

**205.5639 Effect of board recommendations -- Written exceptions -- Final decision -
- Appeal.**

- (1) Any recommendation by the board is advisory to the commissioner.
- (2) Any interested party may request an opportunity to make a presentation or argument to the board on any item under consideration by the board. The Cabinet for Health and Family Services shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish requirements for presentations before the board.
- (3) Any interested party who is aggrieved by a recommendation of the board to the commissioner or his designee may submit written exceptions consisting of only new information that was not available to be presented at the time of the board's consideration of the matter. These written exceptions shall be submitted within ten (10) days of the recommendation. After the time for filing exceptions has expired, the commissioner or the commissioner's designee shall consider all exceptions filed in a timely manner prior to acting upon the recommendation of the board. If the deadline for filing written exceptions falls on a Saturday, Sunday, or a state holiday, the exceptions may be filed the following day.
- (4) In making a final decision on any recommendation of the board, the commissioner may seek additional and clarifying information from any source. Any additional information submitted to the commissioner shall be made a part of the administrative record supporting the final decision.
- (5) An appeal from a decision of the commissioner may be made in accordance with KRS Chapter 13B by a manufacturer of the product. Unless held in abeyance or otherwise addressed by the hearing officer, the decision of the commissioner stands until final disposition of the issue.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 240, effective June 20, 2005. -- Created 1998 Ky. Acts ch. 561, sec. 6, effective July 15, 1998.