, upon complaint or on its own initiative, any administrative act of an*
20 *organizational unit, employee, or contractor of the Cabinet for Health and*
21 *Family Services without regard to the finality of the administrative act.*
22 *Organizational units, employees, or contractors of the Cabinet for Health and*
23 *Family Services shall not willfully obstruct an investigation, restrict access to*
24 *records or personnel, or retaliate against a complainant or cabinet employee;*
- 25 *(2) Make recommendations that resolve citizen complaints about the Cabinet for*
26 *Health and Family Services and improve the cabinet's performance and may*
27 *require corrective action when policy violations are identified;*

- 1 (3) Provide evaluation and information analysis of the Cabinet for Health and
2 Family Service's performance and compliance with state and federal law;
- 3 (4) Place an emphasis on research and best practices, program accountability,
4 quality service delivery, and improved performance of the Cabinet for Health and
5 Family Services;
- 6 (5) Provide information on how to contact the office for public posting at all offices
7 where Department for Community Based Services of the Cabinet for Health and
8 Family Services employees or contractors work, at any facility where a child in
9 the custody of the cabinet resides, and to all cabinet or contracted foster parents;
- 10 (6) Report to the Commonwealth Office of the Inspector General for review and
11 investigation:
- 12 (a) Any charge or case against an employee of the Cabinet for Health and
13 Family Services where it has cause to believe the employee has engaged in
14 dishonest, unethical, or illegal conduct or practices related to his or her job
15 duties; or
- 16 (b) A violation of state law or administrative regulation by any organization or
17 individual regulated by or contracted with the cabinet;
- 18 (7) Compile a report of all citizen complaints about programs or services of the
19 cabinet for health and family services and a summary of resolution of the
20 complaints and submit the report upon request to the Interim Joint Committee on
21 Health, Welfare, and Family Services; and
- 22 (8) Provide information to the Office of the Attorney General, when requested,
23 related to substantiated violations of state law against an employee or contractor
24 of the Cabinet for Health and Family Services or a foster or adoptive parent.

25 ➔Section 106. KRS 209.005 is amended to read as follows:

- 26 (1) The Cabinet for Health and Family Services shall create an Elder Abuse Committee
27 to develop a model protocol on elder abuse and neglect in the Commonwealth, that

1 shall be comprised of various agency representatives that include but are not limited
2 to:

- 3 (a) The Department for Community Based Services;
- 4 (b) The Department for Public Health;
- 5 (c) The Department for Behavioral Health, Developmental and Intellectual
6 Disabilities;
- 7 (d) The Department for Aging and Independent Living;
- 8 (e) The Office of Inspector General's Division of Health Care;
- 9 (f) The Commonwealth Office of the Ombudsman;
- 10 (g) Area Agencies on Aging;
- 11 (h) Local and state law enforcement official; and
- 12 (i) Prosecutors.

13 (2) The committee shall address issues of prevention, intervention, investigation, and
14 agency coordination of services on a state and local level through interaction with
15 local groups or entities that either directly or indirectly provide services to the elder
16 population, including but not limited to:

- 17 (a) Senior citizen centers;
- 18 (b) Local governmental human service groups;
- 19 (c) The Sanders-Brown Center on Aging at the University of Kentucky;
- 20 (d) Long-Term Care Ombudsmen; and
- 21 (e) Other organizations or associations dedicated to serving elder citizens and
22 their families in the Commonwealth.

23 (3) The committee shall:

- 24 (a) Recommend a model protocol for the joint multidisciplinary investigation of
25 reports of suspected abuse, neglect, or exploitation of the elderly;
- 26 (b) Recommend practices to assure timely reporting of referrals of abuse, neglect,
27 or exploitation required under KRS 209.030(12);

- 1 (c) Explore the need for a comprehensive statewide resource directory of services
2 for the elderly;
- 3 (d) Enhance existing public awareness campaigns for elder abuse and neglect;
4 and
- 5 (e) Provide forums for the exchange of information to educate the elder
6 population and their families on the rights of elders.

7 (4) The committee shall produce an annual report of their activities, products, and
8 recommendations for public policy to the Governor and the Legislative Research
9 Commission.

10 ➔Section 107. KRS 212.230 is amended to read as follows:

11 (1) County, city-county, and district boards of health shall:

- 12 (a) Appoint a health officer and fix his salary subject to the approval of the
13 Cabinet for Health and Family Services;
- 14 (b) Hold a regular meeting at least once every three (3) months, except that
15 county or city-county boards whose counties are members of a district health
16 department shall hold a regular meeting at least once every twelve (12)
17 months, and other special or regular meetings as desired and keep full minutes
18 of all the proceedings in a book provided for this purpose;
- 19 (c) Adopt, except as otherwise provided by law, administrative regulations not in
20 conflict with the administrative regulations of the Cabinet for Health and
21 Family Services necessary to protect the health of the people or to effectuate
22 the purposes of this chapter or any other law relating to public health;
- 23 (d) Act in a general advisory capacity to the health officer on all matters relating
24 to the local department of health;
- 25 (e) Provide information regarding the Commonwealth Office of the^[cabinet's]
26 Ombudsman to all applicants;
- 27 (f) Hear and decide appeals from rulings, decisions, and actions of the local

1 health department or health officer, in accordance with KRS Chapter 13B, if
2 the aggrieved party makes written request therefor to the board within thirty
3 (30) days after the ruling, decision, or action complained of. In hearing
4 appeals regarding on-site wastewater permitting, the local health board shall
5 utilize the expertise of the regional on-site wastewater consultants employed
6 by the Department for Public Health;

7 (g) Provide all information on on-site wastewater systems to the cabinet for
8 incorporation into the statewide database as provided for in KRS 211.350(1);
9 and

10 (h) Perform all other functions necessary to carry out the provisions of law and
11 the regulations adopted pursuant thereto, relating to local boards of health;
12 and

13 (2) Except as otherwise provided in subsection (1), all powers and authority of the local
14 board of health under existing statutes are transferred to the county department of
15 health.

16 ➔Section 108. KRS 224.46-335 is amended to read as follows:

17 (1) The cabinet shall establish by administrative regulation an environmental leadership
18 program for those facilities meeting the pollution prevention goal established in
19 KRS 224.46-305. The program shall provide incentives to acknowledge the
20 environmental leadership of those facilities. The program may include provisions to
21 address:

22 (a) Public recognition of a facility for meeting "state of the art" standards for
23 environmental leadership;

24 (b) Accelerated review of a facility's applications for permits, permit renewals,
25 and permit modifications;

26 (c) "Green product" labeling for products produced by a facility;

27 (d) Compliance credit given in later enforcement action taken against a facility;

- 1 (e) Reduced frequency of monitoring or reporting by a facility;
- 2 (f) Consolidation of requirements into one (1) permit;
- 3 (g) Reduction or elimination of fees paid to the cabinet for permits, releases of
- 4 toxic chemicals, or generation of hazardous waste;
- 5 (h) Access to the Commonwealth Office of the~~[cabinet]~~ Ombudsman who will
- 6 assist in cutting red tape; and
- 7 (i) Offset of voluntary actions against future regulatory requirements.
- 8 (2) The administrative regulations shall not violate a statutory or regulatory
- 9 requirement or impair the cabinet's ability to administer a federally-delegated or
- 10 federally-funded program.

11 ➔Section 109. KRS 12.020 is amended to read as follows:

12 Departments, program cabinets and their departments, and the respective major

13 administrative bodies that they include are enumerated in this section. It is not intended

14 that this enumeration of administrative bodies be all-inclusive. Every authority, board,

15 bureau, interstate compact, commission, committee, conference, council, office, or any

16 other form of organization shall be included in or attached to the department or program

17 cabinet in which they are included or to which they are attached by statute or statutorily

18 authorized executive order; except in the case of the Personnel Board and where the

19 attached department or administrative body is headed by a constitutionally elected

20 officer, the attachment shall be solely for the purpose of dissemination of information and

21 coordination of activities and shall not include any authority over the functions,

22 personnel, funds, equipment, facilities, or records of the department or administrative

23 body.

24 I. Cabinet for General Government - Departments headed by elected officers:

- 25 (1) The Governor.
- 26 (2) Lieutenant Governor.
- 27 (3) Department of State.

- 1 (a) Secretary of State.
- 2 (b) Board of Elections.
- 3 (c) Registry of Election Finance.
- 4 (4) Department of Law.
- 5 (a) Attorney General.
- 6 (5) Department of the Treasury.
- 7 (a) Treasurer.
- 8 (6) Department of Agriculture.
- 9 (a) Commissioner of Agriculture.
- 10 (b) Agricultural Development Board.
- 11 (c) Kentucky Agricultural Finance Corporation.
- 12 (7) Auditor of Public Accounts.
- 13 **(a) Commonwealth Office of the Ombudsman.**

14 II. Program cabinets headed by appointed officers:

- 15 (1) Justice and Public Safety Cabinet:
 - 16 (a) Department of Kentucky State Police.
 - 17 1. Office of Administrative Services.
 - 18 a. Division of Operational Support.
 - 19 b. Division of Management Services.
 - 20 2. Office of Operations.
 - 21 a. Division of West Troops.
 - 22 b. Division of East Troops.
 - 23 c. Division of Special Enforcement.
 - 24 d. Division of Commercial Vehicle Enforcement.
 - 25 3. Office of Technical Services.
 - 26 a. Division of Forensic Sciences.
 - 27 b. Division of Information Technology.

- 1 (b) Department of Criminal Justice Training.
- 2 (c) Department of Corrections.
- 3 (d) Department of Juvenile Justice.
- 4 (e) Office of the Secretary.
- 5 (f) Office of Drug Control Policy.
- 6 (g) Office of Legal Services.
- 7 (h) Office of the Kentucky State Medical Examiner.
- 8 (i) Parole Board.
- 9 (j) Kentucky State Corrections Commission.
- 10 (k) Office of Legislative and Intergovernmental Services.
- 11 (l) Office of Human Resource Management.
 - 12 1. Division of Human Resource Administration.
 - 13 2. Division of Employee Management.
- 14 (m) Department of Public Advocacy.
- 15 (n) Office of Communications.
 - 16 1. Information Technology Services Division.
- 17 (o) Office of Financial Management Services.
 - 18 1. Division of Financial Management.
- 19 (p) Grants Management Division.
- 20 (2) Energy and Environment Cabinet:
 - 21 (a) Office of the Secretary.
 - 22 1. Office of Legislative and Intergovernmental Affairs.
 - 23 2. Office of Legal Services.
 - 24 a. Legal Division I.
 - 25 b. Legal Division II.
 - 26 3. Office of Administrative Hearings.
 - 27 4. Office of Communication.

- 1 5. Mine Safety Review Commission.
- 2 6. Office of Kentucky Nature Preserves.
- 3 7. Kentucky Public Service Commission.
- 4 (b) Department for Environmental Protection.
- 5 1. Office of the Commissioner.
- 6 2. Division for Air Quality.
- 7 3. Division of Water.
- 8 4. Division of Environmental Program Support.
- 9 5. Division of Waste Management.
- 10 6. Division of Enforcement.
- 11 7. Division of Compliance Assistance.
- 12 (c) Department for Natural Resources.
- 13 1. Office of the Commissioner.
- 14 2. Division of Mine Permits.
- 15 3. Division of Mine Reclamation and Enforcement.
- 16 4. Division of Abandoned Mine Lands.
- 17 5. Division of Oil and Gas.
- 18 6. Division of Mine Safety.
- 19 7. Division of Forestry.
- 20 8. Division of Conservation.
- 21 9. Office of the Reclamation Guaranty Fund.
- 22 (d) Office of Energy Policy.
- 23 1. Division of Energy Assistance.
- 24 (e) Office of Administrative Services.
- 25 1. Division of Human Resources Management.
- 26 2. Division of Financial Management.
- 27 3. Division of Information Services.

- 1 (3) Public Protection Cabinet.
- 2 (a) Office of the Secretary.
- 3 1. Office of Communications and Public Outreach.
- 4 2. Office of Legal Services.
- 5 a. Insurance Legal Division.
- 6 b. Charitable Gaming Legal Division.
- 7 c. Alcoholic Beverage Control Legal Division.
- 8 d. Housing, Buildings and Construction Legal Division.
- 9 e. Financial Institutions Legal Division.
- 10 f. Professional Licensing Legal Division.
- 11 3. Office of Administrative Hearings.
- 12 4. Office of Administrative Services.
- 13 a. Division of Human Resources.
- 14 b. Division of Fiscal Responsibility.
- 15 (b) Office of Claims and Appeals.
- 16 1. Board of Tax Appeals.
- 17 2. Board of Claims.
- 18 3. Crime Victims Compensation Board.
- 19 (c) Kentucky Boxing and Wrestling Commission.
- 20 (d) Kentucky Horse Racing Commission.
- 21 1. Office of Executive Director.
- 22 a. Division of Pari-mutuel Wagering and Compliance.
- 23 b. Division of Stewards.
- 24 c. Division of Licensing.
- 25 d. Division of Enforcement.
- 26 e. Division of Incentives and Development.
- 27 f. Division of Veterinary Services.

- 1 (e) Department of Alcoholic Beverage Control.
- 2 1. Division of Distilled Spirits.
- 3 2. Division of Malt Beverages.
- 4 3. Division of Enforcement.
- 5 (f) Department of Charitable Gaming.
- 6 1. Division of Licensing and Compliance.
- 7 2. Division of Enforcement.
- 8 (g) Department of Financial Institutions.
- 9 1. Division of Depository Institutions.
- 10 2. Division of Non-Depository Institutions.
- 11 3. Division of Securities.
- 12 (h) Department of Housing, Buildings and Construction.
- 13 1. Division of Fire Prevention.
- 14 2. Division of Plumbing.
- 15 3. Division of Heating, Ventilation, and Air Conditioning.
- 16 4. Division of Building Code Enforcement.
- 17 (i) Department of Insurance.
- 18 1. Division of Health and Life Insurance and Managed Care.
- 19 2. Division of Property and Casualty Insurance.
- 20 3. Division of Administrative Services.
- 21 4. Division of Financial Standards and Examination.
- 22 5. Division of Licensing.
- 23 6. Division of Insurance Fraud Investigation.
- 24 7. Division of Consumer Protection.
- 25 (j) Department of Professional Licensing.
- 26 1. Real Estate Authority.
- 27 (4) Transportation Cabinet:

- 1 (a) Department of Highways.
 - 2 1. Office of Project Development.
 - 3 2. Office of Project Delivery and Preservation.
 - 4 3. Office of Highway Safety.
 - 5 4. Highway District Offices One through Twelve.
- 6 (b) Department of Vehicle Regulation.
- 7 (c) Department of Aviation.
- 8 (d) Department of Rural and Municipal Aid.
 - 9 1. Office of Local Programs.
 - 10 2. Office of Rural and Secondary Roads.
- 11 (e) Office of the Secretary.
 - 12 1. Office of Public Affairs.
 - 13 2. Office for Civil Rights and Small Business Development.
 - 14 3. Office of Budget and Fiscal Management.
 - 15 4. Office of Inspector General.
 - 16 5. Secretary's Office of Safety.
- 17 (f) Office of Support Services.
- 18 (g) Office of Transportation Delivery.
- 19 (h) Office of Audits.
- 20 (i) Office of Human Resource Management.
- 21 (j) Office of Information Technology.
- 22 (k) Office of Legal Services.
- 23 (5) Cabinet for Economic Development:
 - 24 (a) Office of the Secretary.
 - 25 1. Office of Legal Services.
 - 26 2. Department for Business Development.
 - 27 3. Department for Financial Services.

- 1 a. Kentucky Economic Development Finance Authority.
- 2 b. Finance and Personnel Division.
- 3 c. IT and Resource Management Division.
- 4 d. Compliance Division.
- 5 e. Incentive Administration Division.
- 6 f. Bluegrass State Skills Corporation.
- 7 4. Office of Marketing and Public Affairs.
- 8 a. Communications Division.
- 9 b. Graphics Design Division.
- 10 5. Office of Workforce, Community Development, and Research.
- 11 6. Office of Entrepreneurship and Small Business Innovation.
- 12 a. Commission on Small Business Innovation and Advocacy.

13 (6) Cabinet for Health and Family Services:

- 14 (a) Office of the Secretary.
- 15 1. ~~{Office of the Ombudsman and Administrative Review.~~
- 16 ~~2.}Office of Public Affairs.~~
- 17 ~~2.}{3.}Office of Legal Services.~~
- 18 ~~3.}{4.}Office of Inspector General.~~
- 19 ~~4.}{5.}Office of Human Resource Management.~~
- 20 ~~5.}{6.}Office of Finance and Budget.~~
- 21 ~~6.}{7.}Office of Legislative and Regulatory Affairs.~~
- 22 ~~7.}{8.}Office of Administrative Services.~~
- 23 ~~8.}{9.}Office of Application Technology Services.~~
- 24 ~~9.}{10.} Office of Data Analytics.~~
- 25 (b) Department for Public Health.
- 26 (c) Department for Medicaid Services.
- 27 (d) Department for Behavioral Health, Developmental and Intellectual

- 1 Disabilities.
- 2 (e) Department for Aging and Independent Living.
- 3 (f) Department for Community Based Services.
- 4 (g) ~~Department for Income Support.~~
- 5 ~~(h) Department for Family Resource Centers and Volunteer Services.~~
- 6 ~~[(i) Office for Children with Special Health Care Needs.]~~
- 7 (7) Finance and Administration Cabinet:
- 8 (a) Office of the Secretary.
- 9 (b) Office of the Inspector General.
- 10 (c) Office of Legislative and Intergovernmental Affairs.
- 11 (d) Office of General Counsel.
- 12 (e) Office of the Controller.
- 13 (f) Office of Administrative Services.
- 14 (g) Office of Policy and Audit.
- 15 (h) Department for Facilities and Support Services.
- 16 (i) Department of Revenue.
- 17 (j) Commonwealth Office of Technology.
- 18 (k) State Property and Buildings Commission.
- 19 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 20 (m) Kentucky Employees Retirement Systems.
- 21 (n) Commonwealth Credit Union.
- 22 (o) State Investment Commission.
- 23 (p) Kentucky Housing Corporation.
- 24 (q) Kentucky Local Correctional Facilities Construction Authority.
- 25 (r) Kentucky Turnpike Authority.
- 26 (s) Historic Properties Advisory Commission.
- 27 (t) Kentucky Higher Education Assistance Authority.

- 1 (u) Kentucky River Authority.
- 2 (v) Kentucky Teachers' Retirement System Board of Trustees.
- 3 (w) Executive Branch Ethics Commission.
- 4 (x) Office of Fleet Management.
- 5 (8) Tourism, Arts and Heritage Cabinet:
- 6 (a) Kentucky Department of Tourism.
- 7 1. Division of Tourism Services.
- 8 2. Division of Marketing and Administration.
- 9 3. Division of Communications and Promotions.
- 10 (b) Kentucky Department of Parks.
- 11 1. Division of Information Technology.
- 12 2. Division of Human Resources.
- 13 3. Division of Financial Operations.
- 14 4. Division of Purchasing.
- 15 5. Division of Facilities.
- 16 6. Division of Park Operations.
- 17 7. Division of Sales, Marketing, and Customer Service.
- 18 8. Division of Engagement.
- 19 9. Division of Food Services.
- 20 10. Division of Rangers.
- 21 (c) Department of Fish and Wildlife Resources.
- 22 1. Division of Law Enforcement.
- 23 2. Division of Administrative Services.
- 24 3. Division of Engineering, Infrastructure, and Technology.
- 25 4. Division of Fisheries.
- 26 5. Division of Information and Education.
- 27 6. Division of Wildlife.

- 1 7. Division of Marketing.
- 2 (d) Kentucky Horse Park.
- 3 1. Division of Support Services.
- 4 2. Division of Buildings and Grounds.
- 5 3. Division of Operational Services.
- 6 (e) Kentucky State Fair Board.
- 7 1. Office of Administrative and Information Technology Services.
- 8 2. Office of Human Resources and Access Control.
- 9 3. Division of Expositions.
- 10 4. Division of Kentucky Exposition Center Operations.
- 11 5. Division of Kentucky International Convention Center.
- 12 6. Division of Public Relations and Media.
- 13 7. Division of Venue Services.
- 14 8. Division of Personnel Management and Staff Development.
- 15 9. Division of Sales.
- 16 10. Division of Security and Traffic Control.
- 17 11. Division of Information Technology.
- 18 12. Division of the Louisville Arena.
- 19 13. Division of Fiscal and Contract Management.
- 20 14. Division of Access Control.
- 21 (f) Office of the Secretary.
- 22 1. Office of Finance.
- 23 2. Office of Government Relations and Administration.
- 24 (g) Office of Legal Affairs.
- 25 (h) Office of Human Resources.
- 26 (i) Office of Public Affairs and Constituent Services.
- 27 (j) Office of Arts and Cultural Heritage.

- 1 (k) Kentucky African-American Heritage Commission.
- 2 (l) Kentucky Foundation for the Arts.
- 3 (m) Kentucky Humanities Council.
- 4 (n) Kentucky Heritage Council.
- 5 (o) Kentucky Arts Council.
- 6 (p) Kentucky Historical Society.
- 7 1. Division of Museums.
- 8 2. Division of Oral History and Educational Outreach.
- 9 3. Division of Research and Publications.
- 10 4. Division of Administration.
- 11 (q) Kentucky Center for the Arts.
- 12 1. Division of Governor's School for the Arts.
- 13 (r) Kentucky Artisans Center at Berea.
- 14 (s) Northern Kentucky Convention Center.
- 15 (t) Eastern Kentucky Exposition Center.
- 16 (9) Personnel Cabinet:
- 17 (a) Office of the Secretary.
- 18 (b) Department of Human Resources Administration.
- 19 (c) Office of Employee Relations.
- 20 (d) Kentucky Public Employees Deferred Compensation Authority.
- 21 (e) Office of Administrative Services.
- 22 (f) Office of Legal Services.
- 23 (g) Governmental Services Center.
- 24 (h) Department of Employee Insurance.
- 25 (i) Office of Diversity, Equality, and Training.
- 26 (j) Office of Public Affairs.
- 27 (10) Education and Labor Cabinet:

- 1 (a) Office of the Secretary.
- 2 1. Office of Legal Services.
- 3 a. Workplace Standards Legal Division.
- 4 b. Workers' Claims Legal Division.
- 5 c. Workforce Development Legal Division.
- 6 2. Office of Administrative Services.
- 7 a. Division of Human Resources Management.
- 8 b. Division of Fiscal Management.
- 9 c. Division of Operations and Support Services.
- 10 3. Office of Technology Services.
- 11 a. Division of Information Technology Services.
- 12 4. Office of Policy and Audit.
- 13 5. Office of Legislative Services.
- 14 6. Office of Communications.
- 15 7. Office of the Kentucky Center for Statistics.
- 16 8. Board of the Kentucky Center for Statistics.
- 17 9. Early Childhood Advisory Council.
- 18 10. Governors' Scholars Program.
- 19 11. Governor's School for Entrepreneurs Program.
- 20 12. Foundation for Adult Education.
- 21 (b) Department of Education.
- 22 1. Kentucky Board of Education.
- 23 2. Kentucky Technical Education Personnel Board.
- 24 3. Education Professional Standards Board.
- 25 (c) Board of Directors for the Center for School Safety.
- 26 (d) Department for Libraries and Archives.
- 27 (e) Kentucky Environmental Education Council.

- 1 (f) Kentucky Educational Television.
- 2 (g) Kentucky Commission on the Deaf and Hard of Hearing.
- 3 (h) Department of Workforce Development.
- 4 1. Career Development Office.
- 5 2. Office of Vocational Rehabilitation.
- 6 a. Division of Kentucky Business Enterprise.
- 7 b. Division of the Carl D. Perkins Vocational Training Center.
- 8 c. Division of Blind Services.
- 9 d. Division of Field Services.
- 10 e. Statewide Council for Vocational Rehabilitation.
- 11 f. Employment First Council.
- 12 3. Office of Employer and Apprenticeship Services.
- 13 a. Division of Apprenticeship.
- 14 4. Kentucky Apprenticeship Council.
- 15 5. Division of Technical Assistance.
- 16 6. Office of Adult Education.
- 17 7. Office of the Kentucky Workforce Innovation Board.
- 18 (i) Department of Workplace Standards.
- 19 1. Division of Occupational Safety and Health Compliance.
- 20 2. Division of Occupational Safety and Health Education and
- 21 Training.
- 22 3. Division of Wages and Hours.
- 23 (j) Office of Unemployment Insurance.
- 24 (k) Kentucky Unemployment Insurance Commission.
- 25 (l) Department of Workers' Claims.
- 26 1. Division of Workers' Compensation Funds.
- 27 2. Office of Administrative Law Judges.

- 1 3. Division of Claims Processing.
- 2 4. Division of Security and Compliance.
- 3 5. Division of Specialist and Medical Services.
- 4 6. Workers' Compensation Board.
- 5 (m) Workers' Compensation Funding Commission.
- 6 (n) Kentucky Occupational Safety and Health Standards Board.
- 7 (o) State Labor Relations Board.
- 8 (p) Employers' Mutual Insurance Authority.
- 9 (q) Kentucky Occupational Safety and Health Review Commission.
- 10 (r) Workers' Compensation Nominating Committee.
- 11 (s) Office of Educational Programs.
- 12 (t) Kentucky Workforce Innovation Board.
- 13 (u) Kentucky Commission on Proprietary Education.
- 14 (v) Kentucky Work Ready Skills Advisory Committee.
- 15 (w) Kentucky Geographic Education Board.
- 16 (x) **Disability Determination Services program.**

17 III. Other departments headed by appointed officers:

- 18 (1) Council on Postsecondary Education.
- 19 (2) Department of Military Affairs.
- 20 (3) Department for Local Government.
- 21 (4) Kentucky Commission on Human Rights.
- 22 (5) Kentucky Commission on Women.
- 23 (6) Department of Veterans' Affairs.
- 24 (7) Kentucky Commission on Military Affairs.
- 25 (8) Office of Minority Empowerment.
- 26 (9) Governor's Council on Wellness and Physical Activity.
- 27 (10) Kentucky Communications Network Authority.

1 *(11) Commonwealth Office of the Inspector General.*

2 ➔Section 110. KRS 194A.030 is amended to read as follows:

3 The cabinet consists of the following major organizational units, which are hereby
4 created:

5 (1) Office of the Secretary. Within the Office of the Secretary, there shall be an~~Office~~
6 ~~of the Ombudsman and Administrative Review, an~~ Office of Legal Services, an
7 Office of Inspector General, an Office of Public Affairs, an Office of Human
8 Resource Management, an Office of Finance and Budget, an Office of Legislative
9 and Regulatory Affairs, an Office of Administrative Services, an Office of
10 Application Technology Services and an Office of Data Analytics, as follows:

11 (a) ~~[The Office of the Ombudsman and Administrative Review shall be headed~~
12 ~~by an executive director who shall be appointed by the secretary with the~~
13 ~~approval of the Governor under KRS 12.050 and shall:~~

14 1. ~~Investigate, upon complaint or on its own initiative, any administrative~~
15 ~~act of an organizational unit, employee, or contractor of the cabinet,~~
16 ~~without regard to the finality of the administrative act. Organizational~~
17 ~~units, employees, or contractors of the cabinet shall not willfully~~
18 ~~obstruct an investigation, restrict access to records or personnel, or~~
19 ~~retaliate against a complainant or cabinet employee;~~

20 2. ~~Make recommendations that resolve citizen complaints and improve~~
21 ~~governmental performance and may require corrective action when~~
22 ~~policy violations are identified;~~

23 3. ~~Provide evaluation and information analysis of cabinet performance and~~
24 ~~compliance with state and federal law;~~

25 4. ~~Place an emphasis on research and best practices, program~~
26 ~~accountability, quality service delivery, and improved governmental~~
27 ~~performance;~~

- 1 ~~5.— Provide information on how to contact the office for public posting at all~~
2 ~~offices where Department for Community Based Services employees or~~
3 ~~contractors work, at any facility where a child in the custody of the~~
4 ~~cabinet resides, and to all cabinet or contracted foster parents;~~
- 5 ~~6.— Report to the Office of Inspector General for review and investigation~~
6 ~~any charge or case against an employee of the Cabinet for Health and~~
7 ~~Family Services where it has cause to believe the employee has engaged~~
8 ~~in dishonest, unethical, or illegal conduct or practices related to his or~~
9 ~~her job duties; or any violation of state law or administrative regulation~~
10 ~~by any organization or individual regulated by, or contracted with the~~
11 ~~cabinet;~~
- 12 ~~7.— Compile a report of all citizen complaints about programs or services of~~
13 ~~the cabinet and a summary of resolution of the complaints and submit~~
14 ~~the report upon request to the Interim Joint Committee on Health and~~
15 ~~Welfare and Family Services;~~
- 16 ~~8.— Include oversight of administrative hearings; and~~
- 17 ~~9.— Provide information to the Office of the Attorney General, when~~
18 ~~requested, related to substantiated violations of state law against an~~
19 ~~employee, a contractor of the cabinet, or a foster or adoptive parent;~~
- 20 ~~(b)—~~ }The Office of Legal Services shall provide legal advice and assistance to all
21 units of the cabinet in any legal action in which it may be involved. The
22 Office of Legal Services shall employ all attorneys of the cabinet who serve
23 the cabinet in the capacity of attorney, giving legal advice and opinions
24 concerning the operation of all programs in the cabinet. The Office of Legal
25 Services shall be headed by a general counsel who shall be appointed by the
26 secretary with the approval of the Governor under KRS 12.050 and 12.210.
27 The general counsel shall be the chief legal advisor to the secretary and shall

1 be directly responsible to the secretary. The Attorney General, on the request
 2 of the secretary, may designate the general counsel as an assistant attorney
 3 general under the provisions of KRS 15.105;

4 ~~(b)(e)}~~ The Office of Inspector General shall be headed by an inspector general
 5 who shall be appointed by the secretary with the approval of the Governor.
 6 The inspector general shall be directly responsible to the secretary. The Office
 7 of Inspector General shall be responsible for:

- 8 1. **The determination of qualifications for and the issuance of licenses to**
 9 **qualified applicants**~~[The conduct of audits and investigations for~~
 10 ~~detecting the perpetration of fraud or abuse of any program by any~~
 11 ~~client, or by any vendor of services with whom the cabinet has~~
 12 ~~contracted; and the conduct of special investigations requested by the~~
 13 ~~secretary, commissioners, or office heads of the cabinet into matters~~
 14 ~~related to the cabinet or its programs;~~
- 15 2. ~~Licensing and regulatory functions as the secretary may delegate;~~
- 16 3. ~~Review of health facilities participating in transplant programs, as~~
 17 ~~determined by the secretary, for the purpose of determining any~~
 18 ~~violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963];~~
- 19 ~~2.~~~~[4.]~~ The duties, responsibilities, and authority pertaining to the certificate of
 20 need functions and the licensure appeals functions, pursuant to KRS
 21 Chapter 216B;
- 22 ~~[5. The notification and forwarding of any information relevant to possible~~
 23 ~~criminal violations to the appropriate prosecuting authority;]~~
- 24 ~~3.~~~~[6.]~~ The oversight of the operations of the Kentucky Health Information
 25 Exchange; and
- 26 ~~4.~~~~[7.]~~ The support and guidance to health care providers related to telehealth
 27 services, including the development of policy, standards, resources, and

1 education to expand telehealth services across the Commonwealth;

2 ~~(c)~~~~(d)~~ The Office of Public Affairs shall be headed by an executive director
3 appointed by the secretary with the approval of the Governor in accordance
4 with KRS 12.050. The office shall provide information to the public and news
5 media about the programs, services, and initiatives of the cabinet;

6 ~~(d)~~~~(e)~~ The Office of Human Resource Management shall be headed by an
7 executive director appointed by the secretary with the approval of the
8 Governor in accordance with KRS 12.050. The office shall coordinate,
9 oversee, and execute all personnel, training, and management functions of the
10 cabinet. The office shall focus on the oversight, development, and
11 implementation of quality improvement services; curriculum development
12 and delivery of instruction to staff; the administration, management, and
13 oversight of training operations; health, safety, and compliance training; and
14 equal employment opportunity compliance functions;

15 ~~(e)~~~~(f)~~ The Office of Finance and Budget shall be headed by an executive
16 director appointed by the secretary with the approval of the Governor in
17 accordance with KRS 12.050. The office shall provide central review and
18 oversight of budget, contract, and cabinet finances. The office shall provide
19 coordination, assistance, and support to program departments and independent
20 review and analysis on behalf of the secretary;

21 ~~(f)~~~~(g)~~ The Office of Legislative and Regulatory Affairs shall be headed by an
22 executive director appointed by the secretary with the approval of the
23 Governor in accordance with KRS 12.050. The office shall provide central
24 review and oversight of legislation, policy, and administrative regulations.
25 The office shall provide coordination, assistance, and support to program
26 departments and independent review and analysis on behalf of the secretary;

27 ~~(g)~~~~(h)~~ The Office of Administrative Services shall be headed by an executive

1 director appointed by the secretary with the approval of the Governor in
2 accordance with KRS 12.050. The office shall provide central review and
3 oversight of procurement, general accounting including grant monitoring, and
4 facility management. The office shall provide coordination, assistance, and
5 support to program departments and independent review and analysis on
6 behalf of the secretary;

7 ~~(h)(i)~~ The Office of Application Technology Services shall be headed by an
8 executive director appointed by the secretary with the approval of the
9 Governor in accordance with KRS 12.050. The office shall provide
10 application technology services including central review and oversight. The
11 office shall provide coordination, assistance, and support to program
12 departments and independent review and analysis on behalf of the secretary;
13 and

14 ~~(i)(j)~~ The Office of Data Analytics shall be headed by an executive director
15 who shall be appointed by the secretary with the approval of the Governor
16 under KRS 12.050 and shall identify and innovate strategic initiatives to
17 inform public policy initiatives and provide opportunities for improved health
18 outcomes for all Kentuckians through data analytics. The office shall provide
19 leadership in the redesign of the health care delivery system using electronic
20 information technology to improve patient care and reduce medical errors and
21 duplicative services;

22 (2) Department for Medicaid Services. The Department for Medicaid Services shall
23 serve as the single state agency in the Commonwealth to administer Title XIX of
24 the Federal Social Security Act. The Department for Medicaid Services shall be
25 headed by a commissioner for Medicaid services, who shall be appointed by the
26 secretary with the approval of the Governor under KRS 12.050. The commissioner
27 for Medicaid services shall be a person who by experience and training in

1 administration and management is qualified to perform the duties of this office. The
2 commissioner for Medicaid services shall exercise authority over the Department
3 for Medicaid Services under the direction of the secretary and shall only fulfill
4 those responsibilities as delegated by the secretary;

5 (3) Department for Public Health. The Department for Public Health shall develop and
6 operate all programs of the cabinet that provide health services and all programs for
7 assessing the health status of the population for the promotion of health and the
8 prevention of disease, injury, disability, and premature death. This shall include but
9 not be limited to oversight of the Division of Women's Health and the Office for
10 Children with Special Health Care Needs. The duties, responsibilities, and
11 authority set out in KRS 200.460 to 200.490 shall be performed by the
12 Department for Public Health. The Department for Public Health shall advocate
13 for the rights of children with disabilities and, to the extent that funds are
14 available, shall ensure the administration of services for children with disabilities
15 as are deemed appropriate by this office pursuant to Title V of the Social Security
16 Act. The Department for Public Health may promulgate administrative
17 regulations under KRS Chapter 13A as may be necessary to implement and
18 administer its responsibilities The Office for Children with Special Health Care
19 Needs may be headed by an executive director appointed by the secretary with the
20 approval of the Governor in accordance with KRS 12.050. The Department for
21 Public Health shall be headed by a commissioner for public health who shall be
22 appointed by the secretary with the approval of the Governor under KRS 12.050.
23 The commissioner for public health shall be a duly licensed physician who by
24 experience and training in administration and management is qualified to perform
25 the duties of this office. The commissioner shall advise the head of each major
26 organizational unit enumerated in this section on policies, plans, and programs
27 relating to all matters of public health, including any actions necessary to safeguard

1 the health of the citizens of the Commonwealth. The commissioner shall serve as
2 chief medical officer of the Commonwealth. The commissioner for public health
3 shall exercise authority over the Department for Public Health under the direction
4 of the secretary and shall only fulfill those responsibilities as delegated by the
5 secretary;

6 (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The
7 Department for Behavioral Health, Developmental and Intellectual Disabilities shall
8 develop and administer programs for the prevention of mental illness, intellectual
9 disabilities, brain injury, developmental disabilities, and substance use disorders
10 and shall develop and administer an array of services and support for the treatment,
11 habilitation, and rehabilitation of persons who have a mental illness or emotional
12 disability, or who have an intellectual disability, brain injury, developmental
13 disability, or a substance use disorder. The Department for Behavioral Health,
14 Developmental and Intellectual Disabilities shall be headed by a commissioner for
15 behavioral health, developmental and intellectual disabilities who shall be
16 appointed by the secretary with the approval of the Governor under KRS 12.050.
17 The commissioner for behavioral health, developmental and intellectual disabilities
18 shall be by training and experience in administration and management qualified to
19 perform the duties of the office. The commissioner for behavioral health,
20 developmental and intellectual disabilities shall exercise authority over the
21 department under the direction of the secretary, and shall only fulfill those
22 responsibilities as delegated by the secretary;

23 ~~(5) [Office for Children with Special Health Care Needs. The duties, responsibilities,~~
24 ~~and authority set out in KRS 200.460 to 200.490 shall be performed by the office.~~
25 ~~The office shall advocate the rights of children with disabilities and, to the extent~~
26 ~~that funds are available, shall ensure the administration of services for children with~~
27 ~~disabilities as are deemed appropriate by this office pursuant to Title V of the Social~~

1 ~~Security Act. The office may promulgate administrative regulations under KRS~~
2 ~~Chapter 13A as may be necessary to implement and administer its responsibilities.~~
3 ~~The duties, responsibilities, and authority of the Office for Children with Special~~
4 ~~Health Care Needs shall be performed through the office of the executive director.~~
5 ~~The executive director shall be appointed by the secretary with the approval of the~~
6 ~~Governor under KRS 12.050;~~

7 ~~(6)~~ Department for Family Resource Centers and Volunteer Services. The Department
8 for Family Resource Centers and Volunteer Services shall streamline the various
9 responsibilities associated with the human services programs for which the cabinet
10 is responsible. This shall include, but not be limited to, oversight of the Division of
11 Family Resource and Youth Services Centers and Serve Kentucky. The Department
12 for Family Resource Centers and Volunteer Services shall be headed by a
13 commissioner who shall be appointed by the secretary with the approval of the
14 Governor under KRS 12.050. The commissioner for family resource centers and
15 volunteer services shall be by training and experience in administration and
16 management qualified to perform the duties of the office, shall exercise authority
17 over the department under the direction of the secretary, and shall only fulfill those
18 responsibilities as delegated by the secretary;

19 ~~(6)~~~~(7)~~ Department for Community Based Services. The Department for Community
20 Based Services shall administer and be responsible for child and adult protection,
21 guardianship services, violence prevention resources, foster care and adoption,
22 permanency, and services to enhance family self-sufficiency, including child care,
23 social services, public assistance, and family support. The department shall be
24 headed by a commissioner appointed by the secretary with the approval of the
25 Governor in accordance with KRS 12.050; and

26 ~~(7)~~~~(8)~~ Department for Income Support. The Department for Income Support shall be
27 responsible for child support enforcement and disability determination. The

1 ~~department shall serve as the state unit as required by Title II and Title XVI of the~~
 2 ~~Social Security Act, and shall have responsibility for determining eligibility for~~
 3 ~~disability for those citizens of the Commonwealth who file applications for~~
 4 ~~disability with the Social Security Administration. The department shall be headed~~
 5 ~~by a commissioner appointed by the secretary with the approval of the Governor in~~
 6 ~~accordance with KRS 12.050; and~~

7 (9) Department for Aging and Independent Living. The Department for Aging and
 8 Independent Living shall serve as the state unit as designated by the Administration
 9 on Aging Services under the Older Americans Act and shall have responsibility for
 10 administration of the federal community support services, in-home services, meals,
 11 family and caregiver support services, elder rights and legal assistance, senior
 12 community services employment program, the state health insurance assistance
 13 program, state home and community based services including home care,
 14 Alzheimer's respite services and the personal care attendant program, certifications
 15 of assisted living facilities, ***and*** the state Council on Alzheimer's Disease and other
 16 related disorders, ~~and guardianship services~~. The department shall also administer
 17 the Long-Term Care Ombudsman Program and the Medicaid Home and
 18 Community Based Waivers Participant Directed Services Option (PDS) Program.
 19 The department shall serve as the information and assistance center for aging and
 20 disability services and administer multiple federal grants and other state initiatives.
 21 The department shall be headed by a commissioner appointed by the secretary with
 22 the approval of the Governor in accordance with KRS 12.050.

23 ➔Section 111. KRS 43.030 is amended to read as follows:

24 (1) The Auditor shall appoint for the duration of his or her own term, subject to
 25 removal by the Auditor at any time, one (1) assistant auditor of public accounts,
 26 who shall be a certified public accountant and who has been a citizen and resident
 27 of the state for at least two (2) years. ***Except for the Office of the Ombudsman as***

1 established in Section 105 of this Act, the assistant auditor shall have direct
2 supervision over all technical work and technical assistants, and shall otherwise aid
3 the Auditor in the performance of his or her duties, except that the assistant auditor
4 of public accounts may exercise a full or partial recusal from this supervision
5 requirement in regard to the consulting function authorized in KRS 43.050 if
6 needed to comply with the professional standards of accountancy. If the Auditor is
7 absent or is rendered incapable of performing his or her duties, or if a vacancy in
8 the office occurs, the assistant auditor shall perform the duties of Auditor until the
9 necessity therefor ceases to exist. He or she shall take the constitutional oath.

10 (2) The Auditor may employ other subordinate personnel subject to the provisions of
11 KRS 12.060. All employees with status as defined in KRS 18A.005 who are
12 engaged in auditing or investigations shall possess a minimum of a four (4) year
13 college degree. No less than ninety percent (90%) of all employees engaged in
14 financial auditing or financial investigations shall have twenty (20) semester hours
15 or thirty (30) quarter hours of accounting, or alternately, shall be a certified public
16 accountant. Not more than two (2) persons charged with the conduct of audits and
17 investigations may substitute year-for-year responsible experience acceptable to the
18 Personnel Cabinet for the required college education and accounting hours.

19 (3) The Auditor and his or her sureties are liable on his or her official bond for the acts
20 of the assistant auditor and clerks.

21 (4) Nothing in this section shall be deemed to affect the provisions of KRS 11.090 or
22 other legislation authorizing audits.

23 ➔Section 112. The General Assembly hereby directs the Cabinet for Health and
24 Family Services Organizational Structure, Operations, and Administration Task Force to
25 continue through the 2023 Interim subject to approval by the Legislative Research
26 Commission.

27 ➔Section 113. The Department for Medicaid Services, Department for Aging and

1 Independent Living, and Department for Behavioral Health, Developmental and
2 Intellectual Disabilities shall identify and eliminate redundancies and barriers to
3 administering 1915(c) Medicaid waiver programs and issue a report containing its
4 findings, recommendations, and action plan to the Legislative Research Commission by
5 December 1, 2023.

6 ➔Section 114. The Office of Human Resource Management and the Personnel
7 Cabinet shall identify the systemic barriers and redundancies that are prohibiting an
8 effective and timely hiring and onboarding process for prospective employees. The
9 Cabinet for Health and Family Services shall issue a report containing its findings,
10 recommendations, and action plan to the Legislative Research Commission by December
11 1, 2023.

12 ➔Section 115. The Disability Determination Services Program is currently within
13 the Department for Income Support, Cabinet for Health and Family Services. It shall be
14 moved to the Education and Labor Cabinet. The Education and Labor Cabinet and the
15 Cabinet for Health and Family Services shall inform the General Assembly by December
16 1, 2023, of any necessary legislative action that shall be taken to ensure the Education
17 and Labor Cabinet has statutory authority over the Disability Determination Services
18 Program.

19 ➔Section 116. The Department for Aging and Independent Living administers the
20 Division of Adult Guardianship. The Division of Adult Guardianship shall be moved
21 from the Department for Aging and Independent Living and placed in, and administered
22 by, the Department for Community Based Services.

23 ➔Section 117. The Office of the Attorney General and the Cabinet for Health and
24 Family Services shall issue a report no later than November 1, 2024, to the Interim Joint
25 Committee on Health, Welfare, and Family Services of the progress of the transition plan
26 moving the Child Support Enforcement program from the Cabinet for Health and Family
27 Services to the Office of the Attorney General.

1 ➔Section 118. The Education and Labor Cabinet and the Cabinet for Health and
2 Family Services shall issue a report no later than December 31, 2023, to the Interim Joint
3 Committee on Health, Welfare, and Family Services of the transition plan moving the
4 Disability Determination Services program from the Cabinet for Health and Family
5 Services to the Education and Labor Cabinet.

6 ➔Section 119. All programmatic staff, personnel, records, files, equipment,
7 resources, and administrative functions of the child support enforcement program,
8 currently, within the Cabinet for Health and Family Services, shall be transferred to the
9 Office of the Attorney General on July 1, 2025.

10 ➔Section 120. All programmatic staff, personnel, records, files, equipment,
11 resources, and administrative functions of the Disability Determination Services Program
12 within the Cabinet for Health and Family Services, shall be transferred to the Education
13 and Labor Cabinet on July 1, 2024.

14 ➔Section 121. All programmatic staff, personnel, records, files, equipment,
15 resources, and administrative functions of the Office of the Inspector General within the
16 Cabinet for Health and Family Services, shall be transferred to the Commonwealth Office
17 of the Inspector General as it relates to the duties and responsibilities prescribed in
18 Section 87 of this Act on July 1, 2024.

19 ➔Section 122. All programmatic staff, personnel, records, files, equipment,
20 resources, and administrative functions of the Office of the Ombudsman and
21 Administrative review shall be transferred to the Commonwealth Office of the
22 Ombudsman as it relates to the duties and responsibilities prescribed in Section 105 of
23 this Act and all programmatic staff, resources, and administrative functions of the Office
24 of the Ombudsman and Administrative review shall be transferred to the Office of the
25 Attorney General as it relates to the duties and responsibilities prescribed in Section 109
26 of this Act on July 1, 2024.

27 ➔Section 123. In the event the Legislative Research Commission dissolves the

1 Interim Joint Committee on Health, Welfare, and Family Services and establishes another
2 interim joint committee or multiple interim joint committees with jurisdiction over health
3 services or families and children, the reports required in Sections 105, 114, 117, and 118
4 of this Act shall be submitted to that interim joint committee.

5 ➔Section 124. Sections 1, 2, 4, 5, 7, 68 to 70, 86 to 108, and 111 shall go into
6 effect July 1, 2024.

7 ➔Section 125. Sections 3, 6, 8 to 67, 71 to 85, 109, and 110 shall go into effect
8 July 1, 2025.