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Emily B. Caudill
REGULATIONS COMPILER

1 Cabinet for Health and Family Services

2 Office of Health Policy

3 (New administrative regulation)

4 900 KAR 6:090. Certificate of Need filing, hearing, and show cause hearing.

5 RELATES TO: KRS 216B.010, 216B.085, 216B.086, 216B.090,, 216B.990

6 STATUTORY AUTHORITY: KRS 194A.030, 194A.050, 216B.040(2)(a)1

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.040(2)(a)1 requires the

8 Cabinet for Health and Family Services to administer Kentucky's Certificate of Need

9 Program and to promulgate administrative regulations as necessary for the program.

10 This administrative regulation establishes the guidelines for filing, hearing, and show

11 cause hearing requirements necessary for the orderly administration of the Certificate of

12 Need Program.

13 Section 1. Definitions. (1) "Cabinet" is defined by KRS 216B.015(5).

14 (2) "Certificate of Need Newsletter" means the monthly newsletter that is published

15 by the cabinet regarding certificate of need matters and is available on the Certificate of

16 Need Web site at http://chfs.ky.gov/ohp/con.

17 (3) "Days" means calendar days, unless otherwise specified.

18 (4) "Formal review" means the review of applications for certificate of need which

19 are reviewed within ninety (90) days from the commencement of the review as provided

20 by KRS 216B.062(1) and which are reviewed for compliance with the review criteria set

21 forth at KRS 216B.040 and 900 KAR 6:070.

1 (5) "Nonsubstantive review" is defined by KRS 216B.015(17).

2 (6) "Office of Inspector General" means the office within the Cabinet for Health and
3 Family Services that is responsible for licensing and regulatory functions of health
4 facilities and services.

5 (7) "Office or clinic" means the physical location at which health care services are
6 provided.

7 (8) "Owner" means a person as defined in KRS 216B.015(21) who is applying for
8 the certificate of need and will become the licensee of the proposed health service or
9 facility.

10 (9) "Practice" means the individual, entity, or group that proposes to provide health
11 care services and shall include the owners and operators of an office or clinic.

12 (10) "Primarily" means a simple majority or something that occurs at least fifty-one
13 (51) percent of the time.

14 (11) "Proposed service area" means the geographic area the applicant proposes to
15 serve.

16 (12) "Public information channels" means the Office of Communication and
17 Administrative Review in the Cabinet for Health and Family Services.

18 (13) "Public notice" means notice given through:

19 (a) Public information channels; or

20 (b) The cabinet's Certificate of Need Newsletter.

21 (14) "Qualified academic medical center" means:

22 (a) An institution of higher education which operates an accredited medical school
23 within the Commonwealth of Kentucky;

1 (b) An institution, organization, or other entity which directly or indirectly owns or is
2 under common control or ownership with an accredited medical school operated within
3 the Commonwealth of Kentucky; or
4 (c) An individual, organization, entity, or other person which is qualified under
5 Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) as a result of
6 supporting or operating in support of an institution, organization, entity, or other person
7 of a type or types referenced in paragraphs (a) or (b) of this subsection.
8 (15) "Secretary" is defined by KRS 216B.015(25).
9 (16) "Show cause hearing" means a hearing during which it is determined whether a
10 person or entity has violated provisions of KRS Chapter 216B.
11 Section 2. Filing. (1) The filing of all documents required by this administrative
12 regulation shall be made with the Office of Health Policy, CHR Building, 4 WE, 275 East
13 Main Street, Frankfort, Kentucky 40621 on or before 4:30 p.m. eastern time on the due
14 date.
15 (2) Filings of documents, other than certificate of need applications and proposed
16 hearing reports, may be made by facsimile transmission if:
17 (a) The documents are received by the cabinet by facsimile transmission on or
18 before 4:30 p.m. eastern time on the date due; and
19 (b) An original document is filed with the cabinet on or before 4:30 p.m. eastern time
20 on the next business day after the due date.
21 (3) The Office of Health Policy shall endorse by file stamp the date that each filing is
22 received and the endorsement shall constitute the filing of the document.
23 (4) In computing any period of time prescribed by this administrative regulation, the

1 date of notice, decision, or order shall not be included.

2 (5) The last day of the period so computed shall be included, unless it is a Saturday,
3 a Sunday, or legal state holiday, in which event the period shall run until 4:30 p.m.
4 eastern time of the first business day following the Saturday, Sunday, or legal state
5 holiday.

6 Section 3. Hearing. (1) Hearings on certificate of need matters shall be held by
7 hearing officers from the Cabinet for Health and Family Services, Health Services
8 Administrative Hearings Branch. A hearing officer shall not act on any matter in which
9 the hearing officer has a conflict of interest as defined in KRS 45A.340. Any party may
10 file with the cabinet a petition for removal based upon a conflict of interest supported by
11 affidavit.

12 (2) The hearing officer shall preside over the conduct of each hearing and shall
13 regulate the course of the proceedings in a manner that shall promote the orderly and
14 prompt conduct of the hearing.

15 (3) Notice of the time, date, place, and subject matter of each hearing shall be:

16 (a) Mailed to the applicant and all known affected persons providing the same or
17 similar service in the proposed service area not less than ten (10) days prior to the date
18 of the hearing;

19 (b) Published in the Certificate of Need newsletter, if applicable; and

20 (c) Provided to members of the general public through public information channels.

21 (4) A public hearing shall be canceled if the persons who requested the hearing
22 withdraw their requests by giving written notification to the Office of Health Policy that
23 the hearing is no longer required. The consent of affected persons who have not

requested a hearing shall not be required in order for a hearing to be canceled.

(5) Any dispositive motion made by a party to the proceedings shall be filed with the hearing officer at least three (3) working days prior to the scheduled date of the hearing.

(6) The hearing officer may convene a preliminary conference.

(a) The purposes of the conference shall be to:

1. Formulate and simplify the issues;

2. Identify additional information and evidence needed for the hearing; and

3. Dispose of pending motions.

(b) A written summary of the preliminary conference and the orders thereby issued shall be made a part of the record.

(c) The hearing officer shall:

1. Tape record the conference; or

2. If requested by a party to the proceedings, allow a stenographer to be present at the expense of the requesting party.

(d) During the preliminary conference, the hearing officer may:

1. Instruct the parties to:

a. Formulate and submit a list of genuine contested issues to be decided at the hearing;

b. Raise and address issues that can be decided before the hearing; or

c. Formulate and submit stipulations to facts, laws, and other matters;

2. Prescribe the manner and extent of the participation of the parties or persons who will participate;

3. Rule on any pending motions for discovery or subpoenas; or

4. Schedule dates for the submission of prefiled testimony, further preliminary conferences, and submission of briefs and documents.

(7) At least five (5) days prior to the scheduled date of any nonsubstantive review hearings and at least seven (7) days prior to the scheduled date of all other hearings, all persons wishing to participate as a party to the proceedings shall file with the cabinet an original and one (1) copy of the following for each affected application and serve copies on all other known parties to the proceedings:

(a) OHP - Form 3, Notice of Appearance, as incorporated by reference in 900 KAR 6:055;

(b) OHP - Form 4, Witness List, as incorporated by reference in 900 KAR 6:055 and

(c) OHP - Form 5, Exhibit List, as incorporated by reference in 900 KAR 6:055 and attached exhibits.

(8)(a) If a hearing is requested on an application which has been deferred from a previous cycle and for which a hearing had previously been scheduled, parties shall:

1. File a new OHP - Form 3, Notice of Appearance; and

2. Either:

a. Incorporate previously-filed witness lists (OHP - Form 4) and exhibit lists (OHP - Form 5); or

b. File an amended OHP - Form 4 and OHP - Form 5.

(b) A new party to the hearings shall file an original OHP - Form 3, OHP - Form 4, and OHP – Form 5.

(c) Forms shall be filed in accordance with subsection (7) of this section.

(9) The hearing officer shall convene the hearing and shall state the purpose and

1 scope of the hearing or the issues upon which evidence shall be heard. All parties
2 appearing at the hearing shall enter an appearance by stating their names and
3 addresses.
4 (10) Each party shall have the opportunity to:
5 (a) Present its case;
6 (b) Make opening statements;
7 (c) Call and examine witnesses;
8 (d) Offer documentary evidence into the record;
9 (e) Make closing statements; and
10 (f) Cross-examine opposing witnesses on:
11 1. Matters covered in direct examination; and
12 2. At the discretion of the hearing officer, other matters relevant to the issues.
13 (11) A party that is a corporation shall be represented by an attorney licensed to
14 practice in the Commonwealth of Kentucky.
15 (12) The hearing officer may:
16 (a) Allow testimony or other evidence on issues not previously identified in the
17 preliminary order which may arise during the course of the hearing, including any
18 additional petitions for intervention which may be filed;
19 (b) Act to exclude irrelevant, immaterial, or unduly repetitious evidence; and
20 (c) Question any party or witness.
21 (13) The hearing officer shall not be bound by the Kentucky Rules of Evidence.
22 Relevant hearsay evidence may be allowed at the discretion of the hearing officer.
23 (14) The hearing officer shall have discretion to designate the order of presentation

of evidence and the burden of proof as to persuasion.

(15) Witnesses shall be examined under oath or affirmation.

(16) Witnesses may, at the discretion of the hearing officer:

(a) Appear through deposition or in person; and

(b) Provide written testimony in accordance with the following:

1. The written testimony of a witness shall be in the form of questions and answers or a narrative statement;

2. The witness shall authenticate the document under oath; and

3. The witness shall be subject to cross-examination.

(17) The hearing officer may accept documentary evidence in the form of copies of excerpts if:

(a) The original is not readily available;

(b) Upon request, parties are given an opportunity to compare the copy with the original; and

(c) The documents to be considered for acceptance are listed on and attached to the party's Exhibit List (OHP - Form 5) and filed with the hearing officer and other parties at least:

1. Seven (7) days before the hearing for formal review applications; or

2. Five (5) days before the hearing for nonsubstantive review applications.

(18) A document shall not be incorporated into the record by reference without the permission of the hearing officer. Any referenced document shall be precisely identified.

(19) The hearing officer may take official notice of facts which are not in dispute or of generally-recognized technical or scientific facts within the agency's special

1 knowledge.

2 (20) The hearing officer may permit a party to offer, or request a party to produce,
3 additional evidence or briefs of issues as part of the record within a designated time
4 after the conclusion of the hearing. During this period, the hearing record shall remain
5 open. The conclusion of the hearing shall occur when the additional information is timely
6 filed or at the end of the designated time period, whichever occurs first.

7 (21) In a hearing on an application for a certificate of need, the hearing officer shall,
8 upon the agreement of the applicant, continue a hearing beyond the review deadlines
9 established by KRS 216B.062(1) and 216B.095(1).

10 (22) The cabinet shall forward a copy of the hearing officer's final decision by U.S.
11 mail to each party to the proceedings. The original hearing decision shall be filed in the
12 administrative record maintained by the cabinet.

13 Section 4. Show Cause Hearing. (1) The cabinet may conduct a show cause
14 hearing on its own initiative or at the request of an affected person, to include hearings
15 requested pursuant to Humana of Kentucky v. NKC Hospitals, Ky., 751 S.W.2d 369
16 (1988), in order to determine if a person has established or is operating a health facility
17 or health service in violation of the provisions of KRS Chapter 216B or this
18 administrative regulation or is subject to the penalties provided by KRS 216B.990 for
19 specific violations of the provisions of KRS Chapter 216B.

20 (2) Unless initiated by the cabinet, in order for a show cause hearing to be held, a
21 request for a show cause hearing submitted by an affected person shall be
22 accompanied and corroborated by credible, relevant, and substantial evidence,
23 including an affidavit or other documentation which demonstrates that there is probable

1 cause to believe that a person:

2 (a) Has established, or is operating, a health facility or health service in violation of

3 the provisions of KRS Chapter 216B or this administrative regulation; or

4 (b) Is subject to the penalties provided by KRS 216B.990 for specific violations of

5 the provisions of KRS Chapter 216B.

6 (3) Based upon the materials accompanying the request for a show cause hearing,

7 the cabinet shall determine if sufficient cause exists to conduct a hearing.

8 (4) The cabinet shall conduct a show cause hearing based on its own investigation

9 pursuant to an annual licensure inspection or otherwise which reveals a possible

10 violation of the terms or conditions which are a part of a certificate of need approval and

11 license.

12 (5) The cabinet shall also conduct a show cause hearing regarding terms and

13 conditions which are a part of a certificate of need approval and license at the request of

14 any person.

15 (6) The show cause hearing regarding the terms and conditions shall determine

16 whether a person is operating a health facility or health service in violation of any terms

17 or conditions which are a part of that certificate of need approval and license.

18 (7) Show cause hearings shall be conducted in accordance with the provisions of

19 Section 3 of this administrative regulation.

20 (8) If a show cause hearing is held, the individual or entity alleged to be in violation

21 of KRS Chapter 216B shall have the burden of showing that the individual or entity:

22 (a) Has not established or is not operating a health facility or health service in

23 violation of the provisions of KRS Chapter 216B or this administrative regulation; or

1 (b) Is not subject to the penalties provided by KRS 216B.990 for specific violations
2 of the provisions of KRS Chapter 216B.
3 (9)(a) Except as provided by paragraph (b) or (c) of this subsection, if it is alleged
4 that an office or clinic offering services or equipment covered by the State Health Plan
5 was established or is operating in violation of KRS 216B.020(2)(a), the hearing officer
6 shall base his or her findings of fact and proposed decision on whether the evidence
7 has established the following:
8 1. The practice claiming the exemption is 100 percent owned in any organizational
9 form recognized by the Commonwealth by the individual physician, dentist, or other
10 practitioner of the healing arts or group of physicians, dentists, or other practitioners of
11 the healing arts (hereinafter collectively referred to as "physician") claiming the
12 exemption;
13 2. The practice claiming the exemption primarily provides physician services (e.g.,
14 evaluation and management codes) rather than services or equipment covered by the
15 State Health Plan;
16 3. Services or equipment covered by the State Health Plan which are offered or
17 provided at the office or clinic shall be primarily provided to patients whose medical
18 conditions are being treated or managed by the practice;
19 4. A physician or physicians licensed to practice and practicing in Kentucky within
20 the practice claiming the exemption are responsible for all decisions regarding the care
21 and treatment provided to patients;
22 5. Patients are treated on an outpatient basis and are not maintained overnight on
23 the premises of the office or clinic;

1 6. Services or equipment covered by the State Health Plan that are offered or
2 provided at the office or clinic are related to the professional services offered to patients
3 of the practice claiming the exemption;
4 7. Major medical equipment in excess of the limits set forth in 900 KAR 6:030 is not
5 being utilized without a Certificate of Need or other statutory or regulatory exemption;
6 and
7 8. Nothing in this section shall limit or prohibit the continued operation of an office or
8 clinic that was established and in operation prior to January 31, 2006, and operating
9 pursuant to and in accordance with the following:
10 a. Provisions of a Certificate of Need advisory opinion issued specifically with
11 respect to that office or clinic;
12 b. Provisions of an Attorney General opinion issued specifically with respect to that
13 office or clinic; or
14 c. An order issued with respect to that office or clinic by a court of competent
15 jurisdiction in the Commonwealth of Kentucky.
16 (b) A practice owned entirely by a radiologist or group of radiologists shall
17 demonstrate the following:
18 1. Compliance with paragraph (a)1, 4, 5, and 6 of this subsection;
19 2. The radiologists shall regularly perform physician services (e.g., test
20 interpretations) at the location where the diagnostic tests are performed, including
21 interpretations by or through teleradiology; and
22 3. The billing patterns of the practice indicate that the practice is not primarily a
23 testing facility and that it was organized to provide the professional services of

1 radiology.

2 (c) An office or clinic owned and operated by a Qualified Academic Medical Center

3 shall demonstrate the following:

4 1. The physician or physicians providing care and treatment to the patients of the

5 office or clinic shall be licensed to practice in Kentucky and shall be employed by the

6 Qualified Academic Medical Center; and

7 2.a. The office was established and in operation prior to January 31, 2006;

8 b. The office does not provide any services or equipment covered by the State

9 Health Plan; or

10 c. At the time the office began providing care and treatment to patients, it was not

11 located in a county designated as a Metropolitan Statistical Area as defined by the U.S.

12 Office of Management and Budget, and there is a documented agreement of support or

13 collaboration between the Qualified Academic Medical Center and each existing

14 hospital in the county in which the office is located.

15 (10) Prior to convening a show cause hearing, the cabinet shall give the person

16 suspected or alleged to be in violation not less than twenty (20) days' notice of its intent

17 to conduct a hearing.

18 (11) The notice shall advise the person of:

19 (a) The allegations against him;

20 (b) Any facts determined to exist which support the existence of the allegation; and

21 (c) The statute or administrative regulation alleged to have been violated.

22 (12) Notice of the time, date, place, and subject matter of each hearing shall be:

23 (a) Mailed to all known affected persons or entities not less than ten (10) business

1 days prior to the date of the hearing; and

2 (b) Published in the Certificate of Need newsletter, if applicable.

3 (13) At least seven (7) business days prior to all hearings required or requested

4 pursuant to KRS Chapter 216B, with the exception of hearings involving applications for

5 or revocation of a certificate of need, all persons or entities wishing to participate as a

6 party to the proceedings shall file an original and one (1) copy of the following with the

7 cabinet and serve copies on all other known parties to the proceedings:

8 (a) OHP - Form 3, Notice of Appearance;

9 (b) OHP - Form 4, Witness List; and

10 (c) OHP - Form 5, Exhibit List and attached exhibits.

11 (14) Within thirty (30) days of the conclusion of the hearing, the hearing officer shall

12 tender findings of fact and a proposed decision to the secretary.

13 (15) Within thirty (30) days of the receipt of the findings of fact and proposed

14 decision from the hearing officer, the secretary shall issue a final decision on the matter.

15 (16) A copy of the final decision shall be mailed to the person or his legal

16 representative with the original hearing decision filed in the administrative record

17 maintained by the cabinet.

18 (17) If a violation is found to have occurred as a result of a show cause hearing

19 conducted pursuant to subsection (1) of this section, the cabinet shall take action as

20 provided by KRS Chapter 216B.

21 (18) If the person is found to have violated any of the terms or conditions of any

22 certificate of need approval and license as a result of a show cause hearing conducted

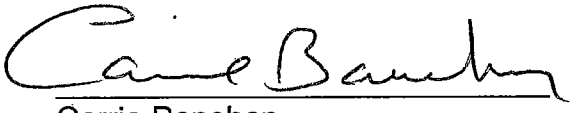
23 pursuant to subsection (4) of this section, the cabinet shall take the following action:

1 (a) If the person had not previously been found to be in violation of the terms and
2 conditions which were made a part of the person's certificate of need approval and
3 license, the person shall be given a period of time, not to exceed sixty (60) days after
4 issuance of the cabinet's decision, in which to demonstrate that the violation has been
5 corrected. At the conclusion of this period, the cabinet shall verify that the facility or
6 service is operating in compliance with the terms or conditions of the certificate of need
7 and license at issue.
8 (b) If the cabinet is unable to verify that the facility or service has corrected the
9 violation in accordance with paragraph (a) of this subsection, or if a person who had
10 previously been found to be in violation of the terms and conditions which were a part of
11 the person's certificate of need approval and license is found in a subsequent show
12 cause hearing conducted pursuant to this section to be in violation of the terms and
13 conditions again, the matter shall be referred to the Office of Inspector General for
14 appropriate action.
15 (19) The deadlines established with respect to hearings shall be modified if agreed
16 to by all parties and the hearing officer.

900 KAR 6:090

This is to certify that the Executive Director of the Office of Health Policy has reviewed and recommended this administrative regulation prior to its adoption, as required by KRS 156.070(4)

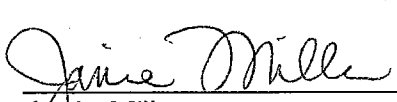
APPROVED:



Carrie Banahan
Executive Director
Office of Health Policy

4/29/09
Date

APPROVED:



Janie Miller
Secretary
Cabinet for Health and Family Services

5/15/09
Date

900 KAR 6:090

A public hearing on this administrative regulation shall, if requested, be held on July 21, 2009, at 9:00 a.m. in the Public Health Auditorium located on the First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by July 14, 2009, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until close of business July 31, 2009. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:
CONTACT PERSON: Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, KY 40621, (502) 564-7905, Fax: (502) 564-7573

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation: 900 KAR 6:090

Contact Person: Carrie Banahan or Shane O'Donley, 564-9592

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the guidelines for filing, hearing, and show cause hearing for the certificate of need program. Formerly 900 KAR 6:050 established the requirements necessary for the orderly administration of the certificate of need program. Due to the large size of that administrative regulation, LRC staff requested that it be separated into several smaller regulations. Therefore, this new administrative regulation was drafted to include information specific to the guidelines for filing, hearing, and show cause hearing for the certificate of need program. This regulation creates no substantive change to current policies.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with the content of the authorizing statute: KRS 216B.010, 216B.085, 216B.086, 216B.090, and 216B.990.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 216B.010, 216B.085, 216B.086, 216B.090, and 216B.990 by establishing the guidelines for filing, hearing, and show cause hearing for the certificate of need program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of : KRS 216B.010, 216B.085, 216B.086, 216B.090, 216B.990 by establishing the guidelines for filing, hearing, and show cause hearing for the certificate of need program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects an entity wishing to file a certificate of need application. Approximately 100 entities file a certificate of need application each year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the

change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: As the guidelines for filing, hearing, and show cause hearing for the certificate of need program set forth in the administrative regulation are currently established and operational, no new action will be required of regulated entities to comply with this regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): As the guidelines for filing, hearing, and show cause hearing for the certificate of need program set forth in the administrative regulation are currently established and operational, no cost will be incurred by regulated entities to comply with this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will provide potential health care providers with a mechanism to establish health care facilities and services in compliance with KRS 216B.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No additional costs will be incurred to implement this administrative regulation as entities already adhere to the guidelines for filing, hearing, and show cause hearing for the certificate of need program.

(b) On a continuing basis: No additional costs will be incurred to implement this administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding to be used for the implementation and enforcement of this administrative regulation will be from Office of Health Policy's existing budget. As stated above, the guidelines for filing, hearing, and show cause hearing for the certificate of need program requirements are already used as part of our normal operations so no additional funding will be required.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied? (explain why or why not) Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 900 KAR 6:090 Contact Person: Carrie Banahan or Shane O'Donley

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes _X___ No _____

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation affects the Office of Health Policy within the Cabinet for Health and Family Services.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. : KRS 216B.010, 216B.085, 216B.086, 216B.090,, 216B.990.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any revenue.

(c) How much will it cost to administer this program for the first year? No additional costs will be incurred to implement this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? No additional costs will be incurred to implement this administrative regulation on a continuing basis.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Expenditures (+/-): Other Explanation: