Mabel W. Robertson

Administrative Register of Kentucky

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Refiling Deadline April 15

The Administrative Procedures Act, as amended by the 1975 General Assembly, requires that all proposed regulations be published in the monthly Administrative Register and be subject to public hearing upon request.

The Act also rescinds on July 1, 1975 all regulations issued by administrative agencies prior to July 1, 1974. Thus, an agency desiring to have its old regulations continue in effect must repromulgate them.

New and reissued regulations must be received by the Legislative Research Commission no later than April 15, 1975 or else the agency risks the possibility that its old regulations woll be repealed before the new ones can become effective.

And if the agency anticipates that its new regulations are likely to prompt public comment or a request for a public hearing, the deadline is March 14, 1975.

These early deadlines are essential because the Act requires that for 30 days following publication any person having an interest in the subject matter of any regulation may request a public hearing.

Here is how the deadlines are determined:

1. Proposed regulation is received by the LRC prior to 4:30 p.m. EST on April 15, 1975.
2. It will be published in the Administrative Register of May 1, 1975.
3. Interested persons have until June 1, 1975 to submit comment or to request a public hearing.
4. If no comment or hearing request is received, the proposed regulation will be submitted to the Administrative Regulation Review Subcommittee at its meeting on June 11, 1975.
5. If the Subcommittee has no objection, the regulation will be filed and become effective on June 11, 1975.

However, if a public hearing is requested, one must be held by the issuing agency no later than July 1, 1975.

Upon completion of the public hearing, the agency must consider the issues raised at the hearing and forward to the LRC a Statement of Affirmative Consideration, as required by law. The regulation and Statement are then submitted to the Administrative Regulation Review Subcommittee which meets July 9, 1975–beyond the date when all old regulations are rescinded.

If the regulation had been submitted to LRC prior to the March 14, deadline, it would be published in the April 1 issue of the Register, the public would have until May 1 to request a hearing, the hearing could be held prior to June 1, and the Statement of Affirmative Consideration could be presented to the Subcommittee at its June 11 meeting–allowing the regulation, if approved, to go into effect prior to expiration of the old regulation.

This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes 13.082.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

The **Administrative Register** is the monthly advance sheets service for the 1975 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

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95 Regulations Approved By Subcommittee

Ninety-five proposed regulations became effective on December 11, 1974 following their approval by the Administrative Regulation Review Subcommittee. The next meeting of the Subcommittee will be at 10 a.m. EST January 8, 1975 in Room 307 at the State Capitol. The meetings are open to the public.

Two regulations were returned to issuing agencies, and consideration was deferred on one regulation at the request of the promulgating agency.

Tentative minutes of the Subcommittee meeting, subject to approval at the next meeting, follow:

Subcommittee Minutes

The Administrative Regulation Review Subcommittee held its sixth meeting on Wednesday, December 11, 1974, at 10 a.m. in Room 307 of the State Capitol. Present were:

Members: Senator Michael R. Moloney, Chairman; Representatives James Davis and Richard Lewis.

LRC Staff: Phillip R. Patton, Hugh Morris, Mabel Robertson and Susan Martin.

Guests: Ray Crider, Kentucky State AFL-CIO; Ralph Stevens, Philipp Fox, and W. E. Doll, Jr., Department for Natural Resources and Environmental Protection; J. Stucker, Louisville Board of Education; T. Dallas, Louisville, Shawnee High School; Conaie Cox, Louisville, Ahrens High School; C. Hernandez, M.D., Bureau for Health Services; Ernest P. Fowler, Cattie Lou Miller, Arthur Hatterick, Jr., Roy Stevens, and Gil Mischel, Department of Personnel; Ron Sheets, and Mack Morgan, Jr., Kentucky Retail Federation; Charles E. McCoy and Earl Cornett, Department of Labor; and Bill Mayes and Kenneth E. Gilbert, Department of Revenue.

The meeting was called to order by the chairman. On motion by Representative Davis, the minutes of all previous meetings of the subcommittee were approved.

803 KAR 1:090, Department of Labor, wages and hours, students, handicapped and sheltered workshops, was received by the Legislative Research Commission December 10, 1974. The subcommittee members decided that since they had not had time to review and read the regulation it would come before the subcommittee as the first order of business on January 8, 1975.

402 KAR 1:010, Natural Resources and Environmental Protection, reclamation surface effects of underground mines, was discussed by Mr. W. E. Doll, Jr., Department for Natural Resources and Environmental Protection. After discussion the subcommittee returned the regulation to the department for the reason that legislative intent was not complied with.

103 KAR 30:060, Sales and Use Tax,

(Continued on Page 322)

(3) an appointing authority, with approval of the commis-

Review Subcommittee Minutes

(Continued From Front Page)

articles taken in trade, is approved for filing upon LRC receipt of an amendment from the department.

601 KAR 12:010, Department of Transportation, Vehicle Regulation, drivers license, revocation hearing. Upon oral request of the agency, the subcommittee is holding the regulation for later consideration.

902 KAR 2:060, Health Services, Communicable Diseases, immunization schedules, was returned for the reason that KRS 214.034 relates to the mandatory immunization of children, and that Section 1, Subsection 2 contains language concerning the mandatory immunization of adults.

The following regulations were approved and ordered filed:

1 KAR 1:010, Legislative Research Commission, Administrative Register, form, codification.

101 KAR 1:010, Secretary of the Cabinet, Department of Personnel, definitions.

101 KAR 1:020, Secretary of the Cabinet, Department of Personnel, personnel, general provisions.

101 KAR 1:030, Secretary of the Cabinet, Department of Personnel, personnel board procedures.

101 KAR 1:040, Secretary of the Cabinet, Department of Personnel, classification plan.

101 KAR 1:050, Secretary of the Cabinet, Department of Personnel, compensation plan.

101 KAR 1:060, Secretary of the Cabinet, Department of Personnel, applications and examinations.

101 KAR 1:070, Secretary of the Cabinet, Department of Personnel, register.

101 KAR 1:080, Secretary of the Cabinet, Department of Personnel, certificate and selection of eligibles.

101 KAR 1:090, Secretary of the Cabinet, Department of Personnel, types of appointments.

101 KAR 1:100, Secretary of the Cabinet, Department of Personnel, probationary period.

101 KAR 1:110, Secretary of the Cabinet, Department of Personnel, promotion, transfer, demotion, special duty.

101 KAR 1:120, Secretary of the Cabinet, Department of Personnel, separations and disciplinary actions.

101 KAR 1:130, Secretary of the Cabinet, Department of Personnel, appeals.

101 KAR 1:140, Secretary of the Cabinet, Department of Personnel, service regulation.

102 KAR 1:030, Teacher's Retirement System, substitute teachers.

102 KAR 1:035, Teacher's Retirement System, substituting by retired teachers.

102 KAR 1:045, Teacher's Retirement System, transfer to other systems.

102 KAR 1:050, Teacher's Retirement System, out-of-state service interest rates.

102 KAR 1:055, Teacher's Retirement System, military service credit.

102 KAR 1:060, Teacher's Retirement System, refunds.

102 KAR 1:070, Teacher's Retirement System, applications for retirement.

102 KAR 1:100, Teacher's Retirement System, insurance.

102 KAR 1:120, Teacher's Retirement System, voluntary contributions.

102 KAR 1:125, Teacher's Retirement System, omitted contributions.

102 KAR 1:130, Teacher's Retirement System, additional contributions.

103 KAR 1:010, Department of Revenue, administration, protests and appeals.

103 KAR 16:010, Department of Revenue, taxable income, coal royalty.

103 KAR 16:030, Department of Revenue, corporations, net operating loss.

103 KAR 16:050, Department of Revenue, application of regulations.

103 KAR 16:060, Department of Revenue, business and nonbusiness income.

103 KAR 16:070, Department of Revenue, apportionment, sales factor.

103 KAR 16:080, Department of Revenue, apportionment, property factor.

103 KAR 16:090, Department of Revenue, apportionment, payroll factor.

103 KAR 25:050, Sales and Use Tax, factors and agents.

103 KAR 26:010, Sales and Use Tax, service enterprises.

103 KAR 26:020, Sales and Use Tax, physicians and surgeons.

103 KAR 26:030, Sales and Use Tax, optometrists, oculists, opticians.

103 KAR 27:030, Sales and Use Tax, brokers, lienors and fiduciaries.

103 KAR 27:050, Sales and Use Tax, florists and nurserymen.

103 KAR 27:140, Sales and Use Tax, publishers, newspapers and magazines.

103 KAR 27:170, Sales and Use Tax, sales by civic clubs.

103 KAR 30:020, Sales and Use Tax, exemptions, prescription medicine, prosthetics.

103 KAR 31:110, Sales and Use Tax, resale certificates.

201 KAR 2:030, Board of Pharmacy, reciprocity, temporary license.

201 KAR 2:055, Board of Pharmacy, license renewal.

201 KAR 2:080, Board of Pharmacy, prescription substitution.

201 KAR 2:090, Board of Pharmacy, reference material on prescription equipment.

301 KAR 1:012, Fish and Wildlife, boating, swimming and water skiing.

301 KAR 1:015, Fish and Wildlife, boats and outboard motors, size limits.

301 KAR 1:035, Fish and Wildlife, Cumberland Gap Park, restrictions.

301 KAR 1:040, Fish and Wilflife, skin and scuba diving limitations.

301 KAR 1:055, Fish and Wildlife, angling, limits, and seasons.

301 KAR 1:075, Fish and Wildlife, gigging, snagging, tickling and noodling.

301 KAR 1:120, Fish and Wildlife, live fish sales, licensure.

302 KAR 1:010, Department of Agriculture, soybeans, referendum.

603 KAR 5:025, Bureau of Highways, fully controlled access highways.

603 KAR 5:040, Bureau of Highways, use of rest areas.

603 KAR 6:022, Bureau of Highways, Ky 153 classification.

603 KAR 6:023, Bureau of Highways, Ky 805 classification.

803 KAR 1:080, Department of Labor, wages and hours, board, lodging, gratuities.

803 KAR 1:085, Department of Labor, fringe benefits.

803 KAR 1:100, Department of Labor, child labor.

803 KAR 2:040, Occupational Safety and Health, definitions.

803 KAR 2:050, Occupational Safety and Health, scope.

803 KAR 2:060, Occupational Safety and Health, employers' responsibilities.

803 KAR 2:070, Occupational Safety and Health, inspections, procedure.

803 KAR 2:080, Occupational Safety and Health, advance notice of inspections.

803 KAR 2:090, Occupational Safety and Health, unwarranted inspections, complaint.

803 KAR 2:095, Occupational Safety and Health, trade secrets.

803 KAR 2:100, Occupational Safety and Health, imminent danger.

803 KAR 2:110, Occupational Safety and Health, employer and employee representatives.

803 KAR 2:115, Occupational Safety and Health, penalties.

803 KAR 2:120, Occupational Safety and Health, citations.

803 KAR 2:125, Occupational Safety and Health, posting of citations.

803 KAR 2:130, Occupational Safety and Health, informal conferences.

803 KAR 2:140, Occupational Safety and Health, employer and employee contests.

803 KAR 2:150, Occupational Safety and Health, time for filing complaint.

803 KAR 2:160, Occupational Safety and Health, carcinogens, registering.

803 KAR 2:170, Occupational Safety and Health, variances.

804 KAR 3:030, Alcohol Beverage Control, minimum wholesale price for wine.

804 KAR 3:040, Alcohol Beverage Control, close-out sales, date for approving.

804 KAR 3:050, Alcohol Beverage Control, transportation charges equalization.

804 KAR 3:060, Alcohol Beverage Control, taxes included in retail price.

804 KAR 3:070, Alcohol Beverage Control, retail price advertising.

804 KAR 3:080, Alcohol Beverage Control, cash sales only.

805 KAR 2:010, Mines and Minerals, underground coal mine usage.

807 KAR 1:010, Public Service Commission, rules of procedure.

902 KAR 2:010, Health Services, Communicable Diseases, definitions and methods of control.

902 KAR 2:020, Health Services, Communicable Diseases, reportable diseases.

902 KAR 2:030, Health Services, Communicable Disease, inspections and control procedures.

902 KAR 2:040, Health Services, Communicable Diseases, screening of carriers.

902 KAR 2:050, Health Services, Communicable Diseases, control procedures.

902 KAR 2:070, Health Services, Communicable Diseases, rabies control.

902 KAR 2:080, Health Services, Communicable Diseases, venereal disease.

The meeting was adjourned at 12:05 p.m. The next regularly scheduled meeting of the subcommittee is Wednesday, January 8, 1975.

How To Cite

Cite all material in the Administrative Register of Kentucky by Volume number and page number. Example: Volume 1, Kentucky Register, page 318 (Short form: 1Ky.R. 318)

Cite portions of the 1975 KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE by Title, Chapter and Regulation number, as follows:

601 KAR 1:010

meaning Regulation 010 of Chapter 1 of Title 601. The 600-series of Titles indicates that the issuing authority is the Department of Transportation. Title 601 is the Bureau of Vehicle Regulation. Chapter 1 relates to Motor Carriers and Regulation 010 deals with the maximum length of such vehicles on specified highways.

Administrative Register of kentucky

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Frankfort, Kentucky 40601.

Emergency Regulations

WENDELL H. FORD, GOVERNOR
Executive Order 74-942
December 12, 1974

EMERGENCY REGULATION
Department for Human Resources

WHEREAS, The Department for Human Resources finds that it is impossible to comply with the normal filing procedures under Chapter 13 of the Kentucky Revised Statutes for administrative regulations in order to administer the medical assistance program under Title XIX of the Social Security Act which sets forth the method for establishing payment for physician services.

THEREFORE, pursuant to the authority vested in me by Section 13.085 of the Kentucky Revised Statutes as amended by Section 2 of Senate Bill 172 of the 1974 General Assembly, I, Wendell H. Ford, Governor of the Commonwealth of Kentucky, hereby acknowledge that the declaration of an emergency by the Department for Human Resources exists and submit the attached regulation with the Legislative Research Commission. This is done with the intent that the Department shall process the regulation through the normal process for filing administrative regulations within 120 days if it desires that the regulation become permanent.

WENDELL H. FORD, Governor
THELMA L. STOVALL, Secretary of State

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
904 KAR 1:010E

RELATES TO: KRS 205.550(4), 205.560(4)
PURSUANT TO: KRS 13.082, 194.050
EFFECTIVE: December 13, 1974
EXPIRES: April 12, 1975
NECESSITY AND FUNCTION: The Department for Human Resources is required to administer a program of medical assistance under Title XIX of the Social Security Act. KRS 205.550(4) and 205.560(4) require that the secretary prescribe the methods for determining costs for vendor payments for medical care services. This regulation sets forth the method for establishing payment for physician services.

Section 1. Amount of Payment: Payment for covered services rendered to eligible medical assistance recipients is based on the physicians' usual, customary, reasonable and prevailing charges.

Section 2. Definitions: For purposes of determination of payment: (1) Usual and customary charge refers to the uniform amount the individual physician charges in the majority of cases for a specific medical procedure or service.
(2) Prevailing charge refers to those charges which fall within the range of charges as computed by the use of a pre-determined and established statistical percentile. Prevailing charges for each medical procedure are derived from the overall pattern existing within each medical service area.

Section 3. Method and Source of Information on Charges: (1) Effective October 1, 1974, the individual fee profiles for participating physicians were generated from historical data accumulated from charges submitted and processed by the Medical Assistance Program during all of calendar year 1973.
(2) Effective October 1, 1974, the Title XIX prevailing fee maximums were generated from the same historical data as referenced in subsection (1) of this section.
(3) Effective October 1, 1974, the Title XVIII, Part B, current reasonable charge profiles were utilized by the Medical Assistance Program to comply with Federal Regulation CFR-250.30.
(4) Effective October 1, 1974, the Title XVIII, Part B, current prevailing charge data was utilized by the Medical Assistance Program to comply with Federal Regulation CFR-250.30.
(5) Percentile:
(a) The Title XIX prevailing charges were established by utilizing the statistical computation of the 75th percentile.
(b) The Title XVIII, Part B, prevailing charges were established by utilizing the statistical computation of the 75th percentile.

Section 4. Maximum Reimbursement for Covered Procedures: (1) Reimbursement for covered procedures is limited to the lowest of the following:
(a) Actual charge for service rendered as submitted on billing statement;
(b) The physician's median charge for a given service derived from claims processed or from claims for services rendered during all of the calendar year preceding the start of the fiscal year in which the determination is made; or
(c) The physician's reasonable charge recognized under Part B, Title XVIII.
(2) In no case may payment exceed the prevailing charge recognized under Part B, Title XVIII for similar service in the same locality.
(3) In instances where a reasonable charge for a specific medical procedure for a given physician has not been established under Part B, Title XVIII, the prevailing charge recognized under Part B, Title XVIII for a similar procedure is utilized.
(4) In instances where neither a reasonable charge nor prevailing charge has been established for a specific medical procedure by Part B, Title XVIII, the prevailing charge established under Title XIX is utilized as the maximum allowable fee.

Section 5. Exceptions: Exceptions to reimbursement as outlined in foregoing sections are as follows: (1) Reimbursement for physician's services provided to inpatients of hospitals is made on the basis of a percentage of the physician's usual, customary and reasonable charge after the appropriate prevailing fee screens are applied. The percentage rate is established at sixty-two percent (62%). The percentage rate will be reviewed periodically and adjusted according to the availablity of funds.
(2) Payment for individuals eligible for coverage under Title XVIII, Part B, Supplementary Medical Insurance, is made in accordance with Sections 1 through 4 and Section 5(1) within the individual's deductible and coinsurance liability.

LAUREL W. TRUE, Secretary
ADOPTED: December 11, 1974
RECEIVED BY LRC: December 13, 1974 at 4:03 p.m.

WENDELL H. FORD, GOVERNOR
Executive Order 74-943
December 12, 1974

EMERGENCY REGULATION
Department for Human Resources

WHEREAS, The Department for Human Resources finds that it is impossible to comply with the normal filing procedures under Chapter 13 of the Kentucky Revised Statutes for administrative regulations in order to administer the medical assistance program under Title XIX of the Social Security Act which sets forth the professional dispensing fee for pharmacy services.

THEREFORE, pursuant to the authority vested in me by Section 13.085 of the Kentucky Revised Statutes as amended by Section 2 of Senate Bill 172 of the 1974 General Assembly, I, Wendell H. Ford, Governor of the Commonwealth of Kentucky, hereby acknowledge that the declaration of an emergency by the Department for Human Resources exists and submit the attached regulation with the Legislative Research Commission. This is done with the intent that the department shall process the regulation through the normal process for filing administrative regulations within 120 days if it desires that the regulation become permanent.

WENDELL H. FORD, Governor
THELMA L. STOVALL, Secretary of State

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
904 KAR 1:020E

RELATES TO: KRS 205.550(4), 205.560(4)
PURSUANT TO: KRS 13.082, 194.050
EFFECTIVE: December 13, 1974
EXPIRES: April 12, 1975
NECESSITY AND FUNCTION: The Department for Human Resources is required to administer a program of medical assistance under Title XIX of the Social Security Act. KRS 205.550(4) and 205.560(4) require that the secretary prescribe the methods for determining costs for vendor payments for medical services. This regulation sets forth the professional dispensing fee for pharmacy services.

Section 1. Payment to pharmacists participating in the medical assistance program for those drugs contained on the medical assistance program drug list and provided to eligible recipients shall be limited to the basic cost of the drug plus a professional dispensing fee of one dollar and eighty cents ($1.80) per prescription.

Section 2. Participating dispensing physicians who practice in counties where no pharmacies are located are reimbursed for the cost of the drug only.

LAUREL W. TRUE, Secretary
ADOPTED: December 12, 1974
RECEIVED BY LRC: December 13, 1974 at 4:04 p.m.

(3) An appointing authority, with approval of the commis-

Amended Regulations

In order to show the effect of amendments, original regulations are reprinted with the new matter underscored and deleted material enclosed within brackets.

(The following two regulations have been amended by the issuing agency in accord with suggestions from the Administrative Regulation Review Subcommittee and both are now effective as amended.)

SECRETARY OF THE CABINET
Department of Revenue
103 KAR 1:010
(As Amended)

RELATES TO: KRS 131.110, 131.340, 131.345, 131.360, 131.365, 131.370, 139.760 and 139.980(4)
PURSUANT TO: KRS 13.082
AMENDS: 103 KAR 1:010
EFFECTIVE: December 11, 1974
NECESSITY AND FUNCTION: This regulation summarizes significant portions of the statutes dealing with taxpayer protest and appeal rights and outlines procedures to facilitate the filing, processing and disposition of such protests and appeals.

Section 1. Protests – Assessments: (1) Taxpayers will be notified of additional tax assessments by mail. Payment including interest from the original due date, in the absence of protest, must be made within thirty (30) days from the date of the notice of tax due.

(2) A written protest may be filed by the taxpayer, or other persons representing the taxpayer, against additional assessments. The protest shall be filed with the Department of Revenue within thirty (30) days from the date of notice.

(3) A hearing may also be requested. The taxpayer may appear in person or by representative. If a taxpayer is not present in person, or if a corporation is not represented by an authorized officer, the department may require the taxpayer's representative to furnish evidence of his authority to act for the taxpayer. Consideration will be given to additional information presented in the protest and at hearings and the additional assessment may be adjusted accordingly.

Section 2. Protests – Refund Denials: (1) Taxpayers will also be notified by mail of disallowance or partial disallowance of any refund claim including a refund requested upon any return.

(2) A taxpayer may protest such disallowance or partial disallowance by written protest filed with the division director, Department of Revenue, within thirty (30) days of the disallowance. Procedures governing protests and hearings for refunds are the same as for assessments.

Section 3. Final Ruling: If the taxpayer's protest of an assessment or refund denial cannot be resolved through correspondence and/or conferences with officials of the Department of Revenue and he desires to exercise his rights of further appeal, a final ruling will be issued by the Department of Revenue. The final ruling shall be given to the taxpayer over the signature of the director of the division administering the tax with the approval of the Commissioner of Revenue.

Section 4. Appeal – Kentucky Board of Tax Appeals [The following procedure is prescribed by rules and regulations of the board.]: (1) If a taxpayer desires to appeal a final ruling of the Department he may, within thirty (30) days from the date of such ruling, apply for a hearing before the Kentucky Board of Tax Appeals. The appeal:

(a) must be filed in duplicate;
(b) must contain a brief statement of the law and facts in issue;
(c) must state the petitioner's position regarding the law, facts, or both;
(d) must contain a copy of the final ruling of the department; and
(e) may contain a request for hearing.

(2) The board will set a date for a formal hearing. The hearing procedure before the board will be in accordance with the board's rules.

(3) On the basis of the hearing, briefs, and other documents, the board will issue a written order which will affirm, reverse, modify or remand the final ruling, and will forward a copy of the order to the taxpayer and the department. Assessments upheld by the board shall be due and payable thirty (30) days after the date of the board's order. In the absence of appeal, penalties for failure to pay tax when due apply if payment is not made within thirty (30) days after the date of the board's order.

(4) Interest from the original due date of the return until the tax is paid shall be added to the additional assessments.

Section 5. Appeal – Circuit Court: Any party aggrieved by a final order of the Kentucky Board of Tax Appeals, may, within thirty (30) days after such order becomes final, file a petition of appeal on any question of law to the Franklin Circuit Court or to the circuit court of the county in which the aggrieved party resides or conducts his business. A copy of the petition of appeal shall be filed with the board and all other parties against whom the appeal is prosecuted.

Section 6. Appeal – Kentucky Court of Appeals: Any party may appeal to the Kentucky Court of Appeals as provided in the Rules of Civil Procedure.

JOHN McD. ROSS, COMMISSIONER
JAMES O. KING, SECRETARY
APPROVED:
ADOPTED: October 15, 1974
RECEIVED BY LRC: December 13, 1974 at 1:24 p.m.

SECRETARY OF THE CABINET
Department of Revenue
103 KAR 30:060
(As Amended)

RELATES TO: KRS 139.050, 139.100, 139.130
PURSUANT TO: KRS 13.082
AMENDS: 103 KAR 30:060
EFFECTIVE: December 13, 1974
NECESSITY AND FUNCTION: This regulation interprets the sales and use tax law as it relates to trade-in allowances.

Section 1. For purposes of computing "gross receipts" or "sales price," as the case may be, a seller who holds a retail sales and use tax permit is not required to place a value on property taken in trade as a credit or part payment on the sale of new or used articles:

(1) where the property traded in is of like kind and character to the property sold, and
(2) where the seller holds the property traded in for resale.

Section 2. If the property traded in is not of like kind and character to the property sold, or the person accepting the article traded is not a seller who holds a retail sales and use tax permit, the seller will be required to include the full fair market value of the property taken in trade as well as the full selling price of the article sold.

JOHN McD. ROSS, Commissioner
JAMES O. KING, Secretary
APPROVED:
ADOPTED: October 15, 1974
RECEIVED BY LRC: December 13, 1974 at 1:24 p.m.

(The regulation which follows, published originally in the November issue [1 Ky.R. 156], is proposed to be amended as a result of comments received by the issuing agency at a public hearing on December 9, 1974. The Administrative Regulation Review Subcommittee will review this proposal at its next meeting on January 8, 1975. The agency's Statement of Affirmative Consideration is a public record on file with the Legislative Research Commission.)

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
(803 KAR 1:090)
(Proposed Amendment)

RELATES TO: KRS 337.275, 337.285
PURSUANT TO: KRS 337.295, 13.082
SUPERSEDES: LAB 9
NECESSITY AND FUNCTION: KRS 337.295 authorizes the commissioner to issue regulations permitting handicapped workers, sheltered workshop employes, and students to be employed at less than the established minimum wage. KRS 337.010(2)(v) requires that the wages be set for a period of time fixed by the commissioner. The function of this regulation is to set certain standards to be used in obtaining these special rates.

Section 1. As used in this regulation, unless the context requires otherwise:

(1) "Commissioner" means commissioner of labor or any authorized person to act in his behalf, having jurisdiction over laws or regulations governing wages and hours of employes working in this state;
(2) "Department" means Department of Labor;
(3) "Handicapped worker" means an individual whose earning or productive capacity is impaired by age or physical or mental deficiency or injury for the work he is to perform;
(4) "Sheltered workshop" means a charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for handicapped workers, and/or providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature; and
(5) "Student" means a person who receives primarily daytime instruction at the physical location of a bona fide educational institution, in accordance with the institution's accepted definition of a student. A student retains that status during Christmas, summer, and other vacations. An individual who was such a student immediately prior to vacation will be presumed not to have discontinued such status during vacation if local law requires his attendance at the end of the vacation. [A student covered under a certificate for sub-minimum wages will lose this status during legally recognized school holidays, which will entail the student missing more than two (2) days of school. During these periods the student will be considered a full-time employe and subject to applicable minimum wage.]

Section 2. (1) No employer shall employ a handicapped worker or sheltered workshop employe at less than the applicable minimum wage, unless he has been granted a special certificate from the Commissioner of Labor authorizing such employment. The rate of pay shall be fixed by the commissioner and be in effect for such period of time as fixed by the commissioner.

(2) Before a certificate will be issued it will be necessary for the employer to submit a formal application signed by both the employer and employe. The application shall set forth, among other things, the nature of the disability, a description of the occupation at which the worker is to be employed, and the wage the employer proposes to guarantee the worker per hour. The nature of the disability must be set out in detail. The application shall be addressed to the Director, Division of Labor Standards, Kentucky Department of Labor, Frankfort, Kentucky 40601.

(3) If the application is approved, the commissioner will issue a special certificate to the employer authorizing the individual stated in the certificate permission to work at the rate contained in the certificate and for the period stated in the certificate.

(4) The employer shall not be permitted to employ such worker at less than the applicable minimum wage until the certificate has been returned to him approved by the commissioner.

(5) In the event an employer misuses the certificate in any way, the commissioner reserves the right to revoke such certificate and refuse to issue such certificate in the future.

Section 3. (1) No employer shall employ a student at less than the applicable minimum wage, unless he has been granted a special certificate from the commissioner authorizing such employment. The certificate, if issued, will permit the student to be paid no less than eighty-five percent (85%) of the applicable minimum wage.

(2) A student shall not be permitted to work at sub-minimum wages for more than twenty (20) hours a week. A student worker who exceeds these limitations shall be paid the applicable minimum wage for hours worked in excess of twenty (20) hours per week.

(3) Certificates authorizing the employment of students at sub-minimum wages shall not be issued unless the following conditions are met:

(a) Students are available for employment at sub-minimum wages.

(b) The employment of students will not create a substantial probability of reducing the full-time employment opportunities for persons other than those employed under such certificates. To insure against the probability of reducing the full-time employment opportunities for persons, the employer shall be limited to ten percent (10%) of his full-time employes or four (4) student employes at sub-minimum wages, whichever is the least.

(c) Abnormal labor conditions such as a strike or lockout do not exist at the establishment for which a certificate is requested.

(d) There are no outstanding violations of the provisions of a student certificate previously issued to the employer, nor have there been any violations of any minimum wage laws or child labor regulations which provide reasonable grounds to conclude that the terms of a certificate may not be complied with.

(e) The application for a special certificate shall be in writing and addressed to the Director, Division of Labor Standards, Kentucky Department of Labor, Frankfort, Kentucky 40601. The application shall contain the following information:

1. Name and address of employer requesting certificate.
2. Name and address of student to be employed at special minimum wage.
3. Social Security Number of student.
4. Total number of full-time employes presently employed by employer requesting certificate.
5. A statement that abnormal labor conditions such as a strike or lockout do not exist at the establishment for which a certificate is requested.
6. A statement that there are no outstanding violations of the provisions of a student certificate previously issued to the employer, nor have there been any violations of any minimum wage laws or child labor regulations in the past.
7. Signature and title of employer or authorized representative requesting certificate.

[(e) The application for a special certificate shall be upon forms furnished by the department. If all required information requested on the form is not provided, the certificate will not be granted. Certificates may be requested from the Director, Division of Labor Standards, Kentucky Department of Labor, Frankfort, Kentucky 40601.]

(4) The employer shall not be permitted to employ such worker at less than the applicable minimum wage until the certificate has been returned to him approved by the commissioner.

(5) In the event an employer misuses the certificate in any way, the commissioner reserves the right to revoke such certificate and refuse to issue such certificate in the future.

JAMES R. YOCOM, Commissioner of Labor
ADOPTED: November 10, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 10, 1974 at 3:34 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
804 KAR 3:020
(Proposed Amendment)

RELATES TO: KRS 244.380 and 244.450
PURSUANT TO: KRS 13.082, 241.060
AMENDS: 804 KAR 3:020
NECESSITY AND FUNCTION: This regulation deals with the Kentucky Fair Trade Act, and is supplemental thereto since the acts themselves do not specifically provide for the treatment of cash discounts, and fractions of cents price on fair trade contracts. The regulation is, therefore, necessary to fill in certain areas dealing with fair trade, but which were not specifically provided in the enabling statutes.

Section 1. Minimum Resale Price. (1) Any standard cash discounts available to all wholesalers for payment of account in specified time cannot be deducted from the purchase price when the mark-up of fifteen percent (15%) or twenty percent (20%) is made. [The same applies to the three percent (3%) discount given to the wholesaler on the purchase of Kentucky consumers distilled spirits stamps.] The gross amount of the tax must be added to the purchase price before the mark-up is made.

(2) All cash discounts received or given that are not uniform shall be deemed a violation of KRS 244.390.

(3) Retailers' resale prices as listed in the Fair Trade Contract and invoices must not contain fractions. When the application of the minimum mark-up results in a fraction of a cent, the whole cent must be taken in fixing the minimum mark-up if the fraction is equal to or greater than one-half cent (1/2¢). If the fraction is less than one-half cent (1/2¢) then it is eliminated. For example, if the minimum price is computed to be sixty and four-tenths cents (60.4¢), the minimum resale price is sixty cents (60¢); if the price is sixty and five-tenths cents (60.5¢), the minimum resale price is sixty-one cents (61¢).

(4) The minimum resale price listed on Alcoholic Beverage Control Form 660 by the wholesaler for the retailer must be computed at not less than the minimum mark-up of thirty-three and one-third percent (33 1/3%) on distilled spirits and thirty-three and one-third percent (33 1/3%) on wine of less than one (1) case, and ten percent (10%) on units of one (1) case.

(5) In ascertaining the transportation cost, the minimum charge of at least twenty-five cents (25¢) per case must be made.

(6) Sales can be made by one (1) wholesaler to another without the minimum mark-up provided that the consignor with or without consideration above his purchase price assigns a portion of his purchase to another wholesaler. In no instance is the combined mark-up of the two (2) wholesalers to be less than fifteen percent (15%) on distilled spirits and twenty percent (20%) on wine.

(7) All wholesalers are required to use an invoice of substantially standard form and to file copies of Fair Trade Contracts with all retailers to whom they sell merchandise; provided, if a wholesaler publishes a price list the above shall not be required.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board
ADOPTED: October 18, 1974
APPROVED: December 2, 1974 ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:51 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

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(3) An appointing authority, with approval of the commis-

Proposed Regulations

DEPARTMENT OF STATE
(30 KAR 1:010)

RELATES TO: KRS Chapters 271A, 272, 273, 274, 279, 287, 289, 290, 304
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: To codify as a regulation the long-standing custom, practice, function and service of the Department of State to issue "Certificate of Good Standing" to the many corporations on file in that department, and to their representatives who request them.

Section 1. (1) As used in this regulation:
(a) "Good standing" means that all annual reports which are lawfully required to be received from a corporation, whether foreign or domestic, have been received and filed in the Department of State, that all other lawfully required statutory documentation has been received and filed, and that all lawful fees therefor have been paid.
(b) "Certificate of good standing" means a certificate issued by the Department of State showing that a corporation is in good standing with that department.

(2) The Department of State may, upon request, issue a certificate of good standing relative to any corporation of record in its office which is in good standing.

(3) The fees charged for the certificate and any accompanying pages shall be those fees set forth in KRS 271A.635.

THELMA L. STOVALL, Secretary of State
ADOPTED: December 11, 1974
RECEIVED BY LRC: December 12, 1974 at 8:31 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Thelma L. Stovall, Secretary of State, State Capitol, Frankfort, Kentucky 40601.

DEPARTMENT OF STATE
(30 KAR 1:020)

RELATES TO: KRS Chapters 271A, 272, 273, 274, 279, 287, 289, 290, 304
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: To codify as a regulation the long-standing custom, practice and function of the Department of State to require that a corporation, whether foreign or domestic, be in good standing before current statements or other documents which are newly submitted by the corporation are received and filed by the department. This serves to enforce the provisions of the various Kentucky statutes on corporations which require corporations to file certain statements, reports and documents with the department, together with fees therefor.

Section 1. (1) As used in this regulation, "good standing" means that all annual reports which are lawfully required to be received from a corporation, whether foreign or domestic, have been received and filed in the Department of State, that all other lawfully required statutory documentation has been received and filed, and that all lawful fees therefor have been paid.

(2) A corporation must be in good standing upon the records of the Department of State before that department can file current statements or other documents received from that corporation.

THELMA L. STOVALL, Secretary of State
ADOPTED: December 11, 1974
RECEIVED BY LRC: December 12, 1974 at 8:31 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Thelma L. Stovall, Secretary of State, State Capitol Building, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Personnel
(101 KAR 1:200)

RELATES TO: KRS 18.220
PURSUANT TO: KRS 13.082, 18.220
NECESSITY AND FUNCTION: KRS 18.220 requires the Commissioner of Personnel to submit to the Governor proposed rules for the unclassified service persons in positions enumerated in KRS 18.140(1)(f), (g), (h), (i) and (j). KRS 18.220 further provides that these rules shall be approved by the Governor and promulgated according to KRS Chapters 12 and 13. In practice, the rules which apply to Merit System employees in the following specific areas have also been applied to the aforementioned categories of employees in the unclassified service. The purpose of this rule is to formalize that practice into official regulation.

Section 1. Annual Leave. (1) Each full-time employee, except seasonal, temporary, and emergency employees, shall be allowed annual leave with pay at the following rate:

Years of Service	Annual Leave Days
0 – 5 years	1 leave day per month; 12 per year
5 – 10 years	1 1/4 leave days per month; 15 per year
10 – 15 years	1 1/2 leave days per month; 18 per year
15 years and over	1 3/4 leave days per month; 21 per year

An employee must have worked more than half of the work days in a month to qualify for annual leave. Employees serving on a part-time basis or per-diem basis shall not be entitled to annual leave.

(2) Annual leave may be accumulated; however, not more than thirty (30) working days of accumulated leave may be carried forward from one (1) calendar year to the next. However, leave in excess of thirty (30) work days may be carried forward for a period of six (6) months if the appointing authority justifies in writing the reasons which made it impossible to allow an employee to take accumulated annual leave in a timely manner. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

(3) Absence on account of sickness, injury, or disability in excess of that hereinafter authorized for such purposes may at the request of the employee and within the discretion of the appointing authority, be charged against annual leave.

(4) Accumulated annual leave shall be granted by the appointing authority in accordance with operating requirements and, insofar as practicable, with the requests of employees.

(5) Employees are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

(6) Annual leave shall accrue only when an employee is working or on authorized leave with pay.

(7) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated annual leave in the receiving agency.

(8) Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he must have used or have been paid for any accumulated annual leave.

(9) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed thirty (30) working days, when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. The effective date of the separation shall be the last work day and the employee's amount of accumulated annual leave shall be listed in the remarks section of the advice effecting the separation. A supplemental pay voucher shall be submitted on accumulated annual leave.

(10) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed thirty (30) working days.

(11) Upon the death of an employee, his estate shall be entitled to pay for the unused portion of the employee's accumulated annual leave not to exceed thirty (30) working days.

Section 2. Sick Leave. (1) Each employee in the state service, except an emergency employee, shall be allowed sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the work days in a month to qualify for sick leave with pay. Employees serving on a part-time or per-diem basis shall not be entitled to sick leave.

(2) Employees completing ten (10) years of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of ten (10) years of service. The total service must be verified in writing before the leave is credited to the employee's record.

(3) Unused sick leave may be accumulated with no maximum on accumulation.

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay.

(5) An appointing authority shall grant accrued sick leave with pay when the employee:
(a) receives medical, dental, or optical examination or treatment;
(b) is disabled by sickness or injury;
(c) is disabled by pregnancy and/or confinement limited to a maximum of three (3) calendar months;
(d) is required to care for a sick or injured member of his immediate family for a reasonable period of time;
(e) would jeopardize the health of others at his duty post, because of exposure to a contagious disease;
(f) has lost by death a parent, child, brother or sister, or the spouse of any of them, or any person related by blood or affinity, with a similarly close association. Leave under this sub-paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

At the termination of sick leave with pay, the appointing authority shall reinstate the employee to his former position.

(6) An appointing authority may grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy and confinement, and the total continuous leave does not exceed two (2) years. At the termination of sick leave without pay, the appointing authority may reinstate the employee.

(7) Absence for a fraction or part of a day that is charge-

able to sick leave shall be charged in hours or one-half (1/2) hours.

(8) An employee who is transferred or otherwise changed from the jurisdiction of one agency to another shall retain his accumulated sick leave in the receiving agency.

(9) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. The employee's amount of accumulated sick leave shall be listed in the remarks section of the advice effecting the separation. Former employees who are reinstated or re-employed may have their accumulated and unused sick leave balances revived after sixty (60) days of work and placed to their credit upon request of the appointing authority, and approval of the commissioner.

(10) In cases of absence due to illness or injury for which workmen's compensation benefits are received for lost time, sick leave may be utilized to the extent of the difference between such benefits and the employee's regular salary.

(11) Application for sick leave - an employee shall file an application for sick leave with pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental, or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(12) Supporting Evidence:

(a) An appointing authority shall grant sick leave when the application is supported by acceptable evidence. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment.

(b) An appointing authority may place on sick leave a pregnant woman who, on request, fails to produce a satisfactory medical certificate.

Section 3. Court Leave. An employee shall be entitled to leave of absence from duties, without loss of time or pay, for that amount of time necessary to comply with subpoenas by any court, federal, state, or political subdivision thereof, to serve as a juror or witness. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 4. Compensatory Leave. (1) The maximum amount of compensatory leave that can be accumulated by any employee shall be 100 hours. Upon separation from the state service or transfer to another agency, unused compensatory leave shall be forfeited unless, in the case of a transfer, the receiving agency is willing to accept the compensatory leave balance.

(2) An employee who is exempt from overtime provisions of wage and hour laws and who is authorized in advance by the appointing authority to work one (1) or more hours in excess of his prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis, not to exceed 100 hours.

(3) An employee subject to wage and hour laws whose prescribed hours of duty are normally fewer than forty (40) per week and who is authorized in advance by the appointing authority to work one (1) or more hours in excess of his normal hours of duty may be awarded compensatory time for that portion of extra time worked up to forty (40) hours, provided his rate of pay meets requirements of minimum wage laws.

(4) An employee subject to overtime provisions of wage and hour laws shall be paid in accordance with such provisions for actual hours worked in excess of the applicable statutory maximum hours. Compensatory leave earned and used during the same workweek does not constitute "hours worked" for computing overtime pay.

Section 5. Military Leave. Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from civil duties upon request therefor, to serve under orders on training duty without loss of regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and any such absence shall not be charged as annual leave or leave without pay. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

Section 6. Voting Leave. Appointing authorities shall allow all employees ample time to vote. Such absence shall not be charged against leave.

Section 7. Special Leave of Absence. (1) In addition to leaves as above provided, an appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.

(2) An appointing authority, with approval of the commissioner, may grant leave of absence for a period not to exceed twenty-four (24) months for the following purposes: with or without pay - for assignment to and attendance at college, university, or business school for the purpose of training in subjects related to the work of the employee and which will benefit the state service; or for purposes other than above that are deemed to be in the best interests of the state.

(3) An appointing authority, with approval of the commissioner, may grant an employee entering active military duty a leave of absence without pay for a period of such duty.

Section 8. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefor to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave. Deduction of pay may be made for each period of such absence and such absence may constitute grounds for disciplinary action.

CATTIE LOU MILLER, Commissioner
PROPOSED: November 1, 1974
APPROVED: WENDELL H. FORD, Governor
RECEIVED BY LRC: December 2, 1974 at 3:29 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Kentucky Department of Personnel, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 15:040)

RELATES TO: KRS 141.210, 141.235
PURSUANT TO: KRS 13.082
SUPERSEDES: IG-4
NECESSITY AND FUNCTION: This regulation summarizes and explains provisions of income tax law pertaining to time limitations on assessments of additional taxes and the granting of tax refunds.

Section 1. Assessments. Additional income tax may be assessed within four (4) years from the due date of return, the extended due date, or the filing date of a late return. Exceptions are provided below and in Section 2. If returns are not filed, or if fraudulent returns are filed, additional tax may be assessed at any time.

(1) Individuals. Additional tax may be assessed within six (6) years after the return was due or filed if an individual understates net income by twenty-five (25) percent, or omits from net income at least twenty-five (25) percent of net income reported.

(2) Corporations. Additional tax may be assessed within six (6) years after the return was due or filed if the corporation understates its taxable net income by twenty-five (25) percent, or omits from taxable net income at least twenty-five (25) percent of taxable net income reported.

Section 2. Agreements. The period for assessment and refund may be extended by written agreement between the department and the taxpayer before the statutory limitation expires, and may be further extended by additional agreements. Any agreement extending the time for assessment specifically extends the time for refund or credit notwithstanding the limitation in Section 3.

Section 3. Refunds. (1) Limitation. The department may authorize refunds or credits within three (3) years from the due date of the return or the date the tax was paid, whichever is later, on payments received before January 1, 1966. Payments received on or after January 1, 1966 may be refunded or credited within four (4) years from the due date of the return or the date the tax was paid, whichever is later. Interest at six (6) percent per annum is paid only if the refund results from a clerical error by the department.

(2) Claim. A refund claim may be filed by letter or Revenue Form 40A713. A claim must contain:

(a) The taxpayer's name, address, and form of organization whether individual, corporation, or fiduciary;
(b) The calendar or fiscal year of the taxpayer;
(c) Amount paid and date of payment;
(d) The validation number if available;
(e) The amount of refund requested;
(f) A certification that taxpayer is not indebted to the Commonwealth for any taxes; and
(g) The basis for the claim.

(3) A separate claim must be filed for each year, and an amended return may be required to support any claim. If any claim is denied, a protest may be filed with the Income Tax Division within thirty (30) days from notice of disallowance.

Section 4. Statutory Date. A return filed before the due date is considered filed on the due date for purposes of this regulation.

JOHN McD. ROSS, Commissioner
ADOPTED: November 26, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 2, 1974 at 1:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 15:050)

RELATES TO: KRS 141.042, 141.170, 141.300
PURSUANT TO: KRS 13.082
SUPERSEDES: IG-5-1
NECESSITY AND FUNCTION: This regulation is specifically required by KRS 141.300 and 141.042 to provide filing dates and extensions for declarations of estimated income tax and for income tax returns.

Section 1. Filing Dates. Income tax returns must be filed with the Department of Revenue by the fifteenth day of the fourth month following the close of the taxable year unless an extension of time is granted. If the due date is Saturday, Sunday, or a legal holiday, the due day date is the next business day. If the envelope bearing the return is postmarked on or before the due date, late filing penalties will not apply.

Section 2. Extensions—Income Tax Returns. The department is authorized to grant extensions of time for filing income tax returns. Taxpayers may obtain extensions by either of the following methods:
(1) Specific Request. Taxpayers may file extension requests with the Income Tax Division, Kentucky Department of Revenue, Frankfort, Kentucky, 40601, before the due date of the return. Extension requests must contain the reasons for the request. Upon approval, taxpayers will be notified by mail. A copy of the approved extension must be attached to the return when it is filed. Extensions requested under this method are automatically granted for six (6) months (twelve (12) months for individuals outside the United States).
(2) Federal Extensions. Taxpayers will be granted the same extension of time for filing Kentucky income tax returns as they are granted for filing federal income tax returns. A specific request to the department is not required, under this method, but a copy of the federal extension approval(s), or request for an automatic extension, must be attached to the return when it is filed. Extensions requested under this method are only for the extension period(s) granted by the Internal Revenue Service and are not automatically granted for six (6) months. Tax due plus statutory interest must be paid from the normal due date until the return is filed. Failure to file and pay the tax by the extended due date will result in late filing penalties.

Section 3. Extensions—Declarations. An application for an extension of time for filing a declaration of estimated income tax shall be filed with the Income Tax Division, Kentucky Department of Revenue, Frankfort, Kentucky, 40601. The application shall contain the basis for the extension request. An extension of time for filing declarations of estimated tax will be granted only under exceptional circumstances. If approved the extension will be granted for thirty (30) days from the normal due date. The approval also extends the time for paying installments of estimated tax for thirty (30) days.

JOHN McD. ROSS, Commissioner
ADOPTED: November 26, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 2, 1974 at 1:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 15:060)

RELATES TO: KRS 141.042, 141.300, 141.305, 141.990
PURSUANT TO: KRS 13.082
SUPERSEDES: IG-6-1
NECESSITY AND FUNCTION: This regulation is specifically required by KRS 141.042, 141.300, and 141.305 to provide for amended and short-year declarations of estimated tax.

Section 1. General. A declaration of estimated tax return for a short taxable year shall be filed by any individual whose income exceeds $1,000, not subject to Kentucky withholding, and by any corporation whose Kentucky income tax liability for the short taxable year can reasonably be expected to exceed $5,000. A short taxable year contains more than five (5) months and less than twelve (12) months. A declaration is not required of any taxpayer for a period of less than five (5) months.

Section 2. Time for filing: (1) Individuals. A declaration for a short taxable year shall be filed at the time required by KRS 141.300(3).
(2) Corporations. A declaration for a short taxable year shall be filed at the time required by KRS 141.042(3).

Section 3. Payment. (1) Individuals. Estimated Kentucky income tax for the short taxable year shall be paid at the times prescribed by KRS 141.305(1) except that any installments unpaid at the close of the short taxable year shall be paid when the income tax return is filed.
(2) Corporations. Estimated Kentucky income tax for the short taxable year shall be paid at the times prescribed by KRS 141.044 except that any installments unpaid at the close of the short taxable year shall be paid when the income tax return is filed.

Section 4. Fiscal Years. Fiscal-year taxpayers shall substitute corresponding dates for dates prescribed for calendar-year taxpayers.

Section 5. Penalties. Individuals and corporations which fail to file and pay declarations of estimated tax for the short taxable years are subject to penalties contained in KRS 141.990.

Section 6. Amended Declarations. Individuals and corporations may file amended declarations of estimated income tax during any interval between installment dates. If an amended declaration is filed, any remaining installment(s) shall be adjusted to reflect the amendment. An amended declaration made after the third installment shall be paid in full when the amendment is filed.

JOHN McD. ROSS, Commissioner
ADOPTED: November 26, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 2, 1974 at 1:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 17:010)

RELATES TO: KRS 141.020
PURSUANT TO: KRS 13.082
SUPERSEDES: II-1-1
NECESSITY AND FUNCTION: This regulation provided guidelines for determining whether a person qualifies as a resident or nonresident for Kentucky income tax purposes and provides special instructions to cover some of the more common problem areas.

Section 1. Resident. "Resident" means any individual domiciled within Kentucky on the last day of the taxable year (for taxable years beginning after December 31, 1970, the term also includes any individual who spends more than 183 days in Kentucky and maintains a place of abode in Kentucky during this period). (See Section 6) All other individuals are nonresidents.

Section 2. Nonresident Requirements. To qualify as a nonresident, the taxpayer shall submit proof of his bona fide intention to reside permanently elsewhere before the last day of the taxable year, and that he has spent less than 183 days in Kentucky. If any person who has moved out of Kentucky returns to Kentucky within six (6) months from the time he had moved, it shall be construed that the removal from Kentucky was not intended to be permanent and such person shall be considered a resident during the time in which his abode may have been elsewhere. Any person changing his domicile during a taxable year may also be required to furnish evidence of compliance with requirements of the other state with respect to taxation and qualifications as a resident citizen. Persons residing in Kentucky and living part of the year in other states will be considered residents of Kentucky unless it can be shown that abode in another state is of a permanent nature, and that less than 183 days were spent in Kentucky.

Section 3. Domicile. Generally, a domicile is the place where an individual has established permanent residence. A domicile once obtained continues until a new one is acquired. Domicile is not changed by removal for a definite period, or for incidental purposes. To constitute a change, there must be intent to change, actual removal, and a new abode.

Section 4. Nonresident Citizens. An individual who is permitted to file federal income tax returns as a nonresident citizen, and who immediately prior to residing in a foreign country was domiciled in Kentucky, is considered a Kentucky resident and must file a resident individual income tax return. A person must also show that his United States citizenship was relinquished if he claims residence in another country. The fact that ordinary rights of citizenship, including voting at public elections, are not exercised, shall not prevent his classification as a resident if he meets the test prescribed in this regulation.

Section 5. Federal Employees. Federal employees working outside of Kentucky but having a domicile in Kentucky are taxable as residents. Such persons, once domiciled in Kentucky, are considered Kentucky residents if a domicile has not been established elsewhere. If the individual's domicile is claimed to be outside Kentucky, the requirements of Section 3 must be met.

Section 6. Military Personnel. Under the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended, a member of the Armed Forces retains the domicile which he had when he entered military service. Persons domiciled in Kentucky at the time of induction will continue to be liable for the payment of Kentucky income taxes on all income regardless of where their military services are performed. However, military personnel (usually career personnel) may change their

domicile from Kentucky to another state as any other individual. Conclusive evidence must be submitted showing that their Kentucky domicile has been abandoned and a new domicile established in another state.

Section 7. Reciprocity States. (1) Kentucky ahs reciprocal tax agreements with the states of Indiana, Illinois, Michigan, Ohio, Virginia, West Virginia, and Wisconsin. These agreements provide that salaries and wages earned in Kentucky by residents of those states are exempt from Kentucky income tax. Kentucky residents are exempt from income tax, imposed by such states, on salaries and wages earned there. The Virginia Agreement, however, applies only to taxpayers who commute daily to their employment in the nonresident state.

(2) A Kentucky resident, working in one of the states listed above, must file the required certificate of nonresidence with his employer. That certificate is the employer's authority to exempt the employee's income from withholding. A resident of a state listed above must file Revenue Form 42A809, certificate of nonresidence, with his Kentucky employer to exempt his income from Kentucky withholding.

MAURICE P. CARPENTER, Commissioner
ADOPTED: December 11, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 13, 1974 at 1:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 17:060)

RELATES TO: KRS 141.010, 141.020
PURSUANT TO: KRS 13.082
SUPERSEDES: II-6-1
NECESSITY AND FUNCTION: This regulation prescribes methods of determining the Kentucky portion of certain income tax deductions of nonresidents and part-year residents.

Section 1. Residents. The entire net income of a full-year resident individual is subject to Kentucky income tax regardless of its source. Income from out-of-state sources is not exempt. The federal income tax and itemized deductions of a full-year resident are not limited to those paid in Kentucky.

Section 2. Persons Becoming Residents During the Year. (1) Persons who become Kentucky residents during the year are subject to Kentucky individual income tax upon their entire net income from any source after becoming a Kentucky resident, and upon their income from Kentucky sources prior to becoming a Kentucky resident.

(2) Taxpayers who become residents during the year are limited to either federal income tax and itemized deductions paid after becoming a Kentucky resident or that portion of total federal income tax and total itemized deductions that Kentucky income bears to total income.

Section 3. Persons Becoming Nonresidents During the Year. (1) Persons who are Kentucky residents, but become nonresidents during the year, are subject to Kentucky individual income tax upon their entire net income from all sources while they are a Kentucky resident, and upon their income from Kentucky sources after becoming a nonresident.

(2) Persons who become nonresidents during the year are generally limited to that portion of total federal income tax and itemized deductions that their Kentucky income bears to their total income.

Section 4. Nonresidents. Any net income of a nonresident is subject to Kentucky income tax if it is derived from services performed in Kentucky or from property located in Kentucky. Income from sources outside Kentucky is not subject to Kentucky income tax nor are losses incurred outside Kentucky deductible in computing Kentucky adjusted gross income. The federal income tax and itemized deductions are limited to that percent of the total that their Kentucky income bears to their total income.

JOHN McD. ROSS, Commissioner
ADOPTED: November 26, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 2, 1974 at 1:54 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 18:010)

RELATES TO: KRS 141.070, 141.310, 141.320
PURSUANT TO: KRS 13.082
SUPERSEDES: IW-1
NECESSITY AND FUNCTION: This regulation defines the terms "employer" and "wages" from the standpoint of Kentucky income tax withholding requirements.

Section 1. Employers. Every employer incorporated in Kentucky, qualified to do business in Kentucky, doing business in Kentucky, or subject to the jurisdiction of Kentucky in any manner, and making payment of wages subject to withholding shall deduct, withhold, and pay to the department the tax required to be withheld.

Section 2. Wages. All wages paid to a Kentucky resident whether working in or out of Kentucky, as a regular employee in the conduct of business of an employer required to withhold taxes, are subject to withholding. The wages paid to nonresidents of Kentucky are subject to withholding to the extent that they are wages for personal services rendered in Kentucky as a regular employee in the conduct of the business of an employer in Kentucky. However, the nonresident is not subject to withholding where a reciprocal exemption agreement is in effect between Kentucky and the state of residence of the nonresident employee.

JOHN McD. ROSS, Commissioner
ADOPTED: November 26, 1974
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 18:040)

RELATES TO: KRS 141.330
PURSUANT TO: KRS 13.082
SUPERSEDES: IW-4
NECESSITY AND FUNCTION: Under authority of KRS 141.330, this regulation prescribes the conditions under which employers are authorized to remit on an annual basis (rather than quarterly) the income tax withheld from employees.

Section 1. General. The department may require employers to report and remit taxes withheld from their employees' wages under KRS 141.315 within reasonable time after any payroll period or any other period. Under the authority of this statute, the Department of Revenue deems it desirable to eliminate unnecessary administrative expense and to relieve employers of the burden of filing quarterly returns involving minimal amounts, and the time and expense connected thereto.

Section 2. Filing Requirement. Every employer required to withhold individual income tax from employee wages and salaries, who during the preceding calendar year withheld a total amount of less than fifty dollars ($50), shall report and remit to the Department of Revenue on an annual basis the tax due for the current year.

Section 3. Reporting Form. The report is to be made on Form K-3B, Employers' Annual Return of Income Tax Withheld, and shall be filed with the Department of Revenue on or before the last day of the month following the close of the calendar year. The tax due shall be paid in full at the time the report is filed. The Employers' Annual Return of Income Tax Withheld must be filed even though no tax has been withheld.

JOHN McD. ROSS, Commissioner
ADOPTED: November 26, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 2, 1974 at 1:49 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 18:050)

RELATES TO: KRS 141.330, 141.335
PURSUANT TO: KRS 13.082
SUPERSEDES: IW-5
NECESSITY AND FUNCTION: Under authority of KRS 141.335, this regulation specifies the information that is required on employer income tax withholding statements.

Section 1. General. Employers must furnish to each employee, by January 31 following the close of the calendar year, the designated copies of the Withholding Statement, Revenue Form K-2 (the state portions of the combined federal and state withholding statements are also acceptable) if:

(1) Tax has been withheld from wages, or

(2) Tax would have been withheld if the employee had claimed no more than one (1) withholding exemption.

Section 2. Contents. (1) Revenue Form K-2 (or the state portion of the combined withholding statements) must contain the following information:

(a) Employer's and employee's name and address,

(b) Employer withholding account number,
(c) Employee's social security number,
(d) Total wages paid to employee,
(e) Federal income tax withheld, and
(f) Kentucky tax withheld.

(2) Withholding statements prepared incorrectly or on unacceptable forms will be returned to the employer for reissuance. Commercially printed forms must contain a designated space for state name and for state form number. They must also be legible and conform substantially in content and size with the official form. An employer must submit commercially printed substitute forms to the department for written approval before they may be used.

Section 3. Interrupted and Terminated Employment. If employment ends before the close of the calendar year, the designated copy of the withholding statement must be furnished to the employee within thirty (30) days from the past payment of wages. In the case of interrupted employment, where there is reasonable expectation on the part of both employer and employee of further employment during the calendar year, the furnishing of the statement may be deferred to the date when the expectation of further employment during the calendar year ceases to exist.

Section 4. Incorrect and Duplicate Statements. If it becomes necessary to correct a Revenue Form K-2 after it has been issued to an employee, the new statement must be clearly marked "Corrected by Employer." If the statement is lost or destroyed, the employer shall prepare and issue duplicate copies to the employee. The duplicate copies must be clearly marked "Duplicate."

Section 5. Department Copy. Designated copies of all withholding statements issued must be submitted to the department by each employer with Revenue Form K-3 or K-3B. A list totaling the tax withheld as shown on the statements must be submitted. A large number of statements may be grouped in separate units and a list may be submitted for each unit. In such case a summary must be submitted totaling all unit lists. The statements may be submitted to the department in packages of convenient size. The packages must be identified with the name of the employer and consecutively numbered. The number of packages must be indicated immediately following the employer's name on Revenue Form K-3 or K-3B. Revenue Form K-3 or K-3B and the remittance should be filed in the usual manner, accompanied with a statement that the withholding statements are in separate packages. The employer may request permission to submit the department copy in the form of a computer listing. Computer listing requirements will be furnished upon request.

Section 6. Extension. Upon application to the departmen, the Income Tax Division is authorized to grant employers an extension of time, not in excess of thirty (30) days, in which to furnish employees with the designated copy of withholding statements.

JOHN McD. ROSS, Commissioner

ADOPTED: November 26, 1974
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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 18:060)

RELATES TO: KRS 141.315
PURSUANT TO: KRS 13.082
SUPERSEDES: IW-6
NECESSITY AND FUNCTION: KRS 141.315 requires the department to promulgate regulations governing certain specified types of wage payments. This regulation provides an income tax withholding method for payroll periods of more than one (1) year.

Section 1. Miscellaneous Payroll Period. If wages are paid to an employee for a payroll period of more than one (1) year, the amount of tax required to be deducted and withheld in respect to such wages shall be determined as if such payroll period constituted a miscellaneous payroll period of 365 days.

JOHN McD. ROSS, Commissioner

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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 18:070)

RELATES TO: KRS 141.315
PURSUANT TO: KRS 13.082
SUPERSEDES: IW-7
NECESSITY AND FUNCTION: KRS 141.315 requires the department to promulgate regulations governing certain specified types of wage payments. This regulation prescribes procedure for withholding income tax on supplemental income.

Section 1. Definition. Supplemental wages are payments made to an employee by his employer in addition to regular wages.

Section 2. Reporting. If supplemental wages are paid at the same time as regular wages, the tax to be withheld shall be determined as if the aggregate of the supplemental and regular wages were a single wage payment for the regular payroll period. If supplemental wages are paid at a different time, the employer shall determine the tax to be withheld by aggregating the supplemental wages either with the regular wages for the current payroll period or with the regular wages for the last preceding payroll period within the same calendar year.

Section 3. Vacation Pay. Where an employee receives vacation pay for the time of a vacation absence, the vacation pay is subject to withholding as though it were a regular wage payment made for the payroll period or periods which occur during the vacation. If vacation pay is paid in addition to regular wages to an employee who foregoes his vacation, such payments are treated as supplement wages.

JOHN McD. ROSS, Commissioner

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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 18:080)

RELATES TO: KRS 141.315
PURSUANT TO: KRS 13.082
SUPERSEDES: IW-8
NECESSITY AND FUNCTION: KRS 141.315 requires the department to promulgate regulations governing certain specified types of wage payments. This regulation covers the situation where an employee works for two (2) or more unrelated employers.

Section 1. Unrelated Employers. Where an employee works for two (2) or more unrelated employers, he may claim all the exemptions to which he is entitled, with each employer, on each withholding certificate, except that if all wage payments are made through one (1) person for all employers, only one (1) set of withholding exemptions is allowed. Each employer must file a separate return of tax withheld, showing and paying the pro rata part of tax applicable to each employer.

JOHN McD. ROSS, Commissioner

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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 18:090)

RELATES TO: KRS 141.050, 131.130
PURSUANT TO: KRS 13.082
SUPERSEDES: IW-9
NECESSITY AND FUNCTION: This regulation provides guidelines for the maintenance and retention of records relative to income tax withholding by employers.

Section 1. Maintain Records. Every employer required to deduct and withhold the tax shall keep employee withholding exemption certificates and records showing the number of persons employed during the year whose wages are subject to withholding, the periods of employment and the amounts and dates of payment to such persons. No specific form for such records has been prescribed by the department. Records required by this regulation shall be maintained for a period of at least four (4) years after the date the withholding return is filed or date tax withheld by the employer is paid, whichever is later.

JOHN McD. ROSS, Commissioner

ADOPTED: November 26, 1974
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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 18:100)

RELATES TO: KRS 141.325
PURSUANT TO: KRS 13.082
SUPERSEDES: IW-10
NECESSITY AND FUNCTION: KRS 141.325(7) authorizes the department to prescribe by regulation the form and content of employee withholding exemption certificates. This regulation cites various situations and circumstances and provides instructions for employees in each particular case.

Section 1. Exemption Certificate. Upon employment, an employee must file a withholding exemption certificate (Revenue Form K-4), showing the number of exemptions, with his employer, which shall remain in effect until changed (See Section 5). The tax must be withheld as if no exemptions were claimed if the employee does not file an exemption certificate.

Section 2. Change in Exemption. An amended certificate should be filed by employees to show changes in exemptions. The employer may make the amended certificate effective with the next payment of wages or the effective date may be postponed until the following January 1 or July 1 whichever occurs first but at least thirty (30) days after the date the certificate is filed.

Section 3. Amended Certificate Must be Filed. An employee must file an amended certificate, reducing the number of exemptions, within ten (10) days: (1) When spouse claimed is divorced or legally separated or claims own exemption(s), or
(2) When an employee determines that a dependent claimed will not qualify.

Section 4. Amended Certificate May be Filed. An employee may file an amended certificate increasing the number of exemptions any time: (1) The employee's spouse does not claim own exemption(s),
(2) A child is born or adopted,
(3) The employee begins to support a relative or other person qualifying as an exemption and expects to claim that person as an exemption for the current year,
(4) The employee becomes blind, or the spouse becomes blind and does not claim own exemption, or
(5) The employee or spouse reaches the age of sixty-five (65) and does not claim own exemption.

Section 5. Special Exemption Certificate. Upon employment, an employee may file (Revenue Form K-4E) with his employer and exempt the income from withholding provided: (1) The employee incurred no tax liability for the preceding year,
(2) No liability is anticipated for the current year, and
(3) The anticipated annual income will not exceed a gross income of $1,100 for a single person or $2,200 combined gross income for married persons.

Section 6. Multiple Employers. An employee with multiple employers may claim the special exemption with each employer provided no liability occurred for the preceding year and none is anticipated for the current year.

Section 7. Expiration. The special exemption certificate will expire on the last day of the fourth month following the close of the taxable year; or within ten (10) days if the employee reasonably anticipates that a tax liability will occur. If this exemption certificate is discontinued or expires, a new employee withholding exemption certificate (Form K-4) must be filed with the employer (See Section 1).

JOHN MCD. ROSS, Commissioner

ADOPTED: November 26, 1974
APPROVED: JAMES O. KING, Secretary
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 18:110)

RELATES TO: KRS 141.370
PURSUANT TO: KRS 13.082
SUPERSEDES: IW-11
NECESSITY AND FUNCTION: KRS 141.370 requires the department to establish individual income tax withholding tables by regulation. This regulation establishes such withholding tables and describes procedure for supplemental and mechanical withholding.

Section 1. General. The Department of Revenue is required by KRS 141.370 to prescribe tables, effective January 1, 1971, for withholding Kentucky individual income tax from salaries and wages of employees. These tables withhold the tax levied by KRS 141.020 and reflect the standard deduction ($500 or less) prescribed by KRS 141.081, and the deductible federal income tax referred to in KRS 141.310. The tables referred to in Section 4 are hereby prescribed by the Department of Revenue.

Section 2. Supplemental Withholding. In addition to tax required to be withheld by the tables in Section 4, an employee may authorize his employer to withhold additional Kentucky income tax. An employee may authorize additional withholding by filing an amended Withholding Exemption Certificate (Revenue Form K-4) with his employer. The amended certificate may claim fewer personal exemptions than he is allowed, authorize the employer to withhold a specific amount of additional tax, or both.

Section 3. Mechanical Withholding. The department provides a computer formula for withholding Kentucky income tax, and any employer with suitable equipment may use the formula in lieu of the tables referred to in Section 4. No other formula or withholding method may be used unless specific written approval is granted by the department.

Section 4. Withholding Tables. Employers shall withhold Kentucky individual income tax from wages and salaries, paid on and after January 1, 1971, in accordance with the tables filed herein by reference and which are obtainable from the Income Tax Division, Department of Revenue, Frankfort, Kentucky, 40601.

JOHN MCD. ROSS, Commissioner

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APPROVED: JAMES O. KING, Secretary
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 18:120)

RELATES TO: KRS 141.310
PURSUANT TO: KRS 13.082
SUPERSEDES: IW-12
NECESSITY AND FUNCTION: This regulation implements KRS 141.310(9) which authorizes the department to require certain employers to post withholding performance bonds.

Section 1. Enforcement of Trusteeship. Additional means of enabling the Department of Revenue to collect withholding taxes has been provided in KRS 141.310(9) which authorizes the department to fix the amount of and demand the posting of a corporate surety bond or cash not to exceed $50,000 by any employer required under KRS Chapter 141, or the regulations promulgated thereunder, to withhold Kentucky income taxes from wages of employees.

Section 2. The Definition of the Word "Person." The word "person" has the meaning as defined in Section 7701(a)(1) of the Internal Revenue Code, and for convenience in the context of this regulation, it shall be construed to include but not be limited to an individual, a trust, estate, partnership, association, company or corporation, joint stock company and insurance company.

Section 3. Definition of "Employer." The word "employer" has the meaning as defined in Section 3401(d) of the Internal Revenue Code, and for convenience in the context of this regulation, it shall be construed to include but not be limited to the persons for whom an individual performs or performed any services, of whatever nature, as the employee of such person and shall be construed as used in KRS 141.310(9) as a person from whom the department is authorized to require a withholding tax security bond and those persons from whom a security bond may be required includes but is not limited to the following:
(1) An employer who is delinquent in either filing withholding tax returns required by law or is delinquent in submitting to the department any tax withheld from an employee, or both, or
(2) An employer, whom for any reason, the department determines is or may become an insecure risk for which there is a need to insure compliance with the law, including every out-of-state employer during the employer's first year of operation in this state or any employer engaged under one (1) or more contracts the total of which is to be performed within one (1) year.

Section 4. Bond Procedures. The department, after determining that a bond is necessary to insure compliance of reporting and paying withholding taxes, shall demand the posting of such a security bond by written notice transmitted by certified mail and shall include therein instructions and forms for the convenience of the employer.

Section 5. Enforcement of Bond Requirement. (1) Failure to post the bond in the amount the department demanded from the employer within twenty (20) days from the date of the written notification by certified mail will, by such failure, authorize the department to invoke forthwith, and without further delay, its statutory authority to seek a court order requiring cessation of all business or activities of such an employer failing to post the bonds; provided, that the employer may accompany the bond with, and simultaneously file with the department, a written protest or appeal from the department's demand for the bond; provided further, that any

such protest or appeal shall be supported by a written memorandum advancing the employer's reasons and proposed justifications why such employer should be relieved from posting the bond or the objections to the amount of the bond.

(2) Within sixty (60) days after receipt of any bond posted under protest or appeal, the department shall furnish the employer by certified mail a final ruling or order and notice of any change as to, or in the amount of, the bond that may be necessary to be made by the department in accordance with such final ruling or order in response to the protest or appeal.

Section 6. Change in Amount of Bond. The department has authority at any time to increase or decrease the amount of any bond that has been posted.

Section 7. Monthly Returns and Payment. Notwithstanding the provisions of 103 KAR 18:040 any out-of-state or delinquent employer may be required to file monthly withholding tax returns and to accompany such monthly returns with a complete payment of all taxes withheld during the month covered by the return.

Section 8. Court Jurisdiction. The department may initiate action seeking a court order, requiring cessation of all business operation or activity of any employer failing to comply with this regulation, in the Franklin Circuit Court or in any other circuit court which may have jurisdiction over the area in which the employer resides, or in which some or all of the employer's business is conducted, or having jurisdiction of the area in which property of the employer is located. The department may institute any such legal action in accordance with any provision of this regulation.

JOHN McD. ROSS, Commissioner
ADOPTED: November 26, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 2, 1974 at 1:52 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 19:010)

RELATES TO: KRS 141.010, 141.030, 141.190, 141.020
PURSUANT TO: KRS 13.082
SUPERSEDES: IP-1
NECESSITY AND FUNCTION: This regulation outlines procedure for computing estate and trust income for Kentucky income tax purposes including instructions covering both resident and nonresident situations.

Section 1. General. All provisions of KRS Chapter 141 (and related regulations) that apply to individuals shall also apply to fiduciaries and returns filed by fiduciaries, except when such provisions conflict with provisions dealing specifically with fiduciaries.

Section 2. Computation of Income. Taxable income of an estate or trust is net income as defined in KRS 141.010(11) except:

(1) The standard deduction permitted individuals in KRS 141.081 is not allowed,

(2) Federal estate tax paid on income accrued at the date of death of a decedent is deductible,

(3) Deductions that have been allowed on the Kentucky inheritance tax return or the Kentucky individual income tax return cannot be claimed on the fiduciary income tax return, and

(4) Any deductions (or federal tax) related to nontaxable income are not allowed.

Section 3. Tax Credits. A trust is allowed a tax credit of two dollars ($2); an estate is allowed a tax credit of twenty dollars ($20).

Section 4. Resident Estate or Trust. A resident estate or trust shall report and pay tax on all taxable income except that portion of net income distributable or distributed during the taxable year, and that portion of the net income from intangible personal property attributable to a nonresident beneficiary.

Section 5. Resident Beneficiary. A resident beneficiary must report and pay tax on his share of the distributed or distributable income from a resident or nonresident estate or trust.

Section 6. Nonresident Estate or Trust and Nonresident Beneficiaries. A nonresident estate, trust, or beneficiary is subject to tax only on income received from real or tangible personal property located in Kentucky.

MAURICE P. CARPENTER, Commissioner
ADOPTED: December 11, 1974
APPROVED: JAMES O. KING, Secretary
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 19:030)

RELATES TO: KRS 141.010, 141.206
PURSUANT TO: KRS 13.082
SUPERSEDES: IS-1
NECESSITY AND FUNCTION: This regulation provides instructions for filing the information returns required by KRS 141.150.

Section 1. Filing Requirements. (1) KRS 141.150 requires individuals, partnerships, and certain corporations to file information returns reporting dividends, royalties and other payments. However, this information is now available to the Department of Revenue from other sources, and annual returns on Revenue Forms 42A796 and 42A799 are not required.

(2) Notwithstanding the above, any domestic corporation or foreign corporation qualified to do business in Kentucky, shall file income tax information returns with the Department of Revenue upon dissolution. These information returns shall be submitted before articles of dissolution are filed with the Secretary of State, and shall show all distributions of cash, or property at fair market value, paid to resident stockholders in exchange for capital stock of the dissolving corporation.

Section 2. Return Forms. Returns shall be filed on Revenue Form 42A799, or Federal Form 1099, and shall be accompanied by Summary Return, Revenue Form 42A796. Commercially printed forms may be submitted if such forms are approved by the department before filing.

MAURICE P. CARPENTER, Commissioner
ADOPTED: December 12, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 13, 1974 at 1:34 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 40:030)

RELATES TO: KRS 243.720, 243.760
PURSUANT TO: KRS 13.082
SUPERSEDES: CH-22
NECESSITY AND FUNCTION: This regulation limits the credit allowed to brewers or malt beverage distributors for Kentucky tax paid on malt beverages to those clubs and commissaries operated and controlled by the armed forces which are recognized instrumentalities of the United States.

Section 1. Credit will not be allowed brewers or malt beverage distributors for Kentucky tax paid on malt beverages sold to civilian clubs or any other social organizations located within the confines of a U.S. Military Camp or reservation in Kentucky with the exception of post exchanges, officers' clubs, noncommissioned officers' clubs and commissaries operated and controlled by the United States Armed Forces, which are recognized instrumentalities of the United States.

JOHN McD. ROSS, Commissioner
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 40:090)

RELATES TO: KRS 243.720
PURSUANT TO: KRS 13.082
SUPERSEDES: CH-38-1
NECESSITY AND FUNCTION: This regulation, for the convenience of taxpayers, summarizes tax rates on distilled spirits and wine as provided in KRS 243.720 and lists applicable rates for various sizes of containers.

Section 1. Distilled spirits consumption tax imposed by KRS 243.720(1) is to be paid at the following rates: containers 8 ounces or less, $0.12; containers over 8 ounces, up to and including 13 ounces, $0.195; containers over 13 ounces, up to and including 16 ounces, $0.24; containers over 16 ounces, up to and including 26 ounces, $0.39; containers over 26 ounces, up to and including 32 ounces, $0.48.

Section 2. Wine consumption tax imposed by KRS 243.720(2) is to be paid at the following rates: containers 8 ounces or less, $0.04; containers over 8 ounces, up to and including 13 ounces, $0.05; containers over 13 ounces, up to and including 16 ounces, $0.0625; containers over 16 ounces, up to and including 26 ounces, $0.10; containers over 26 ounces, up to and including 32 ounces, $0.125; containers of 1/2 gallon,

0.25; containers of 1 gallon, $0.50; containers of 5 gallons, 2.50; containers of 10 gallons, $5.00; containers of 25 gallons, $12.50.

JOHN McD. ROSS, Commissioner
ADOPTED: November 26, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 2, 1974 at 1:56 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 41:030)

RELATES TO: KRS 138.195
PURSUANT TO: KRS 13.082
SUPERSEDES: CT-22, CT-23
NECESSITY AND FUNCTION: This regulation explains the licensing and reporting requirements of resident and nonresident wholesalers of cigarettes as provided in KRS 138.195.

Section 1. Application for a Resident and for a Nonresident Cigarette License. (1) Any person desiring to secure a license as a resident cigarette wholesaler or a nonresident cigarette wholesaler must file an application with the Department of Revenue, Frankfort, Kentucky, on forms furnished by the department. A separate application must be filed for each place of business at which evidence of Kentucky cigarette tax is affixed to packages of cigarettes. The application shall state the name and address of the business, the nature of the business, the owners or principal officers, and the names of other states in which the applicant intends to distribute cigarettes.

(2) Upon issuance by the Department of Revenue, the license must be displayed in the place of business for which the license was issued.

Section 2. Report Required. (1) Each licensee shall submit a monthly report to the Department of Revenue, Frankfort, Kentucky, on forms furnished by the department. The report is due on or before the twentieth (20th) day of each month and shall reflect the following information concerning the previous calendar month's operation:

(a) The number of unstamped cigarettes received; however, for a resident wholesaler the consignor and the quantity received in each shipment are also necessary.
(b) The number of stamped cigarettes received with a breakdown of the quantity in each shipment and the state for which they had previously been stamped.
(c) The quantity of tax stamps and tax units purchased and affixed, both for Kentucky and for other states.
(d) The name of all persons to whom Kentucky stamped cigarettes are sold for resale purposes.
(e) The agencies or institutions to which tax free cigarettes were delivered and the quantity of cigarettes distributed to each agency or institution; for a nonresident wholesaler it is necessary to list only the quantity delivered to agencies or institutions located in Kentucky.

(2) If cigarettes are distributed into a state not requiring the affixing of tax evidence, a copy of all reports submitted to that state must be submitted to the Department of Revenue to substantiate the monthly reports.

JOHN McD. ROSS, Commissioner
ADOPTED: November 26, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 2, 1974 at 1:56 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 41:100)

RELATES TO: KRS 138.146
PURSUANT TO: KRS 13.082
SUPERSEDES: CT-30
NECESSITY AND FUNCTION: This regulation interprets KRS 138.146 as it applies to the segregation of cigarettes and the maintaining of records by persons licensed as cigarette dealers under KRS 138.195.

Section 1. Inventories of cigarettes held by persons licensed under KRS 138.195 must be maintained in the following manner:

(1) Untaxpaid cigarettes must be stored in a separate area from cigarettes bearing tax evidence. Kentucky tax evidence, or that of another state must be affixed to all packages within the required time unless the cigarettes are distributed within the same period of time into states not using tax evidence. Any receipt and distribution records deemed necessary by the Department of Revenue must be established and maintained by all licensees authorized to receive untaxpaid cigarettes.

(2) Cigarettes stamped with the tax evidence of another state must be stored in a separate and distinct area from cigarettes bearing Kentucky tax evidence. These cigarettes must be either shipped by the wholesaler directly into the state for which the packages were stamped or transferred to persons licensed to receive and distribute cigarettes for resale into the said state.

MAURICE P. CARPENTER, Commissioner
ADOPTED: December 11, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 13, 1974 at 1:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 41:110)

RELATES TO: KRS 138.155
PURSUANT TO: KRS 13.082
SUPERSEDES: CT-31
NECESSITY AND FUNCTION: This regulation, under authority of KRS 138.155, describes the procedure for payment of tax on sample cigarettes on a reporting basis in lieu of affixing cigarette tax evidence to individual packages.

Section 1. In lieu of the affixture of stamps, tax on cigarettes packaged and distributed by manufacturers as a complimentary gift to consumers shall be paid on a monthly reporting basis. The report and tax remittance must be submitted to the Department of Revenue, Frankfort, Kentucky, by the manufacturer on or before the twentieth (20th) of the month following the month in which the cigarettes are shipped from the factory. The report must set forth the number of cigarettes distributed and the method by which these cigarettes were distributed to consumers.

Section 2. All packages taxpaid by the manufacturer on a monthly reporting system must bear an inscription beneath the cellophane wrapper indicating that the cigarettes contained therein are "not for sale."

Section 3. The records of the manufacturer relative to the distribution of sample cigarettes must be retained for a period of two (2) years and subject to audit by agents of the department.

MAURICE P. CARPENTER, Commissioner
ADOPTED: December 11, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 13, 1974 at 1 33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 41:120)

RELATES TO: KRS 138.195
PURSUANT TO: KRS 13.082
SUPERSEDES: CT-32
NECESSITY AND FUNCTION: This regulation prescribes rules for the retention of records required to be maintained by cigarette dealers licensed under KRS 138.195.

Section 1. Copies of all documents, prepared or received by any person licensed under KRS 138.195, relative to the receipt and distribution of, or trafficking in, stamped or unstamped cigarettes shall be preserved by the licensee on the immediate premises of his place of business for a period of two (2) years. The records of all licensees shall be available during this period of time for inspection by agents of the Department of Revenue.

JOHN MCD. ROSS, Commissioner
ADOPTED: November 26, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 2, 1974 at 1:56 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 41:130)

RELATES TO: KRS 138.140, 138.146
PURSUANT TO: KRS 13.082
SUPERSEDES: CT-33
NECESSITY AND FUNCTION: This regulation, by the elimi-

nation of cigarette tax indicia on certain sales, reflects federal requirements which prohibit state taxation of cigarettes sold to an instrumentality of the United States Government.

Section 1. The affixture of Kentucky cigarette tax indicia is not required on packages of cigarettes sold under the following conditions:

(1) to the United States or any instrumentality thereof for resale to and consumption by members of the armed services of the United States;

(2) to the Veterans Canteen Service of the Veterans Administration for resale to and consumption by veterans hospitalized or domiciled in facilities of the Veterans Administration.

MAURICE P. CARPENTER, Commissioner
ADOPTED: December 11, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 13, 1974 at 1:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 43:080)

RELATES TO: KRS 138.341, 138.342
PURSUANT TO: KRS 13.082
SUPERSEDES: GLA-1-1
NECESSITY AND FUNCTION: This regulation provides for more effective administration of tax refunds on gasoline used in aircraft by permitting assignment of the right of refund under certain specified conditions.

Section 1. The right to receive any refund under the provisions of KRS 138.341 and KRS 138.342 shall be assignable.

(1) Any person who purchases gasoline for use in the operation of aircraft may assign his claim for the tax refund to the seller of such gasoline if the seller has posted a bond with the department, and provided the aviation gasoline purchased by the assignor is delivered directly into the fuel tank of aircraft owned or operated by him, or his authorized agent.

(2) Such assignment shall be evidenced by noting upon the face and all copies of the retail sale invoice the following: "TAX REFUND ASSIGNED TO SELLER. Signed:____(Purchaser/or Agent____."

MAURICE P. CARPENTER, Commissioner
ADOPTED: December 11, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 13, 1974 at 1:31 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 43:090)

RELATES TO: KRS 138.341
PURSUANT TO: KRS 13.082
SUPERSEDES: GLA-2-1
NECESSITY AND FUNCTION: This regulation interprets the statute dealing with gasoline tax refund to aircraft operators engaged in transportation of persons and property and lists requirements for filing refund claims and maintaining records.

Section 1. All persons claiming refund of tax paid on gasoline used in airplanes engaged in the transportation of persons and property shall file application for such refunds on or before the last day of each month, covering the preceding month, and shall furnish all information required, including a list of individual purchases showing the date of purchase, vendor, address of vendor, and quantity of each purchase. The original invoice covering each purchase shall be attached to the application for refund. Carbon copies made at the time of issuance of the original invoice can be considered original.

Section 2. All persons filing application for such refunds shall preserve and maintain for a period of two (2) years copies of all invoices, of both purchase and sale, delivery tickets, and any other records pertinent to the purchase and use of the motor fuel. These records shall be maintained within this Commonwealth or the cost of auditing shall be paid by the person claiming the refund.

MAURICE P. CARPENTER, Commissioner
ADOPTED: December 11, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 13, 1974 at 1:31 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 43:200)

RELATES TO: KRS 234.310 to 234.440
PURSUANT TO: KRS 13.082
SUPERSEDES: LPG-1
NECESSITY AND FUNCTION: This regulation summarizes portions of the statutes pertaining to liquefied petroleum gas motor fuel dealers and outlines rules for display of the license issued to such user-seller.

Section 1. The liquefied petroleum gas motor fuel user-seller license, issued in accordance with the provisions of KRS 234.310 to 234.440, shall be framed and posted on the premises where the licensee is authorized to engage in the business of dispensing liquefied petroleum gas into the tanks of motor vehicles. In addition, the licensee shall be required to do the following:

(1) If the licensee's facilities for dispensing liquefied petroleum gas motor fuel into the tanks of motor vehicles are tanks mounted on motor vehicles, each such motor vehicle shall at all times have within its cab a card issued by the Department of Revenue bearing such information as the department may require, including the licensee's assigned number.

(2) If the licensee's facilities for dispensing liquefied petroleum gas motor fuel into the tank of motor vehicles are tanks located on the licensee's premises, then each such tank shall at all times be required to have the license number painted on such tank. The license number shall be painted in contrasting color to that of the tank, shall be at least two (2) inches in height and shall be placed in such a manner so that the license number may be visible to a person into whose motor vehicle the liquefied petroleum gas motor fuel is being dispensed.

MAURICE P. CARPENTER, Commissioner
ADOPTED: December 11, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 13, 1974 at 1:32 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 43:210)

RELATES TO: KRS 234.310 to 234.440
PURSUANT TO: KRS 13.082
SUPERSEDES: LPG-2
NECESSITY AND FUNCTION: This regulation summarizes portions of the statutes pertaining to liquefied petroleum gas motor fuel dealers and establishes rules for the storage of liquefied petroleum gas and the maintaining of records by such dealers.

Section 1. KRS 234.360 and 234.380 permit the commingling of taxable and nontaxable liquefied petroleum gas and KRS 234.380 also sets out the method of computing the taxable gallons. Since these sections do not require separate storage facilities for taxable and nontaxable liquefied petroleum gas, the holder of a liquefied petroleum gas motor fuel user-seller license is not required to identify the storage facilities as either taxable or nontaxable.

Section 2. KRS 234.360(2) requires that where storage of liquefied petroleum gas is for multiple uses, and where the number of gallons taxable of liquefied petroleum gas motor fuel are determined by the liquefied petroleum gas motor fuel dealer and/or liquefied petroleum gas motor fuel user-seller, based on the best estimate possible from mileage and efficiency records available, all mileage and efficiency records of such motor vehicle must be retained for a minimum period of two (2) years, and, if requested by the department, shall be made available for examination.

MAURICE P. CARPENTER, Commissioner
ADOPTED: December 11, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 13, 1974 at 1:32 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:010)

RELATES TO: KRS 313.200
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:01
NECESSITY AND FUNCTION: Requires all newly appointed board members to take the official oath of office to uphold the state constitution.

Section 1. A member after receiving his appointment from

the Governor before entering upon the duties of this office shall take the oath prescribed for state officers.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:10 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:020)

RELATES TO: KRS 313.210
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:02-1
NECESSITY AND FUNCTION: Requires board to elect its own officers to carry out duties of the board.

Section 1. The board shall organize by electing by ballot one of its members president, one member vice-president and another member secretary-treasurer.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:10 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:030)

RELATES TO: KRS 313.210
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:03-1
NECESSITY AND FUNCTION: Sets forth duties to be performed by the president of the board of dentistry.

Section 1. The duties of the president shall be as follows: He shall call special meetings of the board upon request of four (4) of its members; he shall appoint all committees not otherwise provided for by the board. In the event any applicant fails in the examination, the president must destroy the corresponding license certificate in the presence of the other members of the board. He shall perform the other duties that usually pertain to that office.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:11 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:035)

RELATES TO: KRS 313.210
PURSUANT TO: KRS 313.220, 13.082
NECESSITY AND FUNCTION: Sets forth duties to be performed by the vice-president of the board of dentistry.

Section 1. The duties of the vice-president shall be as follows: He shall assume the duties of the president in case of absence or incapacity of the president and become president on the death or resignation or permanent incapacity of the president.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:11 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:040)

RELATES TO: KRS 313.210
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:04
NECESSITY AND FUNCTION: Sets forth the duties to be performed by the secretary-treasurer of the board of dentistry.

Section 1. The duties of the secretary-treasurer are as follows: (1) He shall keep the records of all meetings; he shall be custodian of all records not otherwise provided for by the board; he shall be entrusted with the enforcement of the dental law; he shall have charge of all monies and securities of the board; he shall deposit all monies with the state treasurer or in a depository bank designated by the state treasurer.

(2) He shall collect all fees provided for under KRS Chapter 313, and at the expiration of tenure of office shall turn over to his successor all monies, securities, and property of the board in his possession.

(3) To conform to the dental law, he shall make an annual report of the work to the Governor; also he shall make an annual report to the board at the annual meeting, which report must include a list of all property belonging to the board; and he shall make the necessary reports to the proper officers belonging to the board; KRS Chapter 45, and KRS 42.066.

(4) He shall make a list of all applicants for examination, together with their examination number, which shall be the key to the applicants and the examination number, same to be sealed and placed in the hands of the president previous to the examination and shall not be opened until all grades have been compiled and it has definitely been determined whether the applicants have passed or failed; he shall enter the name of the applicant for examination upon a blank license certificate previous to the examination, and he shall seal these with the key to the examination. The secretary at no time shall have in his possession license certificate blanks which have been signed by the board members.

(5) The secretary shall on the first day of December send out notices to renew dental licenses for the coming year to all those holding a license renewal for the current year, to the address as recorded with the secretary. He shall send a second notice on or near February 1, each year, said notice to be sent by certified mail with return receipt requested for delivery of same, and failure to remit on or before March 1, of each year will automatically cause suspension of license, in conformity with KRS 313.080.

(6) The secretary shall furnish each member of the board a copy of the minutes of each meeting.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:11 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:050)

RELATES TO: KRS 313.200
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:07
NECESSITY AND FUNCTION: Sets forth the method of determining the secretary's annual salary and the annual salaries of the clerical staff in the board's office; and, location of board office.

Section 1. The board shall set the amount of the secretary-treasurer's salary; the administrative secretary's salary and clerical staff salaries upon a yearly basis.

Section 2. The board shall approve the location of the board's office and set the amount of rent to be paid on a yearly basis.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:12 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:060)

RELATES TO: KRS 313.200
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:09
NECESSITY AND FUNCTION: Sets forth guidelines for conducting meetings.

Section 1. The congressional rules of order shall govern this board on all points not otherwise provided for in the rules.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:12 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-

Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:070)

RELATES TO: KRS 313.200
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:10—1
NECESSITY AND FUNCTION: Sets forth manner in which candidates for appointment to the Kentucky Board of Dentistry are selected.

Section 1. Vacancies on the board shall be filled by candidates selected according to the following "geographic chart" with two (2) members representing Zone 1 and one (1) member each from Zone 2 to Zone 6, inclusive:
(1) Zone 1 — Louisville Area: Counties: Breckinridge, Bullitt, Carroll, Grayson, Hardin, Henry, Jefferson, Larue, Meade, Nelson, Oldham, Shelby, Spencer, and Trimble.
(2) Zone 2 — Blue Grass Area: Counties: Anderson, Bath, Bourbon, Boyle, Clark, Estill, Fayette, Fleming, Franklin, Garrard, Harrison, Jackson, Jessamine, Lee, Lincoln, Madison, Menifee, Mercer, Montgomery, Nicholas, Owen, Powell, Rockcastle, Scott, and Woodford.
(3) Zone 3 — Eastern and Northeastern Area: Counties: Boone, Boyd, Bracken, Campbell, Carter, Elliott, Gallatin, Grant, Greenup, Kenton, Lawrence, Lewis, Mason, Pendleton, Robertson, and Rowan.
(4) Zone 4 — Kentucky Mountain, Southeastern and South Central Area: Counties: Adair, Bell, Breathitt, Casey, Clay, Clinton, Cumberland, Floyd, Green, Harlan, Johnson, Knott, Knox, Laurel, Leslie, Letcher, Magoffin, Marion, Martin, McCreary, Metcalfe, Monroe, Morgan, Owsley, Perry, Pike, Pulaski, Russell, Taylor, Washington, Wayne, Whitley, and Wolfe.
(5) Zone 5 — Green River and Pennyrile Area: Counties: Allen, Barren, Butler, Daviess, Edmonson, Hancock, Hart, Henderson, Logan, McLean, Ohio, Simpson, and Warren.
(6) Zone 6 — Southwestern and West Central Area: Counties: Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Muhlenberg, Todd, Trigg, Union, and Webster.

Section 2. An election notice shall be mailed to every licensed dentist practicing in Kentucky at least thirty (30) days before the annual election.

Section 3. Nominations shall be sent to the office of the board at least fifteen (15) days prior to the election in order that the candidates may consent or decline their nominations before same are placed on the voting machine. Nominations received after the fifteen (15) day deadline will not be accepted.

WILLIAM H. FIELDS, D.M.D., Secretary—Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:12 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary—Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:080)

RELATES TO: KRS 313.200
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:P1
NECESSITY AND FUNCTION: Establishes date of annual meeting of the board of dentistry.

Section 1. The annual meeting of the board shall be held in May of each year at such time and at such place as the board may designate. The secretary shall notify the members of the board of the time and place of the meeting.

WILLIAM H. FIELDS, D.M.D., Secretary—Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary—Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:090)

RELATES TO: KRS 313.200
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:P2
NECESSITY AND FUNCTION: Sets forth order of business to be followed by board of dentistry at its meetings.

Section 1. The order of business shall be as follows:
(1) Call to order
(2) Roll call
(3) Reading and approval of minutes
(4) Law enforcement report
(5) Examination business
(6) Reading of correspondence
(7) Unfinished business
(8) Reports of officers and committees
(9) New business
(10) Election of officers (at annual meeting).

WILLIAM H. FIELDS, D.M.D., Secretary—Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:16 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary—Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:100)

RELATES TO: KRS 313.200
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:P4
NECESSITY AND FUNCTION: Sets forth guidelines for interim administration of the board of dentistry.

Section 1. Whereas certain conditions arise and communications come to the attention of the secretary, between regular meetings of the board, which require prompt action, and which should not await a regular meeting of the board; therefore, when this board is not in session, all such matters requiring a decision of the board shall be submitted to the members by the secretary for a vote, and a majority opinion shall prevail. The secretary will act in accordance with the majority vote. Nothing herein contained shall be construed as to apply to any business that may be transacted at a regular meeting of the board, unless a special meeting shall be called for such purpose. The secretary will report the results of all business so taken up at the first regular meeting of the board held thereafter.

WILLIAM H. FIELDS, D.M.D., Secretary—Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:16 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary—Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:110)

RELATES TO: KRS 313.200
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:B:P5—1
NECESSITY AND FUNCTION: Sets forth manner in which rules and regulations of the board may be amended.

Section 1. Amendments to these rules may be made as follows: (1) Amendments may be drafted at any meeting of the board by unanimous vote of the legal votes cast.
(2) Amendments may be drafted in the interim, between meetings of the board, in accordance with KRS 13.090.

WILLIAM H. FIELDS, D.M.D., Secretary—Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:16 p.m.

SUBMIT COMMENTS OR REQUEST FOR HEARING TO: Secretary—Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:120)

RELATES TO: KRS 313.020
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:12—1
NECESSITY AND FUNCTION: Permits the board to grant special (courtesy) licensure to graduates of approved dental schools in order to be employed in any of the state's dental or dental hygiene schools, as well as state, county and city health programs.

Section 1. Specific authority is granted hereunder to dentists who are graduates of approved dental schools to accept full time employment without licensure in either of the state's two dental schools or dental hygiene programs, the Department for Human Resources, Bureau of Health Services, or

county and city health programs. Dental interns and residents are also included in this category of classification.

Section 2. This courtesy and consideration is granted with the understanding that such personnel will take the next state board examination for licensure.

Section 3. The agreement forms signed by such personnel, hereto attached, shall be a part of this rule and shall be completed as indicated by all personnel licensed under this rule.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer

ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:17 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

(201 KAR 8:120) UNIVERSITY OF KENTUCKY
COLLEGE OF DENTISTRY

MEMORANDUM

TO: _____, Dean
College of Dentistry

and

_____, Secretary-Treasurer
Kentucky Board of Dentistry

SUBJECT: Licensure by the Kentucky Board of Dentistry

It is with appreciation that I acknowledge the circumstances under which my licensure by the Kentucky Board of Dentistry has been effected. It is acknowledged that I was afforded this special consideration in order that I might be licensed in the Commonwealth of Kentucky to carry out my teaching and patient care functions as a member of the full time faculty of the College of Dentistry at the University of Kentucky.

Accordingly, I wish to indicate that should it be my decision in the future to enter private practice in the Commonwealth of Kentucky, either part-time or full-time, I will submit myself to the Kentucky Board of Dentistry for examination as they deem appropriate.

Signed: _____

Title: _____

Department: _____

Date: _____

(201 KAR 8:120) UNIVERSITY OF LOUISVILLE
SCHOOL OF DENTISTRY

MEMORANDUM

TO: _____, Dean
School of Dentistry

and

_____, Secretary-Treasurer
Kentucky Board of Dentistry

SUBJECT: Licensure by the Kentucky Board of Dentistry

It is with appreciation that I acknowledge the circumstances under which my licensure by the Kentucky Board of Dentistry has been effected. It is acknowledged that I was afforded this special consideration in order that I might be licensed in the Commonwealth of Kentucky to carry out my teaching and patient care functions as a member of the full time faculty at the School of Dentistry, University of Louisville.

Accordingly, I wish to indicate that should it be my decision in the future to enter private practice in the Commonwealth of Kentucky, either part-time or full-time, I will submit myself to the Kentucky Board of Dentistry for examination as they deem appropriate.

Signed: _____

Title: _____

Department: _____

Date: _____

(201 KAR 8:120) UNIVERSITY OF KENTUCKY
COLLEGE OF DENTISTRY

MEMORANDUM

TO: _____, Dean
College of Dentistry

and

_____, Secretary-Treasurer
Kentucky Board of Dentistry

SUBJECT: Licensure by the Kentucky Board of Dentistry

It is with appreciation that I acknowledge the circumstances under which my licensure by the Kentucky Board of Dentistry has been effected. It is acknowledged that I was afforded this special consideration in order that I might be licensed in the Commonwealth of Kentucky to carry out my patient care functions as an intern/resident of the College of Dentistry at the University of Kentucky. It is further understood that I am morally obligated to enjoy the benefits of licensure within the definition of full-time intern/resident as determined by the College of Dentistry. It is further understood that upon completion of my internship/residency that the license granted to me will be surrendered to the Kentucky Board of Dentistry.

Accordingly, I wish to indicate that should it be my decision in the future to enter private practice in the Commonwealth of Kentucky, either part-time or full-time, I will submit myself to the Kentucky Board of Dentistry for examination as they deem appropriate.

Signed: _____

Title: _____

Department: _____

Date: _____

(201 KAR 8:120) UNIVERSITY OF LOUISVILLE
SCHOOL OF DENTISTRY

MEMORANDUM

TO: _____, Dean
School of Dentistry

and

_____, Secretary-Treasurer
Kentucky Board of Dentistry

SUBJECT: Licensure by the Kentucky Board of Dentistry

It is with appreciation that I acknowledge the circumstances under which my licensure by the Kentucky Board of Dentistry has been effected. It is acknowledged that I was afforded this special consideration in order that I might be licensed in the Commonwealth of Kentucky to carry out my patient care functions as an intern/resident of the School of Dentistry at the University of Louisville. It is further understood that I am morally obligated to enjoy the benefits of licensure within the definition of full-time intern/resident as determined by the School of Dentistry. It is further understood that upon completion of my internship/residency that the license granted to me will be surrendered to the Kentucky Board of Dentistry.

Accordingly, I wish to indicate that should it be my decision in the future to enter private practice in the Commonwealth of Kentucky, either part-time or full-time, I will submit myself to the Kentucky Board of Dentistry for examination as they deem appropriate.

Signed: _____

Title: _____

Department: _____

Date: _____

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:130)

RELATES TO: KRS 313.220
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:13
NECESSITY AND FUNCTION: Requires that all dental assistants taking X-rays must first complete a course in dental radiography as prescribed by the board.

Section 1. Dental assistants shall only take X-rays under supervision of a licensed dentist. The supervising dentist shall be held responsible to the board that such assistants shall become qualified for this function by first completing a prescribed course in dental radiography approved by the board.

WILLIAM H. FIELDS, D.M.D, Secretary-Treasurer

ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:17 p.m.

SUBMIT COMMENTS OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:135)

RELATES TO: KRS 313.220(4)
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:14-1
NECESSITY AND FUNCTION: Permits licensed dentists in this state to assign to competent auxiliary personnel any duty which he feels she is capable of performing; makes exceptions to those duties which the dentist may assign to auxiliary personnel.

Section 1. A legally licensed and registered dentist may delegate to competent dental auxiliary personnel those procedures for which the dentist exercises direct supervision and full responsibility as long as the delegated powers do not include any of the following:

(1) Those procedures which require professional judgment and skill such as diagnosis and treatment planning and the cutting of hard and/or soft tissues or any intraoral procedure which will be used directly in the fabrication of an appliance

which, when worn by the patient, would come in direct contact with hard or soft tissue.

(2) Those procedures allocated by the dental law to licensed and registered dental hygienists.

(3) No injectible medication or anesthesia should be administered by auxiliary personnel unless otherwise authorized by law.

(4) Radiographic exposures without training prescribed by 201 KAR 8:130.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:140)

RELATES TO: KRS 313.080(2)
PURSUANT TO: KRS 313.080, 13.082
SUPERSEDES: Den:G:15
NECESSITY AND FUNCTION: Sets forth guidelines and schedule of points to be accumulated by each licensed dentist for compliance with the continuing education requirement for relicensure.

Section 1. Every licensed dentist requesting renewal of license must show evidence which is satisfactory to the Kentucky Board of Dentistry that he or she has accumulated ten (10) points of continuing education. The evidence of ten (10) points of continuing education shall be by December 31, 1975, and December 31 every year thereafter, (i.e. December 31, 1976, December 31, 1977 et. seq.). The Kentucky Board of Dentistry is to be notified as each group of points is earned. The final date of notification of the accumulation of the last group of points, to bring the total to ten (10) or more, shall be December 31st each year.

Section 2. The following schedule of points rating is adopted: (1) Local dental meetings, 2 points.
(2) State dental meetings, 5 points.
(3) Regional and national meetings, 5 points.
(4) Dental specialty meetings, 5 points.
(5) Study club dental meetings, 2 points. Study clubs shall be defined as a meeting of no less than two (2) hours duration. They shall be chartered and adopt a constitution and by-laws. One-half (1/2) of the meeting time shall be devoted to matters of professional interest.
(6) Continuing education in formally enrolled classes or clinics under the sponsorship of a dental college or university. Recognized dental associations or specialty license certifying board, 5 points per day.
(7) Hospital staff meetings, 2 points.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:10 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:150)

RELATES TO: KRS 313.040
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:Al-1
NECESSITY AND FUNCTION: Sets forth guidelines for filing of application by candidates for the clinical examination and sets forth the manner in which the application is to be filed with the Kentucky Board of Dentistry.

Section 1. (1) Applicants for any examination before the board will be given a number by the secretary and they shall be known to the other members of the board by number only; applicant's number must appear upon his or her questions and answers papers before turning in same to the examiners.

(2) Application form, for general practice of dentistry, hereto attached, shall be a part of this rule and shall be filled out in its entirety by all applicants, same shall be executed and sworn to before a notary and returned to the secretary of the Kentucky Board of Dentistry. Applicants graduating during the present school year shall file their applications with the secretary of the board not less than thirty (30) days prior to the date of the examination. Applicants who shall have graduated in a school year prior to the date of the board examination will be required to file their application with the secretary of the board not less than sixty (60) days prior to the date of the examination. The secretary shall reject any and all applications that are not properly filled out and sworn to and meet all requirements as provided in the rules of the board and KRS Chapter 313.

(3) The examination shall consist of two (2) parts; a written examination, and a clinical examination.

(201 KAR 8:150) APPLICATION NO._____

APPLICATION

FOR EXAMINATION

BEFORE THE

KENTUCKY BOARD OF DENTISTRY

FOR A LICENSE

TO PRACTICE DENTISTRY

IN THE

COMMONWEALTH OF KENTUCKY

EXAMINATION DATE_____

(201 KAR 8:150) APPLICATION TO TAKE AN EXAMINATION
BEFORE THE KENTUCKY BOARD OF DENTISTRY
FOR LICENSE TO PRACTICE DENTISTRY
IN THE COMMONWEALTH OF KENTUCKY

To the Kentucky Board of Dentistry:

I hereby apply for permission to take an examination at your next annual examinations to demonstrate my qualifications to practice dentistry in the Commonwealth of Kentucky. I enclose herewith the required fee of fifty dollars ($50) (certified check or post office money order) and furnish below the information required by you, to which my affidavit is added at the end.

PHYSICAL DESCRIPTION

NAME (Print in full)_____ AGE_____ Years

DATE OF BIRTH_____ PLACE OF BIRTH_____

PRESENT RESIDENCE_____

RACE_____ NATIVE OF_____ COMPLEXION_____

COLOR OF EYES_____ COLOR OF HAIR_____ HEIGHT_____

STOUT_____, MEDIUM_____, THIN_____ (Check) WEIGHT_____

Citizen of the United States?_____ By birth or naturalization?_____

If naturalized, give date and place of naturalization_____

_____ Has surname ever been changed?_____

If so, give date and place_____

Give original surname_____

PRE-DENTAL EDUCATION

(Give title and location of the college of liberal arts and science in which you were prepared for the study of dentistry, the length of the course you pursued and the degree, if any, you secured. Append hereto a transcript of your pre-dental college record officially certified by the proper authority of that institution.)

_____

_____

_____

DENTAL EDUCATION

(Fill out blanks indicated and append hereto a transcript of your record in dental school or college, officially certified by the proper authority of that institution.)

Dental School or College from which you graduated_____

Date of graduation_____ Degree received_____

Record of attendance in Dental School or College: (201 KAR 8:150)

1st Yr.: From the____ day of____ 19____ to the____ day of____ 19____

2nd Yr.: From the____ day of____ 19____ to the____ day of____ 19____

3rd Yr.: From the____ day of____ 19____ to the____ day of____ 19____

4th Yr.: From the____ day of____ 19____ to the____ day of____ 19____

PRACTICE OF DENTISTRY

(Give below full account with dates and places of any previous practice of dentistry by you, either on your own account or in the employment of others.)

_____

Date, number and sources of any previous license or licenses to practice dentistry in Kentucky or any other states or territory:_____

If you have ever been examined and refused a license, give full particulars.

If any dental license held by you has ever been cancelled or revoked in any state or territory, give full particulars:_____

I submit herewith a bust photograph of myself taken within the past six months which is certified by one of the following: The Dean of the dental school from which I graduated; the Secretary of the Board of Dental Examiners of the state in which I am now practicing; or the Secretary of the State or Local Dental Society of which I am a member.

(Attach photograph in space below.)

I hereby certify that the accompanying photograph is that of the person making this application for examination for licensure to practice dentistry.

PHOTO

Signature _____

Official Title _____

(201 KAR 8:150) AFFIDAVIT

State of _____ } ss.
County of _____ }

On this ____ day of _____ 19____, personally appeared before me, _____, who being sworn, says that he is the person referred to in the foregoing application for admission to an examination to demonstrate his qualifications to practice dentistry in the Commonwealth of Kentucky; that the statements herein contained are strictly true in every respect; that he has never been convicted of a felony or a misdemeanor involving moral turpitude; that he is not addicted to the liquor or drug habit; that he has read and understands this affidavit; and that if this petition is granted and a license subsequently issued to him, he will comply with the laws governing the practice of dentistry in the Commonwealth of Kentucky and do his utmost to uphold and maintain the dental profession.

_____
(Signature of applicant)

Signed and sworn to before me this ____ day of _____, 19____

_____
(Official designating officer administering oath)

INSTRUCTIONS

NOTE: This application, properly filled out and certified, together with the fee of fifty dollars ($50), must be in the hands of the Secretary of the Kentucky Board of Dentistry not less than (see below)* days before the examination. The application should be accompanied by a bust photograph of the applicant taken within six months of the date of the application and certified by an officer of the dental school from which he graduated, the Secretary of the Board of Dental Examiners of the state in which he may be practicing, or by an officer of a state or local dental society of which he may be a member.

*RECENT GRADUATES: Applicants graduating during the present school year must file their applications with the Secretary of the Board by April 1st. In the event an applicant fails to graduate after having filed his application, the full examination fee will be returned promptly.

*APPLICANTS IN PRACTICE: Applicants having graduated prior to the present school year are required to file their applications with the Secretary of the Board sixty (60) days in advance of the examination date. This is to allow ample time to check at the sources of the information given. It is required that you submit with this application letters of recommendation from the Secretary of your state or local district dental society; the Dean of the dental school from which you graduated; and the Secretary of the Board of Examiners in the state in which you are now located, attesting to your record as a practitioner in that state. The applicant should insert here the address to which correspondence from this Board is to be sent:

IMPORTANT

Make all checks and money orders payable to:
KENTUCKY STATE TREASURER

Address all correspondence to and submit application and fee to:
KENTUCKY BOARD OF DENTISTRY
2106 Bardstown Road
Louisville, Kentucky 40205

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:13 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:160)

RELATES TO: KRS 313.040
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:A2
NECESSITY AND FUNCTION: Sets forth requirements and qualifications for those applying to this board for the licensure examination.

Section 1. Applicants for the licensure examination shall be graduates of dental schools, colleges or dental departments of universities accredited by the Council on Dental Education of the American Dental Association, or rated as acceptable by this board.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:13 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:170)

RELATES TO: KRS 313.040
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:A3
NECESSITY AND FUNCTION: Permits applicants who will graduate after the board examinations are conducted to present a letter from the dean of the school from which they expect to graduate certifying that the applicant will graduate on a later specified date. This permits the candidate to take the current examination.

Section 1. (1) In the interim between the time an applicant has completed his dental college requirements for a dental degree and the actual graduation, in lieu of a diploma, the board will accept a statement signed by the president of the university or the dean of the dental college that the applicant will receive a degree of DDS or DMD, and a diploma certificate to that effect at the current year graduation.

(2) The board examinations, including specialty examinations, will be given to those who complete their requirements by July 1st of the calendar year and who are eligible to receive a certification from the school or hospital, stating that all requirements will be completed by July 1st of the year in which they make application for the board examination.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:13 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:180)

RELATES TO: KRS 313.040
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:E1-1
NECESSITY AND FUNCTION: Sets forth requirements and qualifications for those applying to this board for licensure.

Section 1. (1) All examinations must be conducted in the English language.

(2) All applicants for licensure must be graduates of a reputable dental school or college or dental department of a university recognized as acceptable by this board.

(3) Applications for licensure before this board will not be accepted unless the applicant has had a course of study acceptable to the board, in a dental school or college rated as acceptable to this board.

(4) Applications for licensure of graduates of schools outside the territorial limits of the United States will be accepted at the discretion of the board.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:14 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:190)

RELATES TO: KRS 313.050
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:E2
NECESSITY AND FUNCTION: Sets forth duties of the examination committee of the Kentucky Board of Dentistry.

Section 1. (1) The duty of the examination committee shall be to set the date on which the examination will be held, and to assign to board members the subjects on which they will examine. It shall further be the duty of the examination committee to make a study of other methods of exami-

nation and grading and report its findings to the board at its annual meeting.

(2) The dates for the licensure examinations conducted by the Kentucky Board of Dentistry shall be set at the meeting of the Kentucky Board of Dentistry in September of each year.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:14 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:200)

RELATES TO: KRS 313.050
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:E3
NECESSITY AND FUNCTION: Prohibits release of examination questions except for study or educational research purposes.

Section 1. No examination questions shall be given out, except for study or educational research purposes.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:14 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:210)

RELATES TO: KRS 313.050
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:E4
NECESSITY AND FUNCTION: Sets forth guidelines for approval of all examination questions by the board prior to presentation to the applicants for licensure.

Section 1. Each examiner will be required to submit all examination questions to the board for review previous to the examination, and same shall be approved by a majority of the board before being presented to the applicants as part of the examination for licensure.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KINGS, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:220)

RELATES TO: KRS 313.050
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:E6-1
NECESSITY AND FUNCTION: Sets forth requirements of the clinical examination, grade to be attained and permits the board to dismiss a candidate for gross malperformance.

Section 1. (1) Clinical examination: The requirements of the clinical examination shall be within the discretion of the board as to subject matter, but these requirements shall be agreed upon one (1) year prior to the examination, and must remain within the subjects contained in the regular curriculum of accredited dental schools.

(2) Successful completion of the clinical examination conducted by the Kentucky Board of Dentistry requires that a candidate receive an average of not less than seventy-five percent (75%) on each of three (3) of the four (4) sections of the examination administered. In addition to the aforementioned, an overall average of the four (4) sections of the clinical examination shall be not less than seventy-five percent (75%).

(3) A candidate may be dismissed during the course of the examination for gross malperformance as defined in the instructions to applicants. This dismissal requires the approval of two-thirds (2/3) of the board members present and administering the examination.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:230)

RELATES TO: KRS 313.130
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:E8
NECESSITY AND FUNCTION: Requires dentists to maintain a satisfactory standard of competence and proficiency to continue in the practice of dentistry in this state.

Section 1. In order to maintain a satisfactory standard of competency in the practice of dentistry, any licensed dentist who has not been in the active practice of dentistry for five (5) years shall not practice or attempt to practice again unless he has been re-examined by this board.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:18 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:240)

RELATES TO: KRS 313.140
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:I1
NECESSITY AND FUNCTION: Grants special authority to groups of dentists in this state to permit non-resident practicing dentists and instructors to appear before such groups for the purpose of clinical demonstrations for the purpose of continuing education.

Section 1. Specific authority is granted hereunder to groups of dentists in Kentucky to have non-resident practicing dentists and instructors in a reputable dental college, school or department of a reputable university, rated as acceptable by the Kentucky Board of Dentistry duly licensed in another state, to appear before such groups for the purpose of clinical demonstrations. Such groups, however, must notify the Kentucky Board of Dentistry of such intended clinical demonstration at least ten (10) days prior to said demonstration.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:18 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:250)

RELATES TO: KRS 313.070
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:G:L1-1
NECESSITY AND FUNCTION: Sets forth guidelines under which duplicate license certificates may be issued.

Section 1. Duplicate license certificates may be issued at the discretion of the secretary of the board. A dentist requesting a duplicate license certificate shall submit an affidavit that the original license certificate is no longer in his or her possession, the reason why, and under what circumstances the license certificate left his possession. They shall pay the fee of ten dollars ($10) at the time of making application for the duplicate certificate.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:18 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:260)

RELATES TO: KRS 313.300
PURSUANT TO: KRS 313.270, 13.082
SUPERSEDES: Den:H:A1-1

NECESSITY AND FUNCTION: Sets forth guidelines for filing of application by candidates for the clinical examination for licensure in dental hygiene; and, sets forth the manner in which the application is to be filed with the Kentucky Board of Dentistry.

Section 1. (1) Applicants for any examination before the board will be given a number by the secretary and they shall be known to the other members of the board by number only; applicant's number must appear upon his or her questions and answer papers before turning in same to the examiners.

(2) Application form for the practice of dental hygiene, hereto attached, shall be a part of this rule and shall be filled out in its entirely by all applicants, same shall be executed and sworn to before a notary and returned to the secretary of the Kentucky Board of Dentistry. Applicants graduating during the present school year shall file their applications with the secretary of the board not less than thirty (30) days prior to the date of the examination. Applicants who shall have graduated in a school year prior to the date of the board examination will be required to file their application with the secretary of the board not less than sixty (60) days prior to the date of the examination. The secretary shall reject any and all applications that are not properly filled out and sworn to and meet all requirements as provided in the rules of the board and KRS Chapter 313.

(3) The examination shall consist of two (2) parts; a written examination, and a clinical examination.

(201 KAR 8:260) APPLICATION NO._____

APPLICATION
FOR EXAMINATION
BEFORE THE
KENTUCKY BOARD OF DENTISTRY
FOR A LICENSE
TO PRACTICE DENTAL HYGIENE
IN THE
COMMONWEALTH OF KENTUCKY

EXAMINATION DATE_____

(201 KAR 8:260)

APPLICATION TO TAKE AN EXAMINATION
BEFORE THE KENTUCKY BOARD OF DENTISTRY
FOR LICENSE TO PRACTICE DENTAL HYGIENE
IN THE COMMONWEALTH OF KENTUCKY

To the Kentucky Board of Dentistry:

I hereby apply for permission to take an examination at your next annual examinations to demonstrate my qualifications to practice dental hygiene in the Commonwealth of Kentucky. I enclose herewith the required fee of twenty-five dollars ($25) (certified check or post office money order) and furnish below the information required by you, to which my affidavit is added at the end.

PHYSICAL DESCRIPTION

NAME (Print in full)_____ AGE_____ YEARS

DATE OF BIRTH_____ PLACE OF BIRTH_____

PRESENT RESIDENCE_____

RACE_____ NATIVE OF_____ COMPLEXION_____

COLOR OF EYES_____ COLOR OF HAIR_____ HEIGHT_____

STOUT_____, MEDIUM_____, THIN_____ (Check) WEIGHT_____

Citizen of the United States?_____ By birth or naturalization?_____

If naturalized, give date and place of naturalization_____

_____ Has surname ever been changed?_____

If so, give date and place_____

Give original surname_____

If married, give husband's full name and permanent address _____

_____

PREPARATORY EDUCATION

(Give name and location of the high school from which you were graduated, and the name and location of any college attended, along with the course you pursued and the degree, if any, you secured. Append hereto a transcript of your high school and college records, officially certified by the proper authority of the institution concerned.)

NAME OF HIGH SCHOOL_____ LOCATION_____

YEARS ATTENDED_____ DATE GRADUATED_____

NAME OF COLLEGE_____ LOCATION_____

YEARS ATTENDED_____ COURSE PURSUED_____

DEGREE SECURED_____ DATE_____

_____

(201 KAR 8:260) **EDUCATION IN DENTAL HYGIENE**

(Fill out blanks indicated and append hereto a transcript of your record in school of dental hygiene officially certified by the proper authority of that institution.)

SCHOOL OF DENTAL HYGIENE FROM WHICH YOU GRADUATED_____

DATE OF GRADUATION_____ DEGREE RECEIVED_____

Record of attendance in School of Dental Hygiene:

1st Yr.: From the____ day of____ 19____ to the____ day of____ 19____

2nd Yr.: From the____ day of____ 19____ to the____ day of____ 19____

3rd Yr.: From the____ day of____ 19____ to the____ day of____ 19____

4th Yr.: From the____ day of____ 19____ to the____ day of____ 19____

PRACTICE OF DENTAL HYGIENE

(Give below full account with dates and places of any previous practice of dental hygiene by you, either on your own account or in the employment of others.)

_____

_____

Date, number and sources of any previous license or licenses to practice dental hygiene in Kentucky or any other states or territory:_____

_____

If you have ever been examined and refused a license, give full particulars.

_____

_____

If any license to practice dental hygiene held by you has ever been cancelled or revoked in any state or territory, give full particulars:_____

_____

I submit herewith a 2" x 2" photograph of myself taken within the past six months which is certified by one of the following: The Dean or Director of the school of dental hygiene from which I graduated, or the Secretary of the Board of Dental Examiners of the state in which I am now practicing.

(Attach photograph in space below.)

I hereby certify that the accompanying photograph is that of the person making this application for examination for licensure to practice dental hygiene.

PHOTO

Signature_____

Official Title_____

(201 KAR 8:260) **AFFIDAVIT**

State of_____ }
County of_____ } ss

On this____ day of____ 19____, personally appeared before me,

_____, who being sworn, says that she is the person referred to in the foregoing application for admission to an examination to demonstrate her qualifications to practice dental hygiene in the Commonwealth of Kentucky; that the statements herein contained are strictly true in every respect; that she has never been convicted of a felony, or a misdemeanor involving moral turpitude; that she is not addicted to the liquor or drug habit; that she has read and understands this affidavit; and that if this petition is granted and a license subsequently issued to her, she will comply with the laws governing the practice of dental hygiene in the Commonwealth of Kentucky and do her utmost to uphold and maintain the profession of dental hygienist.

_____
(Signature of applicant)

Signed and sworn to before me this____ day of____, 19____

_____
(Official designating officer administering oath) (SEAL)

INSTRUCTIONS

NOTE: This application, properly filled out and certified, together with the fee of twenty-five dollars ($25), must be in the hands of the Secretary of the Kentucky Board of Dentistry not less than (see below)* days before the examination. The application should be accompanied by letters of recommendation from two reputable dentists of this state and a 2" x 2" photograph of the applicant taken within six months of the date of the application and certified by an officer of the school of dental hygiene from which she graduated, or the Secretary of the Board of Dental Examiners of the state in which she may be practicing.

*RECENT GRADUATES: Applicants graduating during the present school year must file their applications with the Secretary of the Board by April 1st. In the event an applicant fails to graduate after having filed her application, the full examination fee will be returned promptly.

*APPLICANTS IN PRACTICE: Applicants having graduated prior to the present school year are required to file their applications with the Secretary of the Board sixty (60) days in advance of the examination date. This is to allow ample time to check at the sources of the information given. It is required that you submit with this application letters of recommendation from the Dean or Director of the school of dental hygiene from which you graduated, and the Secretary of the Board of Examiners in the state in which you now are located, attesting to your record as a practitioner in that state. The applicant should insert here the address to which correspondence from this board is to be sent:

ADDRESS: _____

IMPORTANT

Make all checks and money orders payable to:
KENTUCKY STATE TREASURER

Address all correspondence to and submit application and fee to:
KENTUCKY BOARD OF DENTISTRY
2106 Bardstown Road
Louisville, Kentucky 40205

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: November 25, 1974 at 2:17 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:270)

RELATES TO: KRS 313.270
PURSUANT TO: KRS 313.260, 13.082
SUPERSEDES: Den:H:E2
NECESSITY AND FUNCTION: Sets passing score for candidates for licensure in dental hygiene.

Section 1. The passing grade is seventy-five percent (75%). Failure to obtain this passing mark shall disqualify this candidate for licensure to practice dental hygiene in this state.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:280)

RELATES TO: KRS 313.330
PURSUANT TO: KRS 313.270, 13.082
SUPERSEDES: Den:H:E3
NECESSITY AND FUNCTION: Requires dental hygienists to maintain a satisfactory standard of competency and proficiency to continue in the practice of dental hygiene in this state.

Section 1. In order to maintain a satisfactory standard of competency in the practice of dental hygiene, any licensed dental hygienist who has not been in active practice for five (5) years shall not practice or attempt to practice again unless she has been re-examined by this board.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:16 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:290)

RELATES TO: KRS 313.270
PURSUANT TO: KRS 313.260, 13.082
SUPERSEDES: Den:H:L1
NECESSITY AND FUNCTION: Requires board to place names of all successful candidates for dental hygiene licensure in an original and a duplicate register.

Section 1. Names of successful candidates taking the dental hygiene licensure examination shall be immediately placed in both the original and duplicate official registers of the board.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:17 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:300)

RELATES TO: KRS 313.307
PURSUANT TO: KRS 313.260, 13.082
SUPERSEDES: Den:H:L2
NECESSITY AND FUNCTION: Requires all dental hygienists upon receipt of their license to practice dental hygiene to register such license with the county clerk in the county in which they practice within ninety (90) days of the date of the certificate.

Section 1. The board will require every license certificate issued to be registered in some county of the Commonwealth of Kentucky within ninety (90) days of the date the certificate was issued. Notice of this county registration must be filed with the secretary of the board upon forms furnished by the board. Additional blanks may be had upon request from the secretary of the board.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:18 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:310)

RELATES TO: KRS 313.300(3)
PURSUANT TO: KRS 313.260, 13.082
SUPERSEDES: Den:H:L3-1
NECESSITY AND FUNCTION: Sets forth guidelines under which duplicate license certificates may be issued.

Section 1. Duplicate license certificates may be issued at the discretion of the secretary of the board. A dental hygienist requesting a duplicate license certificate must submit an affidavit that the original license certificate is no longer in her possession, the reason why, and under what circumstances the license certificate left her possession; they shall pay the fee of ten dollars ($10) at the time of making application for the duplicate certificate.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:13 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:320)

RELATES TO: KRS 313.270
PURSUANT TO: KRS 313.270, 13.082
SUPERSEDES: Den:H:L4
NECESSITY AND FUNCTION: Requires each licensed dental hygienist to notify the board of her place of employment.

Section 1. (1) Each licensed dental hygienist shall within thirty (30) days, notify the Kentucky Board of Dentistry of being employed as a dental hygienist. Said notice shall include each licensed dentist that is the employer and the business address of the employer.

(2) If a licensed dental hygienist is employed by more than one (1) licensed dentist or institution acceptable to the Kentucky Board of Dentistry, then the licensed dental hygienist shall notify the Kentucky Board of Dentistry of the name and business address of each employer where the licensed dental hygienist's work is performed within thirty (30) days of the acceptance of employment.

(3) Each licensed dental hygienist shall notify the Kentucky Board of Dentistry of the termination of employment immediately and the acceptance of each new employment as a licensed dental hygienist as hereinabove set out.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:12 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:330)

RELATES TO: KRS 313.260
PURSUANT TO: KRS 313.260, 13.082
SUPERSEDES: Den:H:L5
NECESSITY AND FUNCTION: Permits dental hygienists to retire their license when no longer actively engaged in the practice of dental hygiene; sets forth guidelines for retirement of such license; sets forth guidelines for suspension of dental hygiene license if not renewed by March 1 of each year.

Section 1. (1) Any licensed dental hygienist who desires temporarily to retire from practice and who has given the board notice in writing to that effect, shall be granted such a retirement. Such a license shall be reinstated upon request and after payment of accumulated renewal fees and cost of reinstatement.

(2) Any license granted by the board shall be suspended if the holder fails to secure the renewal certificate by March 1 of each year, but any license thus suspended may be restored by the board upon the payment to the secretary-treasurer of a

reinstatement fee of twenty-five dollars ($25) within one (1) year after the suspension.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:14 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:340)

RELATES TO: KRS 313.340
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:S:A1 and Den:S:E1

NECESSITY AND FUNCTION: Sets forth guidelines for establishing date and place of examinations for specialty licensure; incorporates application for specialty licensure in the rules and regulations of this board.

Section 1. (1) Qualifying examinations for licensure to practice a specialty in dentistry shall be held at the same time and place as and in conjunction with the regular dental licensure examination, and shall be conducted in the English language.

(2) Application form to practice a dental specialty, hereto attached, for those desiring to petition this board for the privilege of taking the qualifying examination for licensure is hereby incorporated as a rule of the board and shall have the same force and effect as other rules.

(3) Applicants for specialty licensure must hold a Kentucky license to practice general dentistry prior to being certified as a specialist in this state.

(201 KAR 8:340)

APPLICATION
FOR EXAMINATION
BEFORE THE
KENTUCKY BOARD OF DENTISTRY
FOR SPECIALTY LICENSURE
IN THE
COMMONWEALTH OF KENTUCKY

EXAMINATION DATE_____

(201 KAR 8:340)

Name (Print in full)_____ Age_____

Date of Birth_____ Place of Birth_____

Permanent Address_____

City_____ State_____ Zip Code_____

Graduate of what dental college_____ Year_____

Name states in which you hold dental licenses, giving number and dates of each:_____

How many years have you devoted to the general practice of dentistry?

Specialty in which license is desired:_____

Where do you expect to practice the specialty?_____

Do you expect to devote your full time to the practice of this specialty?_____

Why do you desire a specialty license?_____

Special education in_____ have you earned any special dental degrees or certificates of proficiency?_____

If so, designate when, where, and how acquired; furnish certification:

Graduate Training: (Give names of schools, hospitals, clinics, dispensaries, and fundamental science laboratories, and dates of attendance; Furnish Certification_____

Have you served an internship. If so, give detailed summary of dates, locations, and furnish certification:

(201 KAR 8:340)

Experience In Specialty: Be specific as to places and time you have devoted to your chosen specialty_____

Have you served as a teacher or instructor in the specialty in which license is desired?_____ Furnish certification as to place and time:

What percentage of your time is devoted to the specialty?_____

What percentage of your income is derived from the specialty?_____

Have you engaged in any research work? If so, name subjects or give findings:_____

Give six references (dentists) who have referred patients to you, or who personally know your ability:

Give names of professional organizations in which you hold membership:

What society meetings have you attended during the past five years?

Name professional periodicals carrying any of your articles during the past five years and give dates of publication:_____

List offices and committees on which you served during the past five years:_____

Are you a member of any specialized societies:_____

name them; give length of membership:_____

(201 KAR 8:340)

Are you a diplomate of a specialty board?_____ Furnish certification.

Of what community or social organizations are you a member?_____

This application is respectfully submitted for the consideration of the Kentucky Board of Dentistry in fulfillment of the statutes regulating the specialized practice of dentistry.

SIGNED:_____

Subscribed in my presence and sworn to before me this_____ day of_____, 19____

_____
Notary Public

County of:_____

State of:_____

My Commission Expires:_____

INSTRUCTIONS

Applications for specialty licensure must be filed with the Secretary of the Kentucky Board of Dentistry by March 1st. Case histories as outlined in the specialty examination instructions must be in the hands of the Secretary of the Board thirty (30) days prior to the date of the examination. The applicant should insert here the address to which correspondence from this Board is to be sent:

_____

IMPORTANT

Make all checks and money orders payable to:
KENTUCKY STATE TREASURER

Address all correspondence and submit application and fee to:
KENTUCKY BOARD OF DENTISTRY
2106 Bardstown Road
Louisville, Kentucky 40205

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:25 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:345)

RELATES TO: KRS 313.430(1)(b)1.
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:S:E3
NECESSITY AND FUNCTION: Clarifies educational requirements for qualification prior to taking the examination for licensure as a dental specialist in this state.

Section 1. Each applicant shall present to the board satisfactory evidence that he has had a period of not less than two (2) years study in graduate or post-graduate courses, after graduation from a dental school, and meets all other requirements in KRS 313.430(1)(b)1.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:350)

RELATES TO: KRS 313.430(2)
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:S:E2
NECESSITY AND FUNCTION: Establishes passing grade for successful completion of the examination for licensure to practice a dental specialty in this state.

Section 1. The passing grade shall be seventy-five percent (75%). Failure to attain this passing mark shall disqualify the candidate for licensure in a dental specialty.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:19 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:355)

RELATES TO: KRS 313.440(2)
PURSUANT TO: KRS 313.220, 13.082
SUPERSEDES: Den:S:P1
NECESSITY AND FUNCTION: Requires board to place names of all successful candidates for licensure in a dental specialty in the official registers of the board.

Section 1. Names of successful candidates for licensure in a dental specialty shall be immediately placed in both the original and duplicate registers of the board.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:375)

RELATES TO: KRS 211.430(2)
PURSUANT TO: KRS 211.450, 13.082
SUPERSEDES: Den:SC:A1
NECESSITY AND FUNCTION: The Kentucky Board of Dentistry is responsible for administering the Rural Kentucky Dental Scholarship Law. This regulation permits recipients of the Rural Kentucky Dental Scholarship to fulfill their obligation to the Commonwealth of Kentucky by practicing in a designated area part time; however, part time practice in such designated area requires the recipient to practice two (2) years in such area for each year scholarship funds were received.

Section 1. Recipients of scholarship funds may, at the discretion of the board, be permitted to practice three (3) days a week in a designated area at the rate of two (2) years for each year the scholarship was received.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:21 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:380)

RELATES TO: KRS 211.440(3)
PURSUANT TO: KRS 211.450, 13.082
SUPERSEDES: Den:SC:A2
NECESSITY AND FUNCTION: Gives the Board of Dentistry the authority to suspend or revoke the license of a Rural Kentucky Dental Scholarship recipient in the event he does not comply with the terms of the contract for repayment of his obligation.

Section 1. Failure of a recipient of a scholarship to perform his obligations with respect to his contract to practice in a designated locality shall constitute grounds for suspension or revocation of his license to practice dentistry within the Commonwealth of Kentucky.

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:22 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Dentistry
(201 KAR 8:385)

RELATES TO: KRS 211.430(2)
PURSUANT TO: KRS 211.450, 13.082
SUPERSEDES: Den:SC:A3
NECESSITY AND FUNCTION: Incorporates Rural Kentucky Dental Scholarship Contract signed by recipients into the rules of the Kentucky Board of Dentistry.

Section 1. The Rural Kentucky Dental Scholarship Contract, hereto attached, shall be a part of the rules of this board and shall be signed by the recipient; the Director of the Bureau of Health Services, Division of Dental Health of the Department of Human Resources; the Executive Secretary of the Kentucky Dental Association, and, the Secretary-Treasurer of the Kentucky Board of Dentistry.

(201 KAR 8:385) AGREEMENT NO._____

KENTUCKY BOARD OF DENTISTRY
SCHOLARSHIP AGREEMENT
FOR THE STUDY OF DENTISTRY
UNDER THE RURAL KENTUCKY DENTAL SCHOLARSHIP FUND

1. This Contract and Agreement made and entered into on this the _____ day of _____, 19____, by and between the Kentucky Board of Dentistry, hereinafter called the Board, and _____ who is a resident of _____ County, Kentucky, hereinafter called the Student, witnesseth:

2. That whereas the Student has heretofore applied for a scholarship for the study of dentistry, as provided in KRS 211.405, et seq., and:

3. Whereas, the Board with the approval of the Bureau for Health Services, Dental Division of the Department for Human Resources, in consultation with the Kentucky Dental Association, has selected the Student as one of those persons to be awarded such a scholarship, and has awarded to the Student a scholarship described as follows, to wit:

A scholarship of one thousand five hundred dollars ($1,500.00) per annum for the school year beginning _____, and

4. Whereas the Student has accepted said scholarship.

5. Now, therefore, the Student, in accordance with the terms of KRS 211.405, et seq., and the Rules and Regulations of the Board pursuant thereto and in consideration of the scholarship heretofore awarded, does hereby agree:

A. To attend the _____
(Name of school)

B. To diligently pursue and satisfactorily complete the course of study provided by said school of dentistry.

C. To abide by and observe all Rules and Regulations of said school of dentistry and of this Board.

(201 KAR 8:385)

D. To engage in the practice of dentistry in a locality or localities within this Commonwealth to be designated by the Bureau for Health Services, Dental Division of the Department for Human Resources, at the rate of one year for

each one thousand five hundred dollars ($1,500.00) received, or proportional time for lesser amounts, beginning within six months after the Student has completed his dental training and has met the requirements of the Kentucky Board of Dentistry.

6. It is hereby provided that in the event the Student shall, at any time prior to the complete and full performance of all Agreements by him herein made, accept a regular commission in the Armed Forces of the United States or otherwise enter the services of the Federal Government on a career basis, he shall immediately become liable to the Commonwealth for the amount that he shall have been paid under this Agreement together with interest thereon at the rate of six per cent (6%) per annum; and it is hereby provided further that in the event the Student shall, at any time prior to the complete and full performance of all the Agreements by him herein made, involuntarily become a member of the Armed Forces of the United States, he shall immediately upon his discharge or separation therefrom, resume the performance of his obligations under this Agreement; that such time served in the Armed Forces shall not be considered as any portion of the period of dental practice provided in Item D of this Agreement.

7. It is understood by the parties hereto, should the Student fail to keep and perform all the terms of the Agreement herein made, he shall immediately become liable to the Commonwealth of Kentucky for the amount which shall have been paid to him under this Agreement, plus six per cent (6%) per annum interest thereon from the day of receipt of same; and if the Student should practice dentistry in the area or locality designated for only a portion of the period provided in Item D of this Agreement, he shall be liable to the Commonwealth for the amount that he shall have been paid under this Agreement reduced by a credit at the rate of one thousand five hundred dollars ($1,500.00) per year for the time he shall have actually practiced dentistry in accordance with the provision of Item D of this Agreement.

(201 KAR 8:385)

8. It is understood by the parties hereto that the financial resources now available to the Student are insufficient to permit his pursuit of the study of dentistry without the benefit of the Scholarship heretofore awarded; and it is further understood that should the financial status of the Student improve sufficiently during the period that he is attending dental school as to enable him to pursue the study of dentistry without the benefit of this Scholarship, the Student will notify the Board of him improved financial status and no further scholarship will be made.

9. It is further understood by the parties hereto that the failure to practice dentistry in the area or locality designated by the Bureau for Health Services, Dental Division of the Department for Human Resources, for the period of time provided in Item D of this Agreement shall constitute a ground for the revocation of the recipient's license to practice dentistry in this Commonwealth; subject to a determination by the Kentucky Board of Dentistry. It is further provided that the repayment of all or any part of the funds, which may be due by the Student to the Commonwealth of Kentucky under Item 7 of this Agreement, shall in no way affect the right of the Board to proceed to revoke the license of the Student and recipient herein, if such action is justifiable in the opinion of the Board.

10. It is further understood by the parties hereto, that the Student shall, upon completion of his training in dentistry, comply wit the provisions of Chapter 313 of the Kentucky Revised Statutes in obtaining a license to practice dentistry, and when the Student shall have practiced in a community or locality designated, he shall receive a credit on his Scholarship indebtedness at the rate of one thousand five hundred dollars ($1,500.00) for each year that he practices in the community or locality so designated, and when he has practiced in the community or locality so designated one year for each year that he has received a Scholarship under the Rural Kentucky Dental Scholarship Program, then his obligation shall be considered paid in full and the Kentucky Board of Dentistry will so notify the Bureau for Health Services, Dental Division of the Department for Human Resources as to all credits the student may be entitled to by this service in the designated community or locality.

(201 KAR 8:385)

11. It is agreed by the parties hereto that the provisions of KRS 211.405, et seq., and the Rules and Regulations of said Board made pursuant thereto, are a part of this Agreement as if written in full.

12. IN WITNESS WHEREOF, we have affixed our signatures, on the day first above mentioned.

WITNESS: Bureau for Health Services
Dental Division
Department for Human Resources

By:_____

WITNESS: Kentucky Dental Association

By:_____

KENTUCKY BOARD OF DENTISTRY

By:_____
Secretary-Treasurer

_____
Student

_____
Street Address

_____
City State ZIP

WILLIAM H. FIELDS, D.M.D., Secretary-Treasurer
ADOPTED: September 22, 1974
APPROVED: JAMES O. KING, Commissioner
RECEIVED BY LRC: December 5, 1974 at 3:23 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary-Treasurer, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources
(301 KAR 1:016)

RELATES TO: KRS 150.025, 150.090, 150.620, 150.625, 150.640
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-F-150
NECESSITY AND FUNCTION: This regulation sets forth the conditions that govern the construction of private boat docks on department-owned waters. It provides for the use of lake water for domestic purposes and sets forth the permitted and prohibited activities on department-owned and controlled land surrounding department-owned waters. It is necessary so that the department may have control over the activities on its lands and waters.

Section 1. Each owner or lessee of any private camp which is established on property immediately adjacent to any department-owned lake may, upon written consent of the Department of Fish and Wildlife Resources, construct and place in the waters of the lake one (1) boat dock (one (1) dock for each individual or separate real lot). Each boat dock placed in the waters of the lake must conform to the following specifications:

(1) Float or dock must measure no larger than fourteen (14) feet in length and six (6) feet in width.

(2) No enclosed superstructure may be built upon any float or dock.

(3) A canopy constructed of wood, metal or fiberglass is permitted.

(4) Any superstructure built or placed upon any float or dock must have prior approval of the Department of Fish and Wildlife Resources.

(5) Boat docks must be kept in a state of good repair. If the owner of the dock fails to keep his dock in good repair, he will be notified by the department in writing to place the dock in a proper state of maintenance as to safety and appearance. If, within sixty (60) days of written notification, substantial work toward repair of the boat dock has not been accomplished, the department shall revoke the owner's boat dock permit and the dock shall be removed from the lake by the owner.

Section 2. Only one (1) boat may be tied or moored to an individual float or dock located on a state-owned lake on a permanent basis. More than one (1) boat may be tied or moored to an individual float or dock for a period of time not in excess of twenty-four (24) hours.

Section 3. Each owner or lessee of any private camp or group of private camps that are established on property immediately adjacent to any department-owned lake may, upon written consent of the Department of Fish and Wildlife Resources, take water from the above lakes for domestic use only at the camp sites. Plumbing and sanitary facilities must meet specifications prescribed by the Bureau of Health Services, Department for Human Resources.

Section 4. It is permitted to cut weeds or grass and clear underbrush which is less than two (2) inches in diameter from the department-owned or controlled land around any said lakes.

Section 5. The construction or placement of roads, ramps, buildings, steps, fences, gardens, or any structure or equipment on the lands owned or controlled by the Department of Fish and Wildlife Resources which surround the lakes included in this regulation is prohibited. No mechanical equipment of any type may be placed or operated on these lands unless specifically authorized by the department after careful investigation indicates that this would be in the best interest of the lake concerned.

Section 6. All officers and agents of the Department of Fish and Wildlife Resources shall have full authority to enforce the provisions of this regulation. Failure to comply with the rules and specifications set forth in this regulation shall constitute grounds for revocation of the rights and privileges of any person to admittance to and to the use of these public waters.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary
ADOPTED: December 11, 1974
RECEIVED BY LRC: December 11, 1974 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Captial Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources
(301 KAR 1:031)

RELATES TO: KRS 150.250
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-F-TVA-1-1
NECESSITY AND FUNCTION: Whereas, the Tennessee Valley Authority has requested the Kentucky Department of Fish and Wildlife Resources to enforce its special fishing regulations on its Land-Between-the-Lakes National Recreation Area waters; this regulation sets forth the conditions and provisions under which fishing is permitted in the Land-Between-the-Lakes area and provides for enforcement by state conservation officers. It is necessary in order to protect the fishery resources of the Land-Between-the-Lakes area.

Section 1. Fishing is permitted in Land-Between-the-Lakes in accordance with the following regulations:
(1) Energy Lake. Fishing (boat and bank) is permitted year-round except in the waterfowl refuge area (western half of lake) which is open to fishing from March 1 through September 30 as posted.
(2) Honker Lake. Fishing (boat and bank) is permitted from March 1 through September 30 except the portion designated as a waterfowl nesting area which is posted as closed to fishing and boating year-round. Fishing is permitted year-round in the portion of Honker Lake which extends from near the end, as indicated by signs, of the Long Creek Walk (handicap trail) to the base of the Hematite Lake spillway.
(3) Hematite Lake. Unless posted otherwise, bank fishing is permitted from March 1 through September 30 during daylight hours only.
(4) Farm Ponds. Open to fishing year-round during daylight hours only unless posted.
(5) Lake Barkley - Kentucky Lake. Open to fishing year-round unless posted. Bank fishing and frogging (gigs only) from shoreline is permitted in accordance with state regulations except in areas that are posted as closed for waterfowl refuges and other special uses.

Section 2. Frogs may be taken in farm ponds and Energy and Honker Lakes by gigs only from May 15 through May 31. Hematite Lake and other areas as posted will be closed to frogging.

Section 3. Boats must operate at "no wake" speed on Energy and Honker Lakes. A federal permit is not required for fishing or frogging. State fishing regulations and limits apply.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary

ADOPTED: December 11, 1974
RECEIVED BY LRC: December 11, 1974 at 3:17 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources
(301 KAR 1:057)

RELATES TO: KRS 150.010, 150.175, 150.445
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-F-ST1-1
NECESSITY AND FUNCTION: This regulation sets forth the conditions and provisions for legal use of a sport fishing trotline. It is necessary to protect the commercial and sport fish populations.

Section 1. Only two (2) sport fishing trotlines (not more than fifty (50) hooks each) may be fished or used by a sport fisherman at any one time.

Section 2. Each trotline must be baited and all fish removed at least once every twenty-four (24) hours.

Section 3. Each trotline must be removed from the water when fishing is terminated.

Section 4. Failure to bait and remove fish from the trotline each twenty-four (24) hours or failure to remove the line from the water at the termination of fishing shall constitute illegal use of the gear and said gear shall be subject to confiscation and/or the user subject to prosecution.

Section 5. No sport fishing trotline may be used within 700 yards below Kentucky Dam or that area between Barkley Dam and Highway 62 Bridge.

Section 6. No sport fishing trotline may be used in those lakes under 500 acres owned or managed by the Department of Fish and Wildlife Resources, except those lakes on Ballard County Waterfowl Management Area.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary

ADOPTED: December 11, 1974
RECEIVED BY LRC: December 11, 1974 at 3:17 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources
(301 KAR 1:122)

RELATES TO: KRS 150.025, 150.175, 150.180, 150.190
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-F-LF1-1
NECESSITY AND FUNCTION: This regulation sets forth conditions and provisions that prohibit the importation and possession of those fishes considered to be detrimental to Kentucky's resident fish population. It is necessary in order to protect Kentucky's fish population.

Section 1. No live fish, live minnow or live bait organism (as defined in 301 KAR 1:130) or reproductive part thereof, not native or established in Kentucky waters can be bought, sold, possessed, imported, or in any way used or released into the waters of this Commonwealth, except as specified in Section 2.

Section 2. Aquarium species except those in Section 3 may be imported, sold, or possessed in aquaria, but may not be released directly or indirectly into the waters of this Commonwealth.

Section 3. The following living fish may not be imported, sold, possessed in aquaria or otherwise:
(1) Sub-family Serrasalmoniae - piranha, piraya, pirae, caribe, or tiger fish.
(2) Astyanax faciatus mexicanus - Mexican banded tetra, Mexican minnow or Mexican tetra.
(3) Petromyzon marinum - sea lamprey.
(4) Genus Clarias - walking catfish.
(5) Genus Ophicaphalus or Channa - snakeheads of Asia or Africa.
(6) Ctenopharyngodon idella - white amur.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary

ADOPTED: December 11, 1974
RECEIVED BY LRC: December 11, 1974 at 3:13 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources
(301 KAR 1:125)

RELATES TO: KRS 150.180, 150.010, 150.485
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-F-TP1-1
NECESSITY AND FUNCTION: This regulation provides for the control over the transportation of fish into, through, and within the state. It is necessary to protect the resident fish population.

Section 1. All individuals, corporations, or other business entities who transport any live fish, live bait (as defined in 301 KAR 1:130) or other live aquatic organism into, within, or through the Commonwealth of Kentucky must have a transportation permit issued in the name of the individual, corporation, or other business entity transacting the business.

Section 2. All officers and agents of the Department of Fish and Wildlife Resources have the authority to demand, at any time, proof by the transporter that:
(1) An appropriate transportation permit or exact copy, listing the species carried, is in possession.
(2) An appropriate live fish and bait dealers license has been issued, if the organisms are to be sold to another individual, corporation, or other business entity in Kentucky or transported from Kentucky to be sold outside of the Commonwealth.
(3) The organisms in transport are free of disease and that no prohibited species listed in 301 KAR 1:122 are present.
(4) That a bill of lading showing the origin and destination of all of the organisms being transported is in possession.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary

ADOPTED: December 11, 1974
RECEIVED BY LRC: December 11, 1974 at 3:12 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources
(301 KAR 1:132)

RELATES TO: KRS 150.025, 150.175, 150.180, 150.280, 150.450, 150.485
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-F-LB2-1
NECESSITY AND FUNCTION: This regulation gives the conditions and provisions under which live bait may be taken, transported, and sold. It is necessary to protect the state's fish populations.

Section 1. Live bait as herein referred to is defined in 301 KAR 1:130.

Section 2. Live bait may be sold by a bait dealer if: (1) They were hatched or reared in standing private water (ponds or lakes) or commercial hatchery raceways within the boundaries of Kentucky.

(2) They were purchased from licensed commercial live bait dealers located in states other than Kentucky, however; all dealers with a business establishment in Kentucky having possession of live bait purchased from sources outside of Kentucky must have a bill of sale showing the date and number of each kind of organism purchased.

(3) Purchased from a licensed mussel fisherman, Corbicula Asiatic clam may be resold as bait. No other species of mussel may be sold for bait.

(4) Shad, and herring only taken by use of a dip net diameter three (3) feet or less or cast net nine (9) feet maximum diameter and three-eights (3/8) inch maximum mesh in the Tennessee River, Kentucky River downstream from Lock 14, Ohio River, Cumberland River below Barkley Dam, Mississippi River and in all lakes 1,000 acres or larger.

(5) If taken by the use of a seine no larger than thirty (30) feet long, six (6) feet deep and one-fourth (1/4) inch mesh from the Mississippi and Ohio Rivers only.

(6) Unless otherwise stated in this regulation, gear must conform to those specifications listed in 301 KAR 1:130, except; special gear may be specifically permitted in a propagation permit.

Section 3. Live bait may not be harvested by any method from any public stream for commercial purposes, except as noted in Section 2(4) and (5).

Section 4. Possession of live bait by a licensed live fish or bait dealer obtained in any other manner than those specified in Section 2 is prohibited.

Section 5. All individuals, corporations, or other business entities transporting, selling, or possessing live bait in Kentucky are required to have an appropriate live fish and bait dealers license issued in the name of the individual, corporation, or other business entity that is transacting business in this Commonwealth. This license or exact copy thereof must be in the possession of the persons who are transporting, selling, or possessing these organisms in Kentucky. This license is not in lieu of a propagation or transportation permit if they also are applicable to the operation.

Section 6. Those individuals, corporations, or other business entities transporting live bait from one state to another state through Kentucky without conducting any type of business in this Commonwealth are not required to have a live fish and bait dealers license, but must have a valid transportation permit.

Section 7. Those individuals, corporations, or other business entities who sell any of the organisms above mentioned for food in establishments licensed by another state agency to sell retail or wholesale foodstuffs are not required to have a live fish and bait dealers license.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary
ADOPTED: December 11, 1974
RECEIVED BY LRC: December 11, 1974 at 3:13 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources
(301 KAR 2:025)

RELATES TO: KRS 150.025, 150.105, 150.360
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-G-95
NECESSITY AND FUNCTION: This regulation pertains to the use of hand, mouth, mechanical or electronically operated game calling or attracting devices used as an aid in taking wild birds and animals that are causing damage or spreading disease. It is necessary to control the use of these game calling devices to insure that they are utilized in taking only those birds and animals that have a tendency to cause damage to persons, property, or harbor and spread disease.

Section 1. Species Allowed to be Taken: Gray fox, Woodchuck, Crow, English sparrow, and Starling.

Section 2. Legal Calling Devices: Any hand, mouth, mechanical or electronic recording and amplifying devices.

Section 3. License Requirements: Except for persons exempted by KRS 150.170(3), (5), (6) and (7), all persons taking or attempting to take the above listed wildlife must possess a valid Kentucky hunting license.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary
ADOPTED: December 11, 1974
RECEIVED BY LRC: December 11, 1974 at 3:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources
(301 KAR 2:060)

RELATES TO: KRS 150.280, 150.290
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-G-23-1
NECESSITY AND FUNCTION: This regulation pertains to the sale of bobwhite quail raised by licensed propagation farms for food purposes to individuals directly or for resale to restaurants and stores. This regulation is necessary to insure and protect wild bobwhite quail from sale for food purposes.

Section 1. Bobwhite quail raised by licensed propagation farms may be sold for food purposes to individuals and directly or for resale to restaurants and stores at any time in compliance with conditions below.

Section 2. Marking of Birds for Sale. Bobwhite quail that are sold for food purposes in containers must have the container marked with a label containing the species and name and address of producer. Bobwhite quail sold unpackaged must be wing-tagged with tags obtained at cost from the Department of Fish and Wildlife Resources.

Section 3. Food Purposes Permit. In order to sell bobwhite quail as described in Section 2, the seller must have a "food purposes permit" obtainable upon application from the Department of Fish and Wildlife Resources at an annual cost of $100. This "food purposes permit" is valid for one year from date of issue. This permit shall be in addition to all other permits required under other regulations of the department for the operation of propagation farms.

Section 4. Receipts and Reporting. Upon the sale of game as authorized in Section 1, the seller holding a "food purposes permit" shall present to the buyer, in three (3) copies, an invoice reflecting the number of birds and the date of such sale. The seller shall have such invoice signed by the purchaser and one (1) copy thereof shall be retained by the seller, one (1) copy thereof shall be mailed by the seller to the Department of Fish and Wildlife Resources, and one (1) copy thereof kept by the purchaser. Said invoice shall be kept by the seller and purchaser, available for inspection, for a period of not less than one (1) year.

Section 5. Sale for Food Certificate. No sale shall be made hereunder to any restaurant or store at any time unless the purchaser for said restaurant or store shall present a certificate allowing sale of bobwhite quail for food, obtained from the Department of Fish and Wildlife Resources. Said certificate shall be issued in duplicate annually, and one (1) copy shall be posted in said restaurant or store. Purchaser shall pay the Department for said certificate an annual fee of one dollar ($1).

Section 6. Any holder of any "food purpose permit" or "sale for food certificate" issued under these regulations must allow inspection of his or its premises by a conservation officer of the department at any and all times. If any such conservation officer finds that any of the foregoing regula-

tions are not being strictly complied with, said officer shall immediately notify the holder of the "food purpose permit" or "sale for food certificate" and likewise notify the commissioner of the department. After five (5) days the conservation officer shall make a second inspection and if said violations have not been corrected, said "permit" or "certificate" shall be revoked and all birds shall be confiscated. If it becomes apparent that any application of any "permit" or "certificate" was not made in good faith, or if the holder thereof is convicted of any game law violation concerning matters for which he holds a "permit" or "certificate" said "permit" or "certificate" shall be revoked. Fees will not be refunded for "permits" or "certificates" which are revoked. Nothing contained in this section shall limit or restrict the power of any conservation officer of the department from immediately confiscating any birds found by him to be unbanded when in the possession, after slaughtering, of any "permit" holder, individual, or "certificate" holder.

Section 7. Shotgun pellets found in bobwhite quail or any other evidence that bobwhite quail has been shot shall be prima facie evidence against any holder of "food purpose permit" or "sale for food certificate".

Section 8. The regulations and provisions hereinabove provided shall be applicable to bobwhite quail sold by licensed propagation farms to persons in Interstate Commerce or residing outside the State of Kentucky.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

CHARLES F. HAYWOOD, Secretary

ADOPTED: December 11, 1974
RECEIVED BY LRC: December 11, 1974 at 3:16 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT OF JUSTICE
Bureau of Corrections
Kentucky Parole Board
(501 KAR 1:010)

RELATES TO: KRS 439.340(3)
PURSUANT TO: KRS 439.340, 13.082
SUPERSEDES: DC-Rg-6
NECESSITY AND FUNCTION: KRS 439.340 requires the Kentucky Parole Board to promulgate regulations setting forth the time an incarcerated felon is to serve before he will be eligible for parole.

Section 1. Pursuant to the authority vested in the Parole Board by KRS 439.340, the Parole Board will, as a matter of administrative policy, beginning not later than the date of final approval of this regulation, review within a twenty-five (25) month period the case of every inmate who is convicted on or after this date and who is confined in a Kentucky Correctional Facility for felons and who is serving not more than a fifteen (15) year sentence or sentences aggregating not more than fifteen (15) years.

Section 2. All persons confined after the date of final approval of this regulation who are serving sentences of fifteen (15) years or less or sentences aggregating fifteen (15) years or less, shall have their cases reviewed by the board in accordance with the schedule set out below. This schedule will not apply to sentences received as set out in Section 6, nor will it apply to persons convicted prior to the date of final approval of these regulations. Persons convicted prior to this date will be heard for parole consideration in accordance with the regulations existing at the time of their conviction which this regulation now supersedes.

Time to be served toward parole review	Sentence being served
4 months	1 year
5 months	More than 1 year and less than 1 1/2 years
6 months	1 1/2 years, up to and including 2 years
7 months	More than 2 years and less than 2 1/2 years
8 months	More than 2 1/2 years and less than 3 years
10 months	3 years
1 year	Over 3 years, up to and including 9 years
2 years	Over 9 years, up to and including 15 years

Reviews thereafter, as long as confinement continues, shall be at the discretion of the board.

Section 3. All persons serving a sentence or sentences aggregating more than fifteen (15) years and not more than twenty-one (21) years shall have their cases reviewed by the board after having served four (4) years of the total sentence, except for sentences received as set out in Section 6. Further reviews thereafter, as long as confinement continues, shall be at the discretion of the board.

Section 4. All persons serving a single life sentence or on multiple term sentences aggregating more than twenty-one (21) years, shall have their cases reviewed after having served six (6) years. Any persons convicted and sentenced on two (2) or more life sentences to be served consecutively, or any person convicted and sentenced on a life sentence and on a sentence or sentences for a term of years and all sentences are to be served consecutively, must serve six (6) years before having their cases reviewed by the board, except for sentences received as set out in Section 6. Further review, as long as confinement continues, shall be at the discretion of the board.

Section 5. A sentence on conviction of a felony imposed upon a confined prisoner for a crime committed prior to the date of his instant commitment, if designated to be served consecutively, shall be added to the sentence or sentences being served to determine eligibility for parole review. However, the aggregate amount of time to be served for parole review eligibility shall not exceed six (6) years. If the additional sentence is designated to be served concurrently or the commitment is silent, he shall be considered as having started to accrue parole review eligibility on the day he was committed on the first sentence.

Section 6. (1) A person receiving a sentence or sentences for a crime or crimes committed while confined in the institution or while on escape from the institution shall not begin accruing eligibility time toward parole review on the latter sentence or sentences until he has become eligible for parole on the sentence or sentences including a life sentence, for which he was originally confined.

(2) In determining parole eligibility for an inmate who has received a sentence or sentences for a crime or crimes committed while on escape or while confined in the institution, the board will require, in addition to the amount of time required to be served for parole review on the original sentence, the service of additional time in accordance with the requirements set out in Sections 2, 3 or 4.

(3) In determining parole eligibility for an inmate who has received a sentence for an escape, the board will require, in addition to the amount of time to be served for parole review on the original sentence or sentences, and the time required to be served for any crimes committed while in the institution or while on escape, a service of one (1) year on the escape sentence if the sentence is three (3) years or more, before the inmate is eligible for parole consideration. If the sentence for escape or attempted escape is under three (3) years, the parole eligibility for the escape sentence will be determined by the chart in Section 2. In the event the escape occurs prior to the original parole review date and the inmate is returned either before or after this date, the additional time to be served for parole eligibility on the escape sentence shall not start until the day following the corrected original parole review date. If the escape occurs after the original parole review date, the additional time to be served on the escape sentence shall start on the date of his return.

(4) In the event the escape sentence and the sentence or sentences received for a crime or crimes committed while on escape or while confined in the institution are specified to be served concurrently with each other, the sentence requiring the longest time service in accordance with subsections 2 and 3 above will be the controlling factor.

(5) Even though an inmate has received a serve-out or deferment on his original sentence or sentences prior to receiving an escape sentence or any other sentence which he might subsequently receive after being given the serve-out or deferment, he will automatically be brought before the board again when, and not until, he becomes eligible for parole consideration on the additional sentence or sentences.

Section 7. A parole violator having received a sentence for a crime committed while on parole shall start accruing time credit for parole eligibility on the new sentence on the day he was returned as a parole violator.

Section 8. In keeping with the intent of the act, the Parole Board may, with the consent of the majority of the board, review the case of any inmate for parole consideration prior to his eligibility date if it appears advisable to do so. This will not be done until the reason for such action is submitted to all members in writing, along with all supporting documents, and all members will note in writing as to their desire to grant a hearing. This will then be filed in the record of the person in question and made a permanent part of his file in the central office of the Bureau of Corrections.

Section 9. The parole hearing will consist of an interview by the board, or a quorum of the board, with the inmate involved. In instances when the inmate is too ill to appear before the board, the board may, at its discretion, appoint one (1) member to interview the inmate in the hospital where he is confined and report back to the remaining members. In

this instance, as in all cases, a vote by a quorum is required before action is taken. In reaching their decision, the board shall consider:
(1) Current offense;
(2) Prior record;
(3) Institutional adjustment and conduct:
(a) Disciplinary reports,
(b) Loss of good time,
(c) Work and program involvement.
(4) Attitude toward authority:
(a) Before incarceration,
(b) During incarceration.
(5) History of alcohol or drug involvement;
(6) History of prior probation, shock probation or parole violations;
(7) Educational and job skills;
(8) Prior employment history;
(9) Emotional stability;
(10) Mental capacities;
(11) Terminal illness;
(12) History of deviant behavior;
(13) Official and community attitudes toward accepting inmate back in the county of conviction;
(14) Review of parole plan:
(a) Housing,
(b) Employment,
(c) Need for community treatment and follow-up resources such as:
1. Halfway houses and residential treatment centers,
2. Comprehensive care centers,
3. Service centers,
4. Individual counselling with private social agencies and private treatment resources such as psychiatrists and psychologists.
(15) Any other factors involved that would relate to the inmate's needs and the safety of the public.

Section 10. In all cases where parole is recommended, it is based upon continued good institutional conduct through the actual release date.

Section 11. All matters relating to parole revocation shall be conducted in the following manner:
(1) Following a preliminary hearing by the staff of probation and parole, Division of Community Services, Bureau of Corrections, in which it has been established that there are reasonable grounds to believe a parole violation has taken place, a copy of the findings from the preliminary hearing and a request for a parole violation warrant are submitted to the director or assistant director of probation and parole, Division of Community Services who reviews the findings of the preliminary hearing. If he concurs with the request for a warrant, he then submits the findings of the preliminary hearing and the request for the warrant to the chairman of the Parole Board who is authorized to issue warrants for parole violations. If the chairman, upon review, concurs that reasonable grounds exist to believe a parole violation has taken place, a warrant is issued. In cases where the person is being charged with a parole violation in that he has absconded from supervision and his whereabouts are unknown, a warrant is issued upon a sworn affidavit by the supervising parole officer with the approval of his supervisor and the approval of either the director or assistant director of probation and parole, Division of Community Services. Upon apprehension, the preliminary hearing is held; and if the hearing officer finds reasonable grounds to believe a violation has occurred, then the procedure is the same as in all other types of preliminary hearings conducted by the Division of Community Services, Probation and Parole, Bureau of Corrections, Department of Justice.
(2) Following the preliminary hearing and the return to the institution of the person who has been charged with violating the conditions of his parole, he is given a final revocation hearing before the entire board or a quorum thereof upon their next scheduled hearing date at the institution. At this hearing, the board reviews with him the charges specified on the warrant. If he agrees that the allegations are true, the board then reviews with him all other mitigating factors concerning this violation and his adjustment while under parole supervision prior to the time the violation took place before any disposition is made in his case. If the person charged with the parole violation denies the allegations on the warrant, his case is then continued until the board's next scheduled hearing date at the institution. In the interim, the person alleged to have violated the conditions of his parole is given the opportunity to designate relevant witnesses and/or documents he desires to present to the board in his behalf at the continued hearing. When necessary, the chairman of the board will issue subpoenas for the witnesses and/or documents requested by the person provided no claims for expenses incurred by these witnesses will be submitted to the board as the board has no authorization to pay such expenses. At the continued hearing, the board will also subpoena the supervising parole officer who alleged that the violation took place and any supporting witnesses in the case. Following the conclusion of the presentation of evidence by both sides at the continued hearing, the board decides whether a violation of the conditions of parole has occurred. If the board finds that a violation has occurred, the board then considers the mitigating circumstances surrounding the violation and the adjustment of the person while under parole supervision prior to the parole violation as presented during the hearing. A disposition of the case of the parole violator is then made.

LUCILLE ROEBUCK, Chairman
Kentucky Parole Board

CHARLES J. HOLMES, Commissioner

APPROVED: HENRI L. MANGEOT, Secretary
ADOPTED: December 12, 1974
RECEIVED BY LRC: December 12, 1974 at 3:55 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Chairman, Kentucky Parole Board, Bureau of Corrections, State Office Building, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
KOSH Review Commission
(803 KAR 50:010)

RELATES TO: KRS Chapter 338
PURSUANT TO: KRS 338.071, 338.081
SUPERSEDES: KOSHRC – Proc.–1
NECESSITY AND FUNCTION: The Kentucky Occupational Safety and Health Review Commission is authorized by KRS 338.071 and 338.081 to hear and rule on appeals from citations, notifications, and variances and adopt and promulgate rules and regulations with respect to the procedural aspect of its hearings. This regulation is to provide for these hearings and their proper disposition.

Section 1. Definitions. As used herein:
(1) "Act" means the Occupational Safety and Health Act of 1972, KRS Chapter 338.
(2) "Commission" means the Kentucky Occupational Safety and Health Review Commission.
(3) "Commissioner" means the Commissioner of Labor of Kentucky.
(4) "Executive Director" means the Executive Director of the Review Commission.
(5) "Hearing Officer" means a hearing officer appointed by the commission pursuant to KRS 338.071 and 338.081.
(6) "Affected employee" or "employee" means an employee of a cited employer who is exposed to the alleged hazard described in the citation, as a result of his assigned duties.
(7) "Authorized employee representative" means a labor organization which has a collective bargaining relationship with a cited employer and which represents affected employees.
(8) "Representative" means any person, including an authorized employee representative, authorized by a party or intervenor to represent him in a proceeding.
(9) "Citation" means a written communication issued by the commissioner to an employer pursuant to KRS 338.141.
(10) "Notification of proposed penalty" means a written communication issued by the commissioner to an employer pursuant to KRS 338.141(1).
(11) "Day" means a calendar day.
(12) "Working day" means all days except Saturdays, Sundays, or federal or state holidays.
(13) "Proceeding" means any proceeding before the commission or before a hearing officer.
(14) Unless otherwise specified, definitions set forth in KRS 338.015 are hereby adopted by this review commission.

Section 2. Meetings. (1) Regular meetings of the commission shall be held in its offices at Capital Plaza Tower, Frankfort, Kentucky, on the first Tuesday of each month at 11 a.m.
(2) Special meetings may be called by the chairman or by two (2) members of the commission, and shall be held at such times and places as the call directs.
(3) The commission shall be considered as in continuous session for the performance of administrative duties.
(4) Two (2) members of the commission shall constitute a quorum.

Section 3. Assignment of Hearings – Filings. (1) Pursuant to KRS 338.081, cases coming before the commission will be assigned to a hearing officer for adjudication, unless withdrawn by agreement or otherwise dismissed.
(2) Prior to the assignment of a case to a hearing officer, all papers shall be filed with the executive director at the commission offices, Capital Plaza Tower, Frankfort, Kentucky 40601. Subsequent to the assignment of the case to a hearing officer, and before the issuance of his decision, all papers shall be filed with the hearing officer at the address given in the notice informing of such assignment. Subsequent to a decision of the hearing officer, all papers shall be filed with the executive director.
(3) Unless otherwise ordered, all filing may be accomplished by first-class mail.
(4) Filing is deemed effected at the time of filing.

Section 4. Scope of rules; applicability of Kentucky Rules of Civil Procedure. (1) These rules shall govern all proceedings before the commission and its hearing officers.
(2) In the absence of a specific provision, procedure shall be in accordance with the Kentucky Rules of Civil Procedure.

Section 5. Words denoting number or gender. (1) Words importing the singular number may extend and be applied to the plural and vice versa.
(2) Words importing masculine gender may be applied to feminine or neuter gender and vice versa.

Section 6. Computation of Time. (1) In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or federal or state holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or federal or state holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and federal or state holidays shall be excluded in the computation.

(2) Where service of a pleading or document is by mail pursuant to Section 3 of these rules, three (3) days shall be added to the time allowed by these rules for the filing of a responsive pleading.

Section 7. Extensions of Time. Requests for extensions of time for the filing of any pleading or document must be received in advance of the date on which the pleading or document is due to be filed.

Section 8. Record address. The initial pleading filed by any person shall contain his name, address, and telephone number. Any change in such information must be communicated promptly to the hearing officer or the commission, as the case may be, and to all other parties and intervenors. A party or intervenor who fails to furnish such information shall be deemed to have waived his right to notice and service under these rules.

Section 9. Service and Notice. (1) At the time of filing pleadings or other documents a copy thereof shall be served by the filing party or intervenor on every other party or intervenor.

(2) Service upon a party or intervenor who has appeared through a representative shall be made only upon such representative.

(3) Unless otherwise ordered, service may be accomplished by postage prepaid first-class mail or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery).

(4) Proof of service shall be accomplished by a written statement of the same which sets forth the date and manner of service. Such statement shall be filed with the pleading or document.

(5) Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.

(6) Service and notice to employees represented by an authorized employee representative shall be deemed accomplished by serving the representative in the manner prescribed in subsection (3) of this section.

(7) In the event that there are any affected employees who are not represented by an authorized employee representative, the employer shall, immediately upon receipt of notice of contest or petition for modification of the abatement period, post, where the citation is required to be posted, a copy of the notice of contest and a notice informing such affected employees of their right to party status and of the availability of all pleadings for inspection and copying at reasonable times. A notice in the following form shall be deemed to comply with this paragraph:

(Name of employer)

Your employer has been cited by the Commissioner of Labor for violation of the Occupational Safety and Health Act of 1972. The citation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Commission. Affected employees are entitled to participate in this hearing as parties under terms and conditions established by the Occupational Safety and Health Review Commission in its rules of procedure. Notice of intent to participate should be sent to:

Kentucky Occupational Safety and Health Review Commission
Capital Plaza Tower
Frankfort, Kentucky 40601.

All papers relevant to this matter may be inspected at:

(Place reasonably convenient to employees, preferably at or near work place.)

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(8) Where appropriate, the second sentence of the above notice will be deleted and the following sentence will be substituted: The reasonableness of the period prescribed by the Commissioner of Labor for abatement of the violation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Commission.

(9) The authorized employee representative, if any, shall be served with the notice set forth above and with a copy of the notice of contest.

(10) A copy of the notice of the hearing to be held before the hearing officer shall be served by the employer on affected employees who are not represented by an authorized employee representative by posting a copy of the notice of such hearing at or near the place where the citation is required to be posted.

(11) A copy of the notice of the hearing to be held before the hearing officer shall be served by the employer on the authorized employee representative or affected employees in the manner prescribed in subsection (3) of this section, if the employer has not been informed that the authorized employee representative has entered an appearance as of the date such notice is received by the employer.

(12) Where a notice of contest is filed by an affected employee who is not represented by an authorized employee representative and there are other affected employees who are represented by an authorized employee representative, the unrepresented employee shall, upon receipt of the statement filed in conformance with Section 20 serve a copy thereof on such authorized employee representative in the manner prescribed in subsection (3) of this section and shall file proof of such service.

(13) Where a notice of contest is filed by an affected employee or an authorized employee representative, a copy of the notice of contest and response filed in support thereof shall be provided to the employer for posting in the manner prescribed in subsection (7) of this section.

(14) An authorized employee representative who files a notice of contest shall be responsible for serving any other authorized employee representative whose members are affected employees.

(15) Where posting is required by this section, such posting shall be maintained until the commencement of the hearing or until earlier disposition.

Section 10. Consolidation. Cases may be consolidated on the motion of any party, on the hearing officer's own motion, or on the commission's own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

Section 11. Severance. Upon its own motion, or upon motion of any party or intervenor, the commission or the hearing officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

Section 12. Protection of trade secrets and other confidential information. (1) Upon application by any person, in a proceeding where trade secrets or other matters may be divulged, the confidentiality of which is protected by law, the hearing officer shall issue such orders as may be appropriate to protect the confidentiality of such matters.

(2) Interlocutory appeal from an adverse ruling under this section shall be granted as a matter of right.

Section 13. Party status: Intervention. (1) Where a notice of contest is filed by an employee or by an authorized employee representative with respect to the reasonableness of the period for abatement of a violation, the employer charged with the responsibility of abating the violation may elect party status at any time before the commencement of the hearing before the hearing officer.

(2) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing before the hearing officer.

(3) The petition shall set forth the interest of the petitioner in the proceeding and show that the participation of the petitioner will assist in the determination of the issues in question, and that the intervention will not unnecessarily delay the proceeding.

(4) The commission or the hearing officer may grant a petition for intervention to such an extent and upon such terms as the commission or the hearing officer shall determine.

Section 14. Representatives of parties and intervenors. (1) Any party or intervenor may appear in person or through a representative.

(2) A representative of a party or intervenor shall be deemed to control all matters respecting the interest of such party or intervenor in the proceeding.

(3) Affected employees who are represented by an authorized employee representative may appear only through such authorized employee representative.

(4) Nothing contained herein shall be construed to require any representative to be an attorney at law.

(5) Withdrawal of appearance of any representative may be effected by filing a written notice of withdrawal and by serving a copy thereof on all parties and intervenors.

Section 15. Form. (1) Except as provided herein, there are no specific requirements as to the form of any pleading. A pleading is simply required to contain a caption sufficient to identify the parties in accordance with Section 16, which shall include the commission's docket number, if assigned, and a clear and plain statement of the relief that is sought, together with the grounds therefor.

(2) Pleadings and other documents (other than exhibits) shall be typewritten, double spaced.

(3) Pleadings shall be signed by the party filing or by his representative. Such signing constitutes a representation by the signer that he has read the document or pleading, that to the best of his knowledge, information and belief the statements made therein are true, and that it is not interposed for delay.

(4) The commission may refuse for filing any pleading or document which does not comply with the requirements of subsections (1), (2) and (3) of this section.

Section 16. Caption. Titles of cases. (1) Cases initiated by a notice of contest shall be titled: Commissioner of Labor, Complainant v. (Name of Contestant), Respondent.

(2) Cases initiated by a petition for modification of the abatement period shall be titled: (Name of employer), Petitioner v. Commissioner of Labor, Respondent.

(3) The titles listed in subsections (1) and (2) of this section shall appear at the left upper portion of the initial

page of any pleading or document (other than exhibits) filed.
(4) The initial page of any pleading or document (other than exhibits) shall show, at the upper right of the page, opposite the title, the docket number, if known, assigned by the commission.

Section 17. Notices of contest. The commissioner shall, within seven (7) days of receipt of a notice of contest, transmit the original to the commission, together with copies of all relevant documents.

Section 18. Employer contests. (1) Complaint:
(a) The commissioner shall file a complaint with the commission no later than twenty (20) days after his receipt of the notice of contest.
(b) The complaint shall set forth all alleged violations and proposed penalties which are contested, stating with particularity:
1. The basis for jurisdiction;
2. The time, location, place, and circumstances of each such alleged violation; and
3. The considerations upon which the period for abatement and the proposed penalty on each alleged violation is based.
(c) Where the commissioner seeks in his complaint to amend his citation or proposed penalty, he shall set forth the reasons for amendment and shall state with particularity the change sought.
(2) Answer:
(a) Within fifteen (15) days after service of the complaint, the party against whom the complaint was issued shall file an answer with the commission.
(b) The answer shall contain a short and plain statement denying those allegations in the complaint which the party intends to contest. Any allegation not denied shall be deemed admitted.

Section 19. Petitions for modification of abatement period. (1) An employer may file with the commissioner a petition for modification of an abatement period no later than the close of the next working day following the date on which abatement is required.
(2) The commissioner shall transmit such petition to the commission within three (3) days after its receipt.
(3) The commissioner shall file a response within ten (10) days of receipt of the petition.
(4) The burden of proving the need for modification of the abatement period shall rest with the petitioner.

Section 20. Employee contests. (1) Where an affected employee or authorized employee representative files a notice of contest with respect to the abatement period, the commissioner shall, within ten (10) days from his receipt of the notice of contest, file a clear and concise statement of the reasons the abatement period prescribed by him is not unreasonable.
(2) Not later than ten (10) days after receipt of the statement referred to in subsection (1) of this section, the contestant shall file a response.

Section 21. Statement of position. At any time prior to the commencement of the hearing before the hearing officer, any person entitled to appear as a party, or any person who has been granted leave to intervene, may file a statement of position with respect to any or all issues to be heard.

Section 22. Response to motions. Any party or intervenor upon whom a motion is served shall have ten (10) days from service of the motion to file a response.

Section 23. Failure to file. Failure to file any pleading pursuant to these rules when due, may, in the discretion of the commission or the hearing officer, constitute a waiver of right to further participation in the proceedings.

Section 24. Withdrawal of notice of contest. At any stage of a proceeding, a party may withdraw his notice of contest, subject to the approval of the commission.

Section 25. Prehearing conference. (1) At any time before a hearing, the commission or the hearing officer, on their own motion or on motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.
(2) The commission or the hearing officer may issue a prehearing order which includes the agreements reached by the parties. Such order shall be served on all parties and shall be a part of the record.

Section 26. Requests for admissions. (1) At any time after the filing or responsive pleadings, any party may request of any other party admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within fifteen (15) days after service of the request, or within such shorter or longer time as the commission or the hearing officer may prescribe, the party to whom the request is directed serves upon the party requesting the admission of a specific written response.
(2) Copies of all requests and responses shall be served on all parties in accordance with the provisions of these rules and filed with the commission within the time allotted and shall be a part of the record.

Section 27. Discovery depositions and interrogatories. (1) Except by special order of the commission or the hearing officer, discovery depositions of parties, intervenors, or witnesses, and interrogatories directed to parties, intervenors, or witnesses shall not be allowed.
(2) In the event the commission or the hearing officer grants an application for the conduct of such discovery proceedings, the order granting the same shall set forth appropriate time limits governing the discovery.

Section 28. Failure to comply with orders for discovery. If any party or intervenor fails to comply with an order of the commission or the hearing officer to permit discovery in accordance with the provisions of these rules, the commission or the hearing officer may issue appropriate orders.

Section 29. Issuance of subpoenas; petitions to revoke or modify subpoenas; right to inspect or copy data. (1) Any member of the commission shall, on the application of any party directed to the commission, forthwith issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence, or documents, in his possession or under his control. Applications for subpoenas, if filed subsequent to the assignment of the case to a hearing officer, shall be filed with the hearing officer. A hearing officer shall grant the application on behalf of any member of the commission. Applications for subpoenas may be made ex parte. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued.
(2) Any person served with a subpoena, whether ad testificandum or duces tecum, shall, within five (5) days after the date of service of the subpoena upon him, move in writing to revoke or modify the subpoena if he does not intend to comply. All motions to revoke or modify shall be served on the party at whose request the subpoena was issued. The hearing officer or the commission, as the case may be, shall revoke or modify the subpoena if in its opinion the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpoena is otherwise invalid. The hearing officer or the commission, as the case may be, shall make a simple statement of procedural or other grounds for the ruling on the motion to revoke or modify. The motion to revoke or modify, any answer filed thereto, and ruling thereon shall become a part of the record.
(3) Persons compelled to submit data or evidence at a public proceeding are entitled to retain, or on payments of lawfully prescribed costs, to procure copies of transcripts of the data or evidence submitted by them.
(4) Upon the failure of any person to comply with a subpoena issued upon the request of a party, the commission by its counsel shall initiate proceedings in the Franklin Circuit Court or appropriate circuit court for the enforcement thereof, if in its judgment the enforcement of such subpoena would be consistent with law and with policies of the Act. Neither the commission nor its counsel shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court.

Section 30. Notice of hearing. Notice of the time, place, and nature of a hearing shall be given to the parties and intervenors at least ten (10) days in advance of such hearing, except as otherwise provided in Section 52. The executive director shall secure or cause to be secured a location for such hearing, in the discretion of the commission, and secure a reporter for the taking of proof at any hearing before a hearing officer.

Section 31. Postponement of hearing. (1) Postponement of a hearing ordinarily will not be allowed.
(2) Except in the case of an extreme emergency or in unusual circumstances, no such request will be considered unless received in writing at least three (3) days in advance of the time set for the hearing.
(3) No postponement in excess of thirty (30) days shall be allowed without commission approval.

Section 32. Failure to appear. (1) Subject to the provisions of subsection (3) of this section, the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the decision of the hearing officer and to request commission review pursuant to Section 48.
(2) Requests for reinstatement must be made, in the absence of extraordinary circumstances, within five (5) days after the scheduled hearing date.
(3) The commission or the hearing officer, upon a showing of good cause, may excuse such failure to appear. In such event, the hearing will be rescheduled.

Section 33. Payment of witness fees and mileage; fees of persons taking depositions. Witnesses summoned before the commission or the hearing officer shall be paid the same fees and mileage that are paid witnesses in the courts of the Commonwealth of Kentucky and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the Commonwealth of Kentucky. Witness fees and

mileage shall be paid by the party at whose instance the witness appears, and the person taking a deposition shall be paid by the party at whose instance the deposition is taken.

Section 34. Reporter's fees. Reporter's fees shall be borne by the commission, except as provided in Section 33.

Section 35. Transcript of testimony. Hearings shall be transcribed verbatim. A copy of the transcript of testimony taken at the hearing, duly certified by the reporter, shall be filed with the hearing officer before whom the matter was heard. The hearing officer shall promptly serve notice upon each of the parties and intervenors of such filing. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of fees fixed therefor.

Section 36. Duties and powers of hearing officers. It shall be the duty of the hearing officer to conduct a fair and impartial hearing, to assure that the facts are fully elicited, to adjudicate all issues and avoid delay. The hearing officer shall have authority with respect to cases assigned to him, between the time he is designated and the time he issues his decision, subject to the rules and regulations of the commission, to:

(1) Administer oaths and affirmations;
(2) Issue authorized subpoenas;
(3) Rule upon petitions to revoke subpoenas;
(4) Rule upon offers of proof and receive relevant evidence;
(5) Take or cause depositions to be taken whenever the needs of justice would be served;
(6) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;
(7) Hold conferences for the settlement or simplification of the issues;
(8) Dispose of procedural requests or similar matters including motions referred to the hearing officer by the commission and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of his decision;
(9) Call and examine witnesses and to introduce into the record documentary or other evidence;
(10) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;
(11) Adjourn the hearing as the needs of justice and good administration require;
(12) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the commission.

Section 37. Disqualification of hearing officer. (1) A hearing officer may withdraw from a proceeding whenever he deems himself disqualified.
(2) Any party may request the hearing officer at any time following his designation and before the filing of his decision, to withdraw on ground of personal bias or disqualification, by filing with him promptly upon the discovery of the alleged facts an affidavit setting forth in detail the matters alleged to constitute grounds for disqualification.
(3) If, in the opinion of the hearing officer the affidavit referred to in subsection (2) of this section is filed with due diligence and is sufficient on its face, the hearing officer shall forthwith disqualify himself and withdraw from the proceeding.
(4) If the hearing officer does not disqualify himself and withdraw from the proceedings, he shall so rule upon the record, stating the grounds for his ruling and shall proceed with the hearing, or, if the hearing has closed, he shall proceed with the issuance of his decision and the provisions of Section 47 shall thereupon apply.

Section 38. Examination of witnesses. Witnesses shall be examined orally under oath. Opposing parties shall have the right to cross-examine any witness whose testimony is introduced by an adverse party.

Section 39. Affidavits. An affidavit may be admitted as evidence in lieu of oral testimony if the matters therein contained are otherwise admissible and the parties agree to its admission.

Section 40. Deposition in lieu of oral testimony; application; procedures, form; rulings. (1) An application to take the deposition of a witness in lieu of oral testimony shall be in writing and shall set forth the reasons such deposition should be taken, the name and address of the witness, the matters concerning which it is expected he will testify and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken (for purposes of this section, hereinafter referred to as "the officer"). Such application shall be filed with the commission or the hearing officer, as the case may be, and shall be served on all other parties and intervenors not less than seven (7) days (when the deposition is to be taken elsewhere) prior to the time when it is desired that the deposition be taken. Where good cause has been shown, the commission or the hearing officer shall make and serve on the parties and intervenors an order which specifies the name of the witness whose deposition is to be taken and the time, palce, and designation of the officer before whom the witness is to testify. Such officer may or may not be the officer specified in the application.
(2) Such deposition may be taken before any officer authorized to administer oaths by the laws of Kentucky or of the place where the examination is held. If the examination is held in a foreign country, it may be taken before any secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States.
(3) At the time and place specified in the order, the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all parties appearing, and the testimony of the witness shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless made at the examination. The officer shall not have power to rule upon any objection, but be shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness, and that the officer is not of counsel or attorney to any of the parties nor interested in the proceeding. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may be used as fully as though signed. The officer shall immediately deliver an original and four (4) copies of the transcript, together with his certificate, in person or by registered mail to the executive director, Kentucky Occupational Safety and Health Review Commission, Capital Plaza Tower, Frankfort, Kentucky 40601.
(4) The hearing officer shall rule upon the admissibility of the deposition or any part thereof.
(5) All errors or irregularities in compliance with the provision of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is or with due diligence might have been discovered.
(6) If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used as other depositions.

Section 41. Exhibits. (1) All exhibits offered in evidence shall be numbered and marked with a designation identifying the party or intervenor by whom the exhibit is offered.
(2) In the absence of objection by another party or intervenor, exhibits shall be admitted into evidence as a part of the record, unless excluded by the hearing officer pursuant to Section 42.
(3) Unless the hearing officer finds it impractical, a copy of each such exhibit shall be given to the other parties and intervenors.
(4) All exhibits offered, but denied admission into evidence, shall be indentified as in subsection (1) of this section and shall be placed in a separate file designated for rejected exhibits.

Section 42. Rules of evidence. Hearings before the commission and its hearing officers insofar as practicable shall be governed by the rules of evidence applicable in the courts of the Commonwealth of Kentucky.

Section 43. Burden of proof. (1) In all proceedings commenced by the filing of a notice of contest, the burden of proof shall rest with the commissioner.
(2) In proceedings commenced by a petition for modification of the abatement period, the burden of establishing the necessity for such modification shall rest with the petitioner.

Section 44. Objections. (1) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling of the hearing officer, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and shall be included in the record. No such objection shall be deemed waived by further participation in the hearing.

(2) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

Section 45. Interlocutory appeals; special; as of right. (1) Unless expressly authorized by these rules, rulings by the hearing officer may not be appealed directly to the commission except by its special permission. Unless otherwise provided by these rules, all such rulings shall become a part of the record.
(2) Request to the commission for special permission to appeal from such ruling shall be filed in writing within five (5) days following receipt of the ruling and shall state briefly the grounds relied on.
(3) Interlocutory appeal from a ruling of the hearing officer shall be allowed as of right where the hearing officer certifies that:
(a) The ruling involves an important question of law concerning which there is substantial ground for difference of opinion; and
(b) An immediate appeal from the ruling will materially expedite the proceedings. Such appeal shall also be allowed in the circumstances set forth in Section 12.

(4) Neither the filing of a petition for interlocutory appeal, nor the granting thereof as provided in subsections (2) and (3) of this section shall stay the proceedings before the hearing officer unless such stay is specifically ordered by the commission.

Section 46. Filing of briefs and proposed findings with the hearing officer; oral argument at the hearing. Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief, proposed findings of fact and conclusions of law, or both, with the hearing officer. The hearing officer may fix a reasonable period of time for such filing, but such initial period may not exceed twenty (20) days from the receipt by the party of the transcript of the hearing. All briefs must be filed within the time fixed, and the commission may refuse to consider any brief filed thereafter. Application for extensions of time to file briefs must be made to the commission. Briefs must be accompanied with notice, showing service upon all other parties, and in addition to the original filed, two (2) copies of each such document shall be furnished for use of the commission.

Section 47. Decisions of Hearing Officers. (1) The decision of the hearing officer shall include findings of fact, conclusions of law, and an order.
(2) The hearing officer shall sign and date the decision. Upon issuance of the decision, jurisdiction shall rest solely in the commission, and all motions, petitions and other pleadings filed subsequent to such issuance shall be addressed to the commission.

Section 48. Discretionary review; petition. (1) A party aggrieved by the decision of a hearing officer may submit a petition for discretionary review.
(2) The petition must be received by the commission at its offices in Frankfort, Kentucky on or before the 25th day following receipt by the commission of the hearing officer's decision.
(3) A petition should contain a concise statement of each portion of the decision and order to which exception is taken and may be accompanied by a brief of points and authorities relied upon. The original and three (3) copies shall be filed with the commission.
(4) Failure to act on such petition within the review period shall be deemed a denial thereof.

Section 49. Stay of final order. (1) Any party aggrieved by a final order of the commission may, while the matter is within the jurisdiction of the commission, file a motion for a stay.
(2) Such motion shall set forth the reasons a stay is sought and the length of the stay requested.
(3) The commission may order such stay for the period requested or for such longer or shorter period as it deems appropriate.

Section 50. Oral argument before the Commission. (1) Oral argument before the commission ordinarily will not be allowed.
(2) In the event the commission desires to hear oral argument with respect to any matter it will advise all parties to the proceeding of the date, hour, place, time allotted, and scope of such argument at least ten (10) days prior to the date set.

Section 51. Settlement. (1) Settlement is encouraged at any stage of the proceedings where such settlement is consistent with the provisions and objectives of the Act.
(2) Settlement agreements submitted by the parties shall be accompanied by an appropriate proposed order.
(3) Where parties to settlement agree upon a proposal, it shall be served upon represented and unrepresented affected employees in the manner set forth in Section 9. Proof of such service shall accompany the proposed settlement when submitted to the commission or the hearing officer.

Section 52. Expedited proceeding. (1) Upon application of any party or intervenor, or upon his own motion, any commission member may order an expedited proceeding.
(2) When such proceeding is ordered, the executive director shall notify all parties and intervenors.
(3) The hearing officer assigned in an expedited proceeding shall make necessary rulings, with respect to time for filing of pleadings and with respect to all other matters, without reference to times set forth in these rules, shall order daily transcripts of the hearing, and shall do all other things necessary to complete the proceeding in the minimum time consistent with fairness.

Section 53. Standards of conduct. All persons appearing in any proceeding shall conform to the standards of ethical conduct required in the courts of the Commonwealth of Kentucky.

Section 54. Ex parte communication. (1) There shall be no ex parte communication, with respect to the merits of any case not concluded, between the commission, including any member, officer, employee, or agent of the commission who is employed in the decisional process, and any of the parties or intervenors.
(2) In the event such ex parte communication occurs, the commission or the hearing officer may make such orders or take such action as fairness requires. Upon notice and hearing, the commission may take such disciplinary action as is appropriate in the circumstances against any person who knowingly and willfully makes or solicits the making of a prohibited ex parte communication.

Section 55. Restrictions as to participation by investigative or prosecuting officers. In any proceeding noticed pursuant to the rules in this part, the commissioner shall not participate or advise with respect to the report of the hearing officer or the commission decision.

Section 56. Inspection and reproduction of documents. (1) Subject to the provisions of law restricting public disclosure of information, any person may, at the offices of the commission, inspect and copy any document filed in any proceeding.
(2) Costs shall be borne by such person.

Section 57. Restrictions with respect to former employees. (1) No former employee of the commission or the commissioner (including a member of the commission or the executive director) shall appear before the commission as an attorney or other representative for any party in any proceeding or other matter, formal or informal, in which he participated personally and substantially during the period of his employment.
(2) No former employee of the commission or the commissioner (including a member of the commission or the executive director) shall appear before the commission as an attorney or other representative for any party in any proceeding or other matter, formal or informal, for which he was personally responsible during the period of his employment, unless one (1) year has elapsed since the termination of such employment.

Section 58. Amendments to rules. The commission may at any time upon its own motion or initiative, or upon written suggestion of any interested person setting forth reasonable grounds therefor, amend or revoke any of the rules contained herein, in compliance with KRS Chapter 13.

Section 59. Special circumstances, waiver of rules. In special circumstances not contemplated by the provisions of these rules, or for good cause shown, the commission may, upon application by any party or intervenor, or on its own motion, after three (3) days notice to all parties and intervenors, waive any rule or make such orders as justice or the administration of the Act requires.

Section 60. Penalties. All penalties assessed by the commission are civil.

H. L. STOWERS, Chairman, Kentucky Occupational Safety and Health Review Commission
ADOPTED: May 24, 1973; affirmed November 6, 1974
RECEIVED BY LRC: December 6, 1974 at 11:46 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Occupational Safety and Health Review Commission, 7th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:010)

RELATES TO: KRS 243.390
PURSUANT TO: KRS 13.082 and 241.060
SUPERSEDES: ABC 3:10
NECESSITY AND FUNCTION: KRS 243.390(2) requires notification to this board of any change in the facts required in an application to this board for a license. Since a number of licenses issued with this board are in the name of a corporation, it is necessary that stock ownership changes in such corporation be reported to this board. The board can, therefore, investigate the person to whom the stock is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

Section 1. (1) As used in KRS 243.390, the word "change" is construed to include any change of directors or officers of the corporation, or a change in ownership of stock whereby any person secures ten (10) percent of the outstanding stock. Transfer of more than ten (10) percent of the total stock shall require a new license.
(2) The following information will be required concerning any new director, officer, or person securing any interest in an alcoholic beverage license:
(a) Name and address.
(b) Nature of interest.
(c) Whether or not a citizen of the United States.
(d) Date of birth.
(e) Date residence was established in Kentucky, if a resident of Kentucky.
(f) Whether or not he has any interest in any other license or corporation holding a license under this act.
(g) Extent of stock ownership.
(3) This information shall be filed with the Department of Alcoholic Beverage Control as an amendment of the application pursuant to which the license was granted.

JULIAN M. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:52 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:020)

RELATES TO: KRS 243.030, 243.340
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:20
NECESSITY AND FUNCTION: KRS 243.340 establishes the conditions under which an agent or solicitors license will be issued. This regulation confirms that a non-resident agent or solicitor who holds a similar license in another state or whose manufacturer, vintner, or wholesaler is licensed by another state or the federal government, may be issued a similar license in the State of Kentucky under the terms of the regulation.

Section 1. A special agent's or solicitor's license may be issued to a non-resident of this Commonwealth, which authorizes such non-resident to represent a manufacturer, vintner, or wholesaler who is licensed by another state and by the federal government, provided such non-resident has been issued a license by another state conferring privileges similar to a special agent's or solicitor's license authorized by KRS 243.340. In the event the state of residence of the applicant does not issue a similar license, the application filed with the Department of Alcoholic Beverage Control must have the approval of the alcoholic beverage control agency of the state of his residence.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:52 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:030)

RELATES TO: KRS 243.030, 243.200
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:30
NECESSITY AND FUNCTION: KRS 243.200 established the requirements for qualification as a transporter of distilled spirits and wine. The primary authorization of this statute extends only to those referred to as "common carriers." This regulation extends the same transportation privilege to non-resident distillers, vintners, or wholesalers to transport their products purchased in Kentucky to their place of business outside of Kentucky, and to non-resident distillers, vintners or rectifiers to deliver to licensed wholesalers in Kentucky. This regulation is primarily for what would be considered as "company owned trucks" as distinguished from a common carrier.

Section 1. (1) The Administrator of the Distilled Spirits Unit of the Department of Alcoholic Beverage Control is hereby empowered and authorized to issue a permit, which shall be designated "Non-Resident Licensee's Permit" to any non-resident distiller, vintner, or wholesaler who is authorized by the state of his residence and also by the federal government to receive and transport distilled spirits and wine.

(2) The fee for such permit will be five dollars ($5). No waiting period shall be required, unless in the discretion of the administrator such waiting period is deemed necessary for the purpose of investigating the applicant.

(3) Application for a non-resident licensee's permit shall be made in writing, under oath, on a form furnished by the Department of Alcoholic Beverage Control, and shall set forth in detail such information as the administrator may, after approval by the board, require.

(4) The application must be accompanied by:

(a) Photostatic copies of the applicant's state and federal permits.

(b) A statement that the applicant, if granted a permit, will allow any authorized field representative of the Department of Alcoholic Beverage Control to stop and examine the cargo of any truck or vehicle in which distilled spirits or wine are being transported within the boundaries of the Commonwealth of Kentucky.

(c) A statement specifying the routes over which the applicant expects to haul.

(d) A corporate surety bond in the amount of $2,500 and in such form as the Alcoholic Beverage Control Board may prescribe, such bond to be forfeited to the Commonwealth of Kentucky in the event the permittee violates any of the provisions of this regulation.

Section 2. (1) The following is required of the Non-Resident Licensee after the license has been issued:

(a) The name of the non-resident company, the special non-resident licensee's permit number, and the state and federal permit numbers must be painted on both sides of the vehicle in uniform letters of contrasting color at least two and one-half (2 1/2) inches high.

(b) The driver of the vehicle shall have a photostatic copy of the non-resident licensee's permit from the Kentucky Department of Alcoholic Beverage Control in the vehicle.

(c) All persons holding a Kentucky non-resident licensee's permit are required to file reports (Revenue Form 503T) with the Department of Revenue on or before the 15th of each month, covering the preceding month's transactions. It is necessary that only one report (Revenue Form 503T) be submitted to cover each unit shipment of alcoholic beverages transported into and from the State of Kentucky. Each Revenue Form 503T must show the state license number, the name and address of consignor and consignee, shipping date, delivery date, number of cases according to size contained in each shipment, and must be signed by an official of the company handling the shipment.

(2) The non-resident licensee's permit shall authorize the holder thereof to transport for himself only, distilled spirits and wine from the licensed premises of a Kentucky manufacturer, distiller, vintner or rectifier to his licensed premises only, and beverages on which the Kentucky tax has been paid may be transported from the licensed premises of a non-resident distiller, vintner or rectifier to wholesale licensees within the Commonwealth of Kentucky, provided that he so transport such alcoholic beverages in a truck or other vehicle owned and operated by himself, which shall have affixed to its side a sign in uniform letters of at least two and one-half (2 1/2) inches high containing the name of his company, and his state and federal permit numbers.

(3) It is further provided that the permit may be revoked or suspended for any cause which the Alcoholic Beverage Control Board may in its sound discretion deem sufficient. Proceedings relative to revocation or suspension shall be the same as those provided for licensees under the alcoholic beverage law.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:040)

RELATES TO: KRS 243.030, 243.350
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:40
NECESSITY AND FUNCTION: KRS 243.350 establishes a special storage or warehouse license. This regulation is in furtherance of that statute and establishes a fee for the said license and requires that if there is more than one premises sought to be licensed, a license must be obtained for each separate location.

Section 1. A bottling house storage license may be issued by the Administrator of the Distilled Spirits Unit to parties not otherwise entitled to store, bottle, or warehouse distilled spirits or wine but who are so authorized by the federal government and who are required to keep as part of their permanent records, United States Treasury Department forms. This license shall authorize the licensee to operate a warehouse or place of storage for distilled spirits or wine and to bottle distilled spirits or wine on the premises specifically designated. The fee for said license shall be $500. If there be more than one (1) premises operated by a licensee under this regulation wherein storage or bottling of distilled spirits or wine is carried on, a license shall be required for each of said premises.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:050)

RELATES TO: KRS 243.030, 243.120
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:50
NECESSITY AND FUNCTION: KRS 243.120 limits a distiller who is also a rectifier from bottling any product not made at its own distillery. This regulation allows a distiller who is also a recitifier to ship the products from their distillery to their rectifying plant to be bottled. This is necessary in the instances where a distiller wishes to blend whiskey that has been produced at its own distillery with whiskeys produced at other distilleries.

Section 1. Distillers, who have also qualified as rectifiers with the Commonwealth of Kentucky and the federal government, may bottle in their rectifying plants spirits produced at their distilleries.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:54 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:060)

RELATES TO: KRS 243.030, 243.300, 244.260
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:60
NECESSITY AND FUNCTION: KRS 244.260 establishes the size containers that wholesalers may purchase from the distillers; and bottles commonly known as "miniatures" are not included in this statute. KRS 243.300 establishes licenses for a railroad system. This regulation permits distillers or rectifiers only to sell miniature bottles to a railroad system for convenience in serving their passengers.

Section 1. (1) The holder of a distiller's or rectifier's license under the alcoholic beverage control law may, upon application to the Administrator of the Distilled Spirits Unit and upon payment of a fee of two dollars ($2), be issued a special miniature vendor's license.
(2) This special miniature vendor's license will authorize the holder thereof to sell distilled spirits in retail containers of a size commonly known in the trade as "miniatures" to the railroad system licensees provided for under KRS 243.300(1) and (3). Any character of transaction other than the sale of miniatures to said railroad system licensee is expressly prohibited under the special license herein provided for.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:54 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:070)

RELATES TO: KRS 243.030, 243.320
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:70
NECESSITY AND FUNCTION: KRS 243.320 provides for the issuance of a special industrial alcohol license under the conditions enumerated in the statute. This regulation establishes a minimum container size in which such alcohol can be purchased and further enumerates that no alcoholic beverage capable of being consumed by human beings may be purchased under such a license.

Section 1. (1) Persons operating under a special industrial alcohol license may purchase alcoholic beverages only when such alcoholic beverages are intended for use in the manufacture and sale of the following products:
(a) Denatured alcohol produced and sold pursuant to Acts of Congress and regulations promulgated thereunder.
(b) Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations.
(c) Flavoring extracts, syrups, and food products.
(d) Scientific, chemical, mechanical, and industrial products, provided such alcoholic beverages go into and become a part of the above-named products.
(2) Persons operating under a special non-industrial alcohol license may purchase alcohol only in containers of not less than 128 ounces. No distilled spirits or wine, such as liquor, rum, whiskey, gin, or any like liquid capable of being consumed by a human being may be purchased by a special non-industrial alcohol licensee.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:55 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:080)

RELATES TO: KRS 243.030(18), 243.040(7)
PURSUANT TO: KRS 13.082 and 241.060
SUPERSEDES: ABC 3:80
NECESSITY AND FUNCTION: Since wholesalers and distributors cannot deliver distilled spirits and malt beverages to any establishment not licensed by this department, and since no license specifically enumerated in KRS 243.030 and 243.040 pertains to military reservations, this regulation is necessary to permit delivery of distilled spirits and malt beverages to military reservations by distributors and wholesalers in Kentucky.

Section 1. (1) A special license shall issue to such canteens, establishments, clubs, organizations or limited groups on military reservations as may under the regulations of the Armed Forces and military establishments sell alcoholic beverages. The fee for such special license shall be twenty-four dollars ($24) per annum and may be prorated in accordance with other licenses issued under the alcoholic beverage control law.
(2) Proceedings relative to revocation and suspension of licenses shall apply therein, the same as for other licenses issued under the alcoholic beverage control law.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:55 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:090)

RELATES TO: KRS 243.540
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:90
NECESSITY AND FUNCTION: KRS 243.540 specifically provides that a licensee who has had his license revoked may dispose of his alcoholic beverage stock by sale to another licensee. KRS 243.120, 243.160, 243.250 and 243.300 prevents a licensee from purchasing alcoholic beverages from anyone other than a manufacturer, wholesaler, or distributor. Therefore, KRS 243.540(2) exempts the purchase provision from those licensees in order that they may repurchase the stock of a licensee whose license had been revoked. However, KRS 243.540(2), obviously by oversight, failed to include KRS 243.240, retail package licensees, within the class of persons allowed to sell their stock upon revocation. This regulation, to correct that oversight, includes KRS 243.240 in the same class as the other licensees, for the purpose of transfer of alcoholic beverage stock upon a revocation of the license. Additionally, the enabling statute, KRS 243.540, only allowed the transfer of stock upon revocation, but this regulation extends that same privilege of sale of a licensee's stock in the instances where his license is not renewed, or is voluntarily surrendered. This extension of the original KRS is necessary to allow those licensees whose licenses are not renewed, but not necessarily revoked, and those licensees who voluntarily surrendered their licenses and cease business, the same privilege of selling the stock which they may have on hand at that time.

Section 1. Any person licensed under the alcoholic beverage control act who shall be ineligible to receive a license, or who shall be refused a renewal thereof, or who shall voluntarily surrender his license, shall have the right, under the supervision of the state administrator, to dispose of and transfer his stock of alcoholic beverages to a party (or parties) who holds a license under this act, provided such disposition of stock on hand shall not be delayed longer than ninety (90) days in the case of distillers, rectifiers, vintners, or brewers; not longer than thirty (30) days in the case of wholesalers or distributors; nor longer than twenty (20) days in the case of retailers, after such licensee has been refused a license by the board. Transfers in such cases shall be exceptions to provisions as to the rights of licen-

sees to make purchases, as set out in KRS 243.120, 243.160, 243.240, 243.250, and 243.300, if the state administrator shall have given his approval in advance of the transfer.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH H. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:56 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:100)

RELATES TO: KRS 243.020, 243.030, 243.040
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:100

NECESSITY AND FUNCTION: It is necessary that, upon request from an agent of the Alcoholic Beverage Control Department, a licensee be able to produce invoices of purchases, and records of sales. It is also necessary that the licensee be required to keep these records on the premises since part of those records consist of reports, not only to this department, but to the federal government and various taxing agencies of the state. It should be noted that this regulation does not require any additional forms or records be completed by the licensee, but only that he retain on the premises those records dealing with alcoholic beverages which he has already reported to the various state and federal agencies. These records become extremely important when this department conducts an investigation into sales to bootleggers, the refilling of bottles of distilled spirits, and purchases that may have been made from persons not licensed by this department to sell to retailers.

Section 1. (1) Every licensee is required to keep on file on his licensed premises for a period of two (2) years true and correct copies of:

(a) All reports relating to trafficking in alcoholic beverages required by the federal government, the Kentucky Department of Revenue or the Kentucky Department of Alcoholic Beverage Control.
(b) Invoices and other pertinent information relating to his trafficking in alcoholic beverages.

(2) Said reports, invoices and other information shall be available at all reasonable times for inspection by authorized representatives of the Department of Revenue or the Kentucky Department of Alcoholic Beverage Control, and failure to make such available shall be deemed cause for revocation of the license.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH H. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:56 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:110)

RELATES TO: KRS 243.020, 243.030, 243.040, 243.090, 243.430
PURSUANT TO: KRS 13.082, 241.060.
SUPERSEDES: ABC 3:110

NECESSITY AND FUNCTION: Since Kentucky operates under a quota system for the number of distilled spirits licenses available, and since most quotas are filled and no new licenses are available in most areas, it would be unfair to those desiring a license to be precluded from obtaining a license because some licenses were issued but not being used by the licensee. Therefore, it is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent in provisions of this regulation. Realizing that a licensee, like any other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in the regulation.

Section 1. (1) Any wholesale or retail license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the Alcoholic Beverage Control Department.

(2) Except that the provisions of subsection (1) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license was issued due to an act of God, casualty, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, acquisition by any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Such licensee shall furnish to the Alcoholic Beverage Control Department a verified statement setting forth the fact that the licensee is unable to continue in business prior to the discontinuance of business at his licensed premises, for any of the reasons set forth herein, and the license shall continue to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business in conducted thereunder within twelve (12) months from date of notice to the department.

(3) All renewal of licenses must be on file with the Alcoholic Beverage Control Board within thirty (30) days after the expiration of the licenses for the preceding license period or the same shall be cancelled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period due to an act of God, casualty, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that said licensee shall file a written verified statement not less than twenty (20) days from the expiration date of the license, setting forth these facts, and the distilled spirits administrator and malt beverage administrator are hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of said administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

(4) (a) In the event negotiations of a buy-out of a license privilege issued under KRS 243.030 or 243.040(2) may extend thirty (30) days beyond the date of expiration of sellers license or licenses, then the distilled spirits administrator, under KRS 243.030, or the malt beverage administrator, under KRS 243.040(2), shall be notified of such transaction or negotiations not less than ten (10) days prior to the expiration date of the license or licenses involved. The said administrator may then extend the time for filing a renewal or application for said license or licenses for a reasonable length of time within his sound discretion.

(b) If a buy-out of an existing license privilege under KRS 243.030 or 243.040(2) extends over the renewal period and the license or licenses have not been renewed by the seller, the purchaser shall pay the annual license fee for the whole fiscal year or from the expiration date of the license privilege sought to be purchased, whichever is greater.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH H. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:57 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:120)

RELATES TO: KRS 243.380, 243.430
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:120

NECESSITY AND FUNCTION: KRS 243.380, applications for state licenses, does not contain a specific reference to the time in which licenses are to be granted after the application is received. KRS 243.430 specifically provides that no distilled spirits licenses shall be issued after application until the times set out in the statute have been met. Since KRS 243.430 does not apply to malt beverage licenses, and since no other statute has similar provisions for malt beverage licenses, this regulation applies a minimum ten (10) day waiting period to the issuance of retail beer licenses.

Section 1. (1) In order that the malt beverage administrator may have time to investigate the applicant and the premises for which the license is sought, no regular retail beer license shall be issued in less than ten (10) days from the time the application is received by the Department of Alcoholic Beverage Control.

(2) This regulation shall not apply if both the applicant and the premises to be licensed were licensed by the same applicant to sell alcoholic beverages at retail at any time during the twelve (12) months immediately preceding the date of the application.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH H. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:57 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:130)

RELATES TO: KRS 243.040
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:130
NECESSITY AND FUNCTION: In certain instances it is impossible for a retail beer licensee to store, on his own premises, the supply of cold beer necessary to operate his premises. This regulation permits a retail beer licensee to apply for an off premises special storage license; the license, however, being limited to storage in a local cold storage warehouse.

Section 1. (1) The malt beverage administrator is hereby authorized to issue a storage license to applicants who hold a regular retail beer license issued by the Commonwealth of Kentucky; provided, the application for such storage license shall accurately describe the location of the storage warehouse to be used by the retailer who is applying for said license.

(2) The license fee for the special storage license shall be five dollars ($5) per annum, and the fee shall be prorated. All such licenses shall expire at midnight June 30 of each year.

(3) The holder of a special storage license may store malt beverages in a local cold storage warehouse convenient to his regular retail beer licensed premises and to transport such malt beverages as belong to the holder of said license to and from the cold storage warehouse by way of the nearest route to his regular licensed retail beer premises, provided he sells no beer except at his regular beer licensed premises.

(4) A special storage license may be suspended or revoked for any violation of the alcoholic beverage control law or a violation of any of the regulations issued thereunder, or for the violation of any other law which would subject a regular license to a suspension or revocation. Proceedings relative to revocation or suspension shall be the same as those provided for other licenses under the alcoholic beverage control law of Kentucky.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH H. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:58 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:140)

RELATES TO: KRS 243.040
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:131
NECESSITY AND FUNCTION: This regulation provides for the issuance of a special storage license to a beer distributor for the purpose of cold storage of keg draft beer only for malt beverages of any type under an emergency situation as determined by the malt beverage administrator.

Section 1. (1) The malt beverage administrator is hereby authorized to issue a storage license to an applicant who holds a regular distributor's beer license issued by the Commonwealth of Kentucky for cold storage of keg draft beer only.

(2) The license fee for the distributor's storage license shall be five dollars ($5) per annum. All such licenses shall expire at midnight June 30 of each year.

Section 2. (1) The malt beverage administrator is hereby authorized to issue a temporary storage license to an applicant who holds a regular distributor's beer license issued by the Commonwealth of Kentucky for storage of beer in event of emergency. The malt beverage administrator shall have sole discretion to determine the existence of any emergency.

(2) The license fee for the temporary storage license shall be five dollars ($5) for each period of issuance.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH H. HOGGE, Secretary
RECEIVED BY LRC: December 14, 1974 at 1:58 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:150)

RELATES TO: KRS 241.060, 243.520
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:140
NECESSITY AND FUNCTION: KRS 243.520 authorizes revocation proceedings against the licensee upon the complaint of "any person." In furtherance of that statute, this regulation provides that any competent citizen of Kentucky may, by affidavit under oath, request a citation against a licensee. Although all hearings before the Alcoholic Beverage Control Board are civil in nature, this regulation equates to the right of any citizen to file a formal complaint and have a warrant issued pursuant to criminal law.

Section 1. Any competent citizen of Kentucky under oath by affidavit, may request of the Alcoholic Beverage Control Board in writing that a citation be issued against any licensee, requiring them to show cause why the licensee's license or application should not be refused, suspended or revoked. Such requests shall state the name and address of the licensee or applicant, the reason for the request, state the offense committed and give the approximate hour and day of the violation.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH H. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:58 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:160)

RELATES TO: KRS 243.040, 243.210
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:150
NECESSITY AND FUNCTION: KRS 243.210 authorizes the issuance of malt beverage transporter's license only to transporters for hire. This regulation extends the class of persons who can be a transporter to include those licensees who hold a beer wholesaler or distributor's license issued either by the State of Kentucky or by the state into which the malt beverages are to be transported. The license is restricted to the transportation of malt beverages for export only through Kentucky.

Section 1. (1) The malt beverage administrator is hereby authorized to issue a special beer transporter's license to an applicant who holds a beer wholesaler's or distributor's license issued by the state into which malt beverages are to be transported, or who is licensed by said state to transport such malt beverages.

(2) Applicants for the special beer transporter's license, and their employees, may be exempt from the requirements relative to Kentucky residence contained in KRS 243.100 and 244.090.

(3) The application for a special beer transporter's license shall contain a statement that the applicant, if granted a license, will allow any authorized field representative of the Department of Alcoholic Beverage Control to stop and examine the cargo of any truck or vehicle in which malt beverages are being transported within the boundaries of the Commonwealth of Kentucky.

(4) The license fee for the special beer transporter's license shall be one dollar ($1) per annum, and the fee shall not be prorated. All such licenses shall expire at midnight, June 30 of each year.

(5) A special beer transporter's license shall authorize the holder thereof to transport malt beverages for export only, from the licensed premises of a Kentucky brewer or from the warehouse of the licensed Kentucky distributor, or from another state, through Kentucky; provided, that he so transports such malt beverages in a truck or other vehicle owned and operated by himself or his employees, which carries in the cab thereof the Kentucky special beer transporter's license or a photostatic copy thereof and which shall have affixed to each side a sign in uniform letters at least two and one-half (2 1/2) inches high, containing the name of the owner, state of issuance, and kind and number of his state license. The name of the state and the type of license may be abbreviated.

(6) A special beer transporter's license may be suspended or revoked for any cause which the Alcoholic Beverage Control Board may in its sound discretion deem sufficient. Proceedings relative to revocation or suspension shall be the same as those provided for other licenses under the alcoholic beverage control act of Kentucky.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH H. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 1:59 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:170)

RELATES TO: KRS 243.030, 243.200
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:160
NECESSITY AND FUNCTION: KRS 243.200, transporters license for distilled spirits and wine, limits such license to a common carrier or railway express company. This regulation expands persons eligible for such a license to include any person wishing to transport distilled spirits and wine through the State of Kentucky and over Kentucky highways. This allows company-owned trucks of vintners or distillers to transport distilled spirits and wine through the State of Kentucky.

Section 1. (1) Persons wishing to transport distilled spirits and wine through the State of Kentucky over the highways must apply for and receive from the Department of Alcoholic Beverage Control a "through transporter's license" which license will allow the holder, for the period of said license, to so transport. Failure to hold such a license will subject transporter to the penalties prescribed in KRS Chapters 243 and 244.

(2) Application for a "through transporter's license" shall be made to the Department of Alcoholic Beverage Control, under oath, on a form furnished by that department, and shall set forth in detail the same kind of information required of applicants for a transporter's license, and such additional information as the department may require in order to render effective the requirements of this regulation. Application for a "through transporter's license" must be accompanied by:

(a) A statement of the route which transporter wishes to be licensed to use.
(b) Photostatic copies of the applicant's state and federal permits (or evidence that the applicant is a common carrier under regulations prescribed by the Interstate Commerce Commission).
(c) A statement that the applicant, if granted a license, will allow any authorized representative of the Department of Alcoholic Beverage Control, the Department of Revenue, or Kentucky State Police, to stop and examine the cargo of any truck or vehicle in which distilled spirits or wine is being transported within the boundaries of the Commonwealth of Kentucky.

(3) The fee for such license will be one dollar ($1). Immediately on approval, the license herein prescribed may be issued.

Section 2. (1) The driver of a vehicle so transporting must be in the possession of:

(a) Bills of lading, consignment, or other evidence of ownership of the cargo which tally with the cargo.
(b) A copy of the license.

(2) Failure of the driver to be in possession thereof shall be prima facie evidence of illegal trafficking.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:180)

RELATES TO: KRS 243.030, 243.200
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:170

NECESSITY AND FUNCTION: KRS 243.200 provides for transportation of distilled spirits by a common carrier but does not specifically provide for the loading, unloading, and temporary custody of distilled spirits by a freight forwarder or warehouseman, which may be necessitated by the transfer from one truck to another of the distilled spirits. This regulation authorizes such freight forwarder to receive, hold, and reship the distilled spirits and wine by common carriers licensed by this department.

Section 1. A distilled spirits and wine freight forwarder's license shall be granted by the administrator of the distilled spirits unit and shall authorize the licensee to receive from and tender to transporters duly licensed under KRS 243.200, such distilled spirits and wine as are consigned to licensees under KRS 243.020, in the Commonwealth of Kentucky. The fee for said license shall be twenty-five dollars ($25).

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:190)

RELATES TO: KRS 243.150, 243.040(7)
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:180
NECESSITY AND FUNCTION: KRS 243.150 provides for the licensing of brewers located within the State of Kentucky. This regulation requires out-of-state brewers desiring to do business in the State of Kentucky, to execute an agreement with the Kentucky Alcoholic Beverage Control Department and post a surety bond to insure their compliance with the alcoholic beverage control statutes and regulations of Kentucky.

Section 1. Any brewer or other person located outside the Commonwealth of Kentucky who desires to sell malt beverages to a Kentucky licensee for the purpose of importation into Kentucky and resale therein, in order to qualify under this regulation, shall file with the department's malt beverage administrator, a surety bond in the penal sum on one thousand dollars ($1,000), payable to the Commonwealth of Kentucky and conditioned on the principal's faithful performance and discharge of an agreement made with the Kentucky Alcoholic Beverage Control Department; and no Kentucky licensee shall purchase, receive or import any malt beverages from any such brewer or other person located outside of this state unless said agreement and surety bond as provided in this section has been accepted by said department and approved by the malt beverage administrator and is concurrently effective. Said bond and agreement, unless suspended or revoked, shall be renewable annually on or before July 1.

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 2:01 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(804 KAR 4:200)

RELATES TO: KRS 243.030(18)
PURSUANT TO: KRS 13.082, 241.060
SUPERSEDES: ABC 3:190
NECESSITY AND FUNCTION: This regulation provides for a special license applicable to distillers who desire to close their distilling operations but desire to retain the use of their warehousing facilities. The specific licensing provisions of KRS 243.030 make no specific provision for such a license. The need for such a special license arose in the late 1960's when, by merger or outright purchase, small distilleries were being absorbed by larger operations, and in many instances the larger operation desired to suspend the distilling of alcoholic beverages at the smaller location, but retained the storage and warehousing facilities of the smaller distillery. This license is limited to the period of time when distilling is suspended and if distilling operations are begun again, this special license becomes null and void and the distiller must once again operate under a distillers license.

Section 1. (1) A bonded distilled spirits warehouse license may be issued, upon proper application, to any person, firm or corporation operating a bonded warehouse for distilled spirits, and who does not at the same time, and for the same premises, hold a federal operating permit for distilling purposes, but who possesses only a federal operating permit for a bonded warehouse for distilled spirits as defined by federal law (26 U.S.C., I.R.S., 5171, 5251).

(2) The license issued under this section shall authorize the licensee to operate a bonded warehouse or warehouses for premises specifically designated, and such license shall become null and void if a federal operating permit for distilling purposes is issued for the same premises, and shall remain void so long as such federal permit remains in effect. Upon the granting of a federal operating permit for distilling purposes the licensee of the premises previously licensed hereunder shall obtain a license as set out in KRS 243.030(1).

(3) The annual fee for a bonded distilled spirits warehouse license shall be fifty dollars ($50).

JULIAN W. KNIPPENBERG, Chairman
Alcoholic Beverage Control Board

ADOPTED: July 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 2:01 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Alcoholic Beverage Control Board, 8th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Office of the State Fire Marshal
(806 KAR 50:151)

RELATES TO: KRS 236.030
PURSUANT TO: KRS 13.082
SUPERSEDES: PSfty-BSR-I, PSfty-BSR-II, PSfty-BSR-III
NECESSITY AND FUNCTION: KRS 236.030 requires the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation sets forth the definitions used in the boiler safety regulations.

Section 1. Definitions, as used in the Boiler Safety Rules: (1) "Act" shall mean the Kentucky Boiler Safety Act, KRS Chapter 236.

(2) "Department" shall mean the Department of Insurance.

(3) "Commissioner" shall mean the Commissioner of Insurance.

(4) "Board of Boiler Rules" shall mean the board created by the Act and empowered to make, alter, amend, and interpret rules and regulations for the safe construction, installation, inspection, and repair of boilers and associated pressure piping within this Commonwealth.

(5) "Boiler Inspection Section" shall mean the agency within the Department of Insurance which administers the provisions of KRS Chapter 236.

(6) "Chief inspector" shall mean the person employed by the Commonwealth of Kentucky who shall supervise the work of the boiler inspectors and office staff under the general supervision of the commissioner and perform such other duties as may be prescribed.

(7) "Boiler inspector" shall mean any person employed by the Commonwealth of Kentucky for the purpose of inspecting boilers in accordance with provisions of the Act. Qualifying requirements are set forth in KRS 236.070 and 236.090. These requirements shall determine the applicants' ability to pass the National Board of Boiler and Pressure Vessel Inspectors examination. Successful completion of this written examination and granting of a National Board Commission is a requisite for permanent appointment as a boiler inspector employed by the Commonwealth of Kentucky. (See also 806 KAR 50:155 Section 1, Subsection (6).)

(8) "Special boiler inspector" shall mean any person employed by an insurance company authorized to insure boilers in this Commonwealth and who holds a commission as provided for in KRS 236.080.

(9) "Owner or user" shall mean any person, firm, or corporation owning or operating any boiler within this Commonwealth.

(10) "Internal inspection" shall mean an inspection made when a boiler is shut down.

(11) "External inspection" shall mean an inspection made when a boiler is in operation.

(12) "Inspection certificate" shall mean the certificate issued by the department to the owner or user following an inspection of a boiler as provided for in KRS 236.120, otherwise known and referred to as an operating certificate.

(13) "Commission" shall mean the written credential issued by the department to an inspector or special inspector under the provisions of KRS 236.070 or 236.080.

(14) "ASME Boiler and Pressure Vessel Code" shall mean the 1974 edition of the code Section I, II, III, IV, IX, XI adopted by and available for a fee from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017. The code shall also include the "Code Cases" available up to November 30, 1974 and the summer 1974 "Addenda." The ASME Boiler and Pressure Vessel Code, "Code Cases" and "Addenda" contain the standard rules for design, construction and inspection of boilers. It includes stress factors and design specifications for component parts including necessary piping systems. It is on file with the Legislative Research Commission and is incorporated by reference this November 30th, 1974.

(15) "National Board (NB)" shall mean the National Board of Boiler and Pressure Vessel Inspectors whose headquarters are at 1155 North High Street, Columbus, Ohio 43201, and who have also issued a National Board Inspection Code.

(16) "Code Boiler (or Standard Boiler)" shall mean a boiler which bears the ASME Boiler and Pressure Vessel Code Symbol Stamp, and the National Board Stamp.

(17) "Noncode boiler (or nonstandard boiler)" shall mean a boiler that does not bear the ASME Boiler and Pressure Vessel Code, or the National Board Stamp. (See also subsection (37), this section.)

(18) "Secondhand boiler" shall mean a boiler of which both the location and ownership have been changed after primary use.

(19) "Existing installations" shall mean and include any boiler constructed, installed, placed in operation, or contracted for before July 1, 1962.

(20) "Reinstalled boiler" shall mean a boiler removed from its original setting and re-erected at the same location or erected at a new location without change of ownership.

(21) "Condemned boiler" shall mean a boiler that has been inspected and declared unsafe or disqualified by legal requirements by an inspector qualified to take such action who has applied a stamping or marking designating its rejection.

(22) "Major repair" shall mean such repairs as would affect the strength of a boiler.

(23) "Approved" shall mean approved by the Board of Boiler Rules and the Commissioner of Insurance.

(24) "Boiler" shall mean a closed vessel intended for use in heating liquids by the direct or indirect application of heat to generate steam or other vapor to be used externally to itself and shall include power boilers, high temperature water boilers, hot water heating boilers, hot water supply boilers, steam jacketed steam kettles and autoclaves.

(25) "Power boiler" shall mean a steam or vapor boiler operating at a pressure of more than fifteen (15) pounds per square inch gauge.

(26) "Low pressure heating boiler" shall mean a boiler operated at pressures not exceeding fifteen (15) pounds per square inch gauge for steam or at pressures not exceeding one hundred sixty (160) pounds per square inch and temperatures not exceeding two hundred fifty (250) degrees fahrenheit for water.

(27) "High temperature water boiler" shall mean a boiler heating water at a temperature above two hundred fifty (250) degrees fahrenheit or a working pressure or safety relief valve setting above one hundred sixty (160) P.S.I.

(28) "Miniature boiler" shall mean any boiler which does not exceed any of the following:

(a) Sixteen (16) inches inside diameter of shell.
(b) Twenty (20) square feet heating surface.
(c) Five (5) cubic feet gross volume.
(d) One hundred (100) pounds P.S.I. maximum allowable working pressure.

(29) "Hot water supply boiler" shall mean a fired vessel furnishing hot water to be used externally to itself (such as domestic hot water supply) at pressures not exceeding one hundred sixty (160) pounds P.S.I. and temperatures not exceeding two hundred fifty (250) degrees fahrenheit. (See limitations set forth as subsection (39), this section.)

(30) "Hot water storage tank" shall mean a pressure vessel, unfired but directly connected to and subject to the same pressures as a companion hot water supply boiler, the combination being used to heat and store hot water for use externally to itself.

(31) "Fired jacketed steam kettles" shall mean vessels in which steam pressure is generated and shall be classed as a boiler.

(32) "Expansion tank" shall mean a pressure vessel, unfired but directly connected to a hot water heating boiler to absorb or cushion expansion therein and subject to comparable pressure with the boiler itself.

(33) "Nuclear vessel" shall mean a pressure vessel designed and constructed in accordance with Section III of ASME Boiler and Pressure Vessel Code.

(34) "Nuclear energy system" shall mean that portion of a power plant that serves the purpose of producing and controlling output of thermal energy from nuclear fuel.

(35) "Pressure piping" shall mean any piping, (steam, vapor or water) carrying pressures emanating from a power or heating boiler and of substantially the same pressures and temperatures as encountered in the boiler. It includes code piping as covered under ASME Boiler and Pressure Vessel Code, Sections I and IV, plus those specifications set forth in USAS B31.1 (1973) Pressure Piping Code published by and available, for a fee, from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017. The Code for Pressure Piping sets forth engineering requirements for the safe design and construction of piping systems. It includes material specifications, design standards, stress requirements and testing procedures. A copy is on file with the Legislative Research Commission and is incorporated by reference this November 30, 1974.

(36) "Underwriters laboratory label" shall mean the label of the Underwriters Laboratories, Inc., or other electrical testing laboratories, approved by the Board of Boiler Rules which must be affixed to all electric fired boilers. The label is to be applied on the completed unit or assembly by the manufacturer plus the American Society of Mechanical Engineers and National Board symbol stamping when required by these rules.

(37) "State special" shall mean a boiler of any type or size defined under this section or under these rules and regulations and which carries neither the ASME Boiler and Pressure Vessel Code symbol nor National Board stamping may be acceptable to the boiler section provided the manufacturer, installer, or owner can prove conclusively to the satisfaction of the chief inspector that the standard to which the boiler is built is at least equivalent to the applicable ASME Boiler and Pressure Vessel Code. Acceptable methods of proof will be as set forth in 806 KAR 50:155, Section 1, subsection (2).

(38) "State" or "Commonwealth" as used herein shall be synonymous.

(39) "Hot water supply boilers" shall mean those hot water supply boilers not exempted by the Act which are directly fired with oil, gas or electricity having neither a heat input of less than two hundred thousand (200,000) BTU per hour, nor a water temperature of two hundred (200) degrees fahrenheit or more, nor having a nominal water containing capacity of one hundred twenty (120) gallons or more. No hot water supply boiler shall be exempt from the ASME Boiler and Pressure Vessel Code, Section IV paragraph HG 400.2, regardless of BTU, water temperature or water containing capacity.

(40) "Boiler safety regulations" or "boiler safety rules" shall mean 806 KAR 50:151, 806 KAR 50:155, 806 KAR 50:160, 806 KAR 50:165, 806 KAR 50:170, and 806 KAR 50:175.

WARREN SOUTHWORTH, State Fire Marshal
ADOPTED: December 1, 1974
APPROVED: ELIJAH E. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 11:09 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING TO: State Fire Marshal's Office, 3rd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Office of the State Fire Marshal
(806 KAR 50:155)

RELATES TO: KRS 236.030
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 236.030 provides the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation specifies administrative procedures and requirements of the boiler inspection section.

Section 1. Administration. (1) Manufacturers data report to be filed:

(a) Manufacturers data report on boilers which are to be operated in this state, unless exempted by the Act, shall be filed with the national board and copies forwarded to the bureau.

(b) Manufacturers data reports on all boilers of steel construction, regardless of pressure, unless exempted by the Act, shall be filed with the national board and copies forwarded to the bureau.

(c) Details of boilers of special design (not fully complying with ASME Boiler and Pressure Vessel Code) shall be submitted to the boiler section and approval secured before construction or field erection is started.

(2) When boilers or pressure vessels are designed and fabricated according to the requirements of the applicable sections of the ASME Boiler and Pressure Vessel Code, but are not stamped with the ASME Boiler and Pressure Vessel Code symbol stamp, individual handling is required for their installation. The prospective owner or user who desires jurisdiction authority acceptance must pursue the following procedure in each individual case.

(a) Prior to construction of the boiler or pressure vessel the proposed owner, user, or his authorized agent shall make written application for permission to install the boiler or pressure vessel in the state of Kentucky. The application may be by letter or application permit form of the jurisdiction and shall be directed to the Chief Boiler Inspector, Office of the State Fire Marshal, 3rd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

(b) He shall submit with the application letter or application permit the following data, material and information to establish ASME Boiler and Pressure Vessel Code equivalency:

1. Detailed shop drawings and welding details of the proposed construction. All materials shall be in the English language and U.S.A. units of measurements as used in the ASME Boiler and Pressure Vessel Codes.
2. Design calculation and supporting data which include pressure (psi), temperature (deg.F.), use and other service conditions.
3. Specifications for all material to be used in construction. These should conform to the applicable ASME Boiler and Pressure Vessel Codes standards or their suitable equivalent. If reference is made to a standard or specification of a country other than the U.S.A., please attach a copy and indicate how the material is considered equivalent.
4. Copies of: All welding procedures to be used, welding qualification test reports for each welding operator or welder to be used. The procedures and tests required in this subsection shall be made in accordance with the ASME Boiler and Pressure Vessel Code, Section IX, "Welding Qualifications."
5. Where the design exceeds ASME Boiler and Pressure Vessel Code limitation, recognized engineering practices shall be used and identified in the submittal.
6. Design drawings and calculations shall be certified by a professional engineer holding a license acceptable to the boiler inspection section.
7. The manufacturer of the vessel shall identify the inspection agency whose personnel will make the shop inspections and sign the manufacturers' data reports for the proposed vessel.
8. The shop inspection agency shall furnish the qualifications and experience of the individual inspector or inspectors assigned to make the shop inspections, and shall give his jurisdiction commission number.

(c) All details mentioned in paragraphs (a) through (b) inclusive, above, must be acceptable to the Boiler Inspection Section, State of Kentucky.

(d) When the boiler or pressure vessel is completed, a manufacturers' data report signed by the manufacturer and shop inspector shall be submitted to the jurisdictional authorities containing the equivalent type data required by the ASME Boiler and Pressure Vessel Code. (Do not use ASME Boiler and Pressure Vessel Code data report forms.)

(e) The vessel will be inspected by a qualified boiler and pressure vessel inspector in the employ of the bureau upon arrival in the State of Kentucky, and before installation, to make certain the above provisions have been complied with and that the vessel is properly marked and stamped for identification.

(3) Inspection of boilers:

(a) All power boilers shall be inspected annually internally and externally while not under pressure and shall also be inspected annually externally while under pressure. One (1) of the above inspections shall be a certificate inspection.

(b) All low pressure heating boilers shall be inspected biannually both internally and externally where construction will permit. One (1) of the above inspections shall be a certificate inspection.

(c) A grace period of two (2) months beyond the periods specified in paragraph (a) and (b) of this subsection may elapse between inspections.

(d) Power boilers operated in such a manner that experience indicates internal corrosion of deposits would not be anticipated may have the internal inspection period extended by the boiler inspection section if requested in writing by the owner or user and if circumstances warrant.

(4) Installation inspection or first inspection and stamping boilers:

(a) Upon completion of installation or at the time of first inspection, a Commonwealth of Kentucky serial number will be assigned to the boiler or water heater, applied as follows:

1. Steel boilers will be stamped with the letters "KY" followed by the state serial number assigned. Stamping will be applied in the immediate area of code stamping on the boiler and will be in letters and figures not less than five-sixteenths (5/16) inch in height. A metal tag may additionally be used showing identical lettering and serial number as used in the stamping, this tag to be securely affixed in the area of manufacturer's name plate or data plate.
2. Cast iron boiler shall have securely attached to the boiler (preferably adjacent to the manufacturer's data plate or in the most conspicuous area) a metal tag not less than one (1) inch in height which shall have the letters "KY" and the state serial number stamped thereon.
3. Hot water boilers shall have securely attached to the heater (preferably adjacent to the manufacturer's data plate or in the most conspicuous area) a metal tag not less than one (1) inch in height which shall have the letters "KY" and the state serial number stamped thereon.

(b) New installations completed subsequent to July 1, 1970, are subject to inspection as set forth in the Act. Such installations will be inspected for conformance with applicable ASME Boiler and Pressure Vessel Codes and these rules and regulations and additionally will be subject to inspection of pressure piping carrying steam, vapor or water pressures emanating from the boiler, as follows:

1. Power boiler piping shall be inspected in all segments of the system carrying substantially the same pressures and temperatures encountered in the boiler itself. Inspection shall be to the extent necessary to secure compliance with engineering design, material specifications, fabrication, assembly and test requirements of Section I, ASME Boiler and Pressure Vessel Code, for that piping between the boiler and the first (or second) stop valve and requirements of USA Standard Code for Pressure Piping (USAS 31.1) for pressure piping beyond Section I ASME Code Limits.
2. The installing comtractor, where welded assembly has been used, must be able to present for the inspector's review, his welding procedures and proof of qualification of his welding operators. The contractor is responsible for the quality of the welding done by his organization.
3. Visual inspection of welding performed by qualified welders is normally deemed sufficient unless codes or engineering specifications state otherwise, or unless the inspector wishes to augment this visual inspection with other nondestructive tests including radiography. All tests or retests required by the inspector shall be at the owner's or contractor's expense.
4. The inspector may accept signed certification of the contractor regarding satisfactory hydrostatic tests performed on piping or he may witness such tests himself. He may also, if he deems it expedient, require such tests to be performed in his presence.
5. Heating boiler piping shall be inspected in all segments of the system carrying substantially the same pressure and temperature as the boiler itself. Inspection shall be to the extent necessary to assure good fitup, assembly, tightness and support of the system. Welded joints shall be visually inspected for soundness of the weld and freedom from undercutting, cracking and other surface imperfections.
6. Hot water supply boiler installations shall be inspected for conformance with Section IV, ASME Boiler and Pressure Vessel Code.

(5) Notification of inspection: The owner or user shall prepare each boiler for internal inspection and shall prepare for and apply a hydrostatic pressure test whenever necessary, on the date specified by the inspector, which date shall not be less than seven (7) days after the date of notification.

(6) Examinations for commission:
(a) Examinations for commission as boiler inspector shall be given by the Department of Insurance – Boiler Inspection Section four (4) times each year: namely, the first Wednesday of the months of March, June, September, and December. Special examinations will be held when considered necessary by the department. Qualifications shall be set forth in KRS 236.070, 236.090 and 806 KAR 50:151, Section 1, subsection (7).
(b) Application for employment as an inspector shall be in writing, upon a form to be furnished by the commissioner, stating the school education of the applicant, a list of his employers, his period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected. If the applicant's history and experience meet with the approval of the Board of Boiler Rules, he shall be given a written examination, prepared by the National Board of Boiler and Pressure Vessel Inspectors in accordance with their by-laws, Article IV, dealing with the construction, installation, operation, maintenance, and repair of boilers and their appurtenances. The applicant shall be accepted or rejected for permanent status on the merits of this examination.

(7) Examination fees: The Commonwealth shall be reimbursed for the actual cost incurred by the Board of Boiler Rules in monitoring the National Board examination. Should there be more than one (1) applicant taking this National Board examination, the cost shall be shared equally by each company or individual represented. The parties shall be notified after the examination has been given as to the cost. Checks for the examination fee shall be made payable to the Commonwealth of Kentucky.

(8) Commissions:
(a) Upon the request of a boiler insurance company, authorized to do business in this Commonwealth, a commission as a special boiler inspector and an identifying commission card shall be issued by the department to an inspector in the employ of such insurance company provided the inspector has successfully passed the written examination as set forth in subsection (6) of this section, or holds a commission as outlined in subsection (9) of this section.
(b) The commission and the identifying commission card shall be returned to the department when the inspector to whom the commission was issued is no longer in its employ, or at the request of the department.
(c) The commission issued to such boiler inspector may be suspended by the department and may be revoked upon ten (10) days notice to the inspector and to the employer of such inspector for incompetency or untrustworthiness; for willful falsification of any matter or statement contained in his application, or in the report of an inspection; or for other sufficient reasons; but the holder of such commission shall be entitled to a hearing before the department before the revocation of said commission.

(9) Reciprocal commissions:
(a) Upon the request of a boiler insurance company, authorized to do business in this Commonwealth, a commission and identifying commission card as special boiler inspector shall be issued by the department to an inspector in the employ of such insurance company provided the inspector is at least twenty-five (25) years of age, has the experience prescribed in subsection (6), of this section and holds either:
1. A certificate of competency, or
2. A commission issued by a state which has adopted the ASME Boiler and Pressure Code, or
3. A commission issued by the National Board of Boiler and Pressure Vessel Inspectors.
(b) Application for a reciprocal commission shall be made on a form to be furnished by the department and shall be accompanied by a photostatic copy of the applicant's state or national board commission or certificate of competency, and a fee of ten dollars ($10).

(10) Inspectors to have no other interests: Inspectors shall not be engaged in the sale of any article or device that is related to boilers and shall devote their full time to inspection work.

(11) Inspection reports: Inspectors shall submit to the department an inspection report on each boiler subject to inspection. Complete data shall be submitted on each boiler on a form suggested by the National Board Inspection Code at the time of the first internal inspection. Subsequent internal inspection shall be reported on a form suggested by the National Board Inspection Code. Reports shall be submitted within thirty (30) days of the date of the inspection. External inspections shall be reported on a form suggested by the National Board Inspection Code immediately when hazardous conditions affecting the safety of the boiler are found to exist.

(12) Insurance companies to notify the department of new, cancelled, or suspended risks: All insurance companies shall notify the department within thirty (30) days of all boiler risks written, cancelled, not renewed, or suspended because of unsafe conditions.

(13) Insurance companies to notify the department of defective boilers: If a special boiler inspector, upon the first inspection of a boiler, finds that the boiler or any of the appurtenances are in such condition that his company refuses insurance, the company shall immediately notify the department and submit a report of the defects.

(14) Defective conditions disclosed at time of external inspections: If, upon an external inspection, there is evidence of a leak or crack, enough of the covering of the boiler shall be removed to satisfy the inspector in order that he may determine as to the safety of the boiler; or, if the covering cannot be removed at that time, he may order the operation of the boiler stopped until such time as the covering can be removed and proper examination made.

(15) Owner to notify the department in case of accident: When an accident occurs which serves to render a boiler inoperative, the owner or user shall immediately notify the department, and submit a detailed report of the accident. In case of serious accident, such as explosion, notice shall be given immediately by telephone, telegraph, or messenger and neither the boiler nor any of the parts thereof shall be removed or disturbed before an inspection has been made by an inspector, except for the purpose of saving a human life.

(16) Inspection certificate fees:
(a) If a boiler shall, upon inspection, be found to be suitable and to conform to these rules and regulations, the owner or user shall pay directly to the department a fee of two dollars ($2) for each boiler required to be inspected under this Act before an inspection certificate shall be issued.
(b) If the owner or user of each boiler required to be inspected refuses to allow an inspection to be made or refuses to pay the above fee, the inspection certificate shall be suspended by the department until the owner or user complies with the requirements.
(c) The owner or user who causes a boiler to be operated without possessing a valid certificate of inspection shall be subject to the penalties provided for in KRS 236.990.
(d) Certificates shall be posted under glass in the room containing the boiler inspected or, in the case of a portable boiler, shall be kept in a metal container, either fastened to the boiler or kept in a tool box accompanying the boiler.

(17) Validity of inspection certificates: An inspection certificate, issued in accordance with KRS 236.120, shall be valid until expiration unless some defect or condition affecting the safety of the boiler is disclosed. A certificate issued for a boiler inspected by a special boiler inspector shall be valid only if the boiler for which it was issued continues to be insured by a duly authorized insurance company.

(18) Suspension of certificate of operation: If, upon inspection, a boiler is found to be in such condition that it is unsafe to operate, the inspection certificate shall be suspended by the department. Any person, firm, partnership, or corporation causing such objects to be operated shall be subject to the penalties provided for in KRS 236.990.

(19) Condemned boilers:
(a) Any boiler having been inspected and declared unsafe by the chief or boiler inspector shall be stamped with an arrowhead stamp having an overall length of one-half (1/2) inch and width of three-eighths (3/8) inch on either side of the letters "XX" and the letters "KY", as shown by the following facsimile, which will designate a condemned boiler: XX KY XX.
(b) Any person, firm, partnership, or corporation using or offering for sale a condemned boiler for operation within this Commonwealth shall be subject to the penalties in KRS 236.990.

(20) Nonstandard boilers:
(a) Shipment of nonstandard boilers or hot water supply boilers into this Commonwealth for use is prohibited, provided same are not exempted under the Act.
(b) A nonstandard boiler or hot water supply boiler now in use in this Commonwealth, if removed from the Commonwealth, may not be brought in and reinstalled.

(21) Secondhand boilers: Before a secondhand boiler can be shipped into this Commonwealth, an inspection shall be made by a boiler inspector, or a special inspector holding a national board commission, and the data submitted by him shall be filed by the owner or user of the boiler with the department for approval.

(22) Reinstalled boilers: In any case where a boiler within the Commonwealth is moved and reinstalled, the fittings and appliances must comply with the ASME Boiler and Pressure Vessel Code.

(23) Factors of safety for existing installations: The inspector is authorized to increase factors of safety if the condition of the boiler warrants it. If the owner or user does not concur with the inspector's decision, he may appeal to the department who may request a joint inspection by the chief inspector and the boiler inspector or special inspector. Each inspector shall render his report to the department, who shall render the final decision, based upon the data contained in all the inspector's reports.

(24) Major repairs: Where a major repair is necessary, an inspector shall be called for consultation and advice as to the best method of making such repair; after such repair is made, it shall be subject to the approval of the inspector. Repairs to all boilers, and their appurtenances, shall conform to the requirements of the National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

(25) Repairs by welding: Welding repairs shall be performed in accordance with the rules recommended by the

National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

(26) Riveted patches: Riveted patches shall be designed and installed in accordance with the rules recommended by the National Board and Pressure Vessel Inspectors Inspection Code.

(27) Removal of safety appliances: No person, except under the direction of an inspector, shall attempt to remove or shall do any work, upon any safety appliance, while a boiler is in operation. Should any of these appliances be repaired during an outage of a boiler, they must be reinstalled and in proper working order before the object is again placed in service.

(28) Inspection fees: The installing contractor, owner or user of any boiler not exempted under the Act and required to be inspected by a boiler inspector, shall pay to the department following inspection of the boiler, fees in accordance with KRS 236.130.

(29) Other inspection fees:

(a) Shop inspections made by boiler inspectors at the request of a boiler manufacturer, installer, engineering contractor, or owner shall be charged for at the following rates:

1. Seventy-five dollars ($75) for one-half (1/2) day of four (4) hours or less.
2. One hundred dollars ($100) for one (1) day of over four (4) hours.
3. One hundred twenty dollars ($120) for eight (8) hours or any part thereof on Saturdays, Sundays, or public holidays.
4. Fifteen dollars ($15) per hour for overtime in excess of eight (8) hours in any one (1) day.

Plus itemized expenses to include mileage, lodging, meals and incidentals. These charges shall not void regular fees for inspection and certificate when the boiler or boilers are completed.

(b) Charges for inspection of second-hand equipment shall be at the rates specified above plus charges for mileage, lodging, meals and incidentals. These charges shall not void regular fees for inspection and certificate when the boilers are reinstalled.

WARREN SOUTHWORTH, State Fire Marshal
ADOPTED: December 1, 1974
APPROVED: ELIJAH N. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 11:10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: State Fire Marshal's Office, 3rd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Office of the State Fire Marshal
(806 KAR 50:160)

RELATES TO: KRS 236.030
PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 236.030 provides the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation sets forth the general requirements for all boilers covered by KRS Chapter 236.

Section 1. General Requirements: (1) Inspection of boilers:

(a) All boilers, unless otherwise exempt by 806 KAR 50:155, 806 KAR 50:160, 806 KAR 50:165, 806 KAR 50:170 and 806 KAR 50:175 and which are subject to regular inspections as provided for in 806 KAR 50:155, Section 1, subsection (3), shall be prepared for such inspections or hydrostatic tests whenever necessary, by the owner or user when notified by an inspector.

(b) The owner or user shall prepare each for internal inspection, and shall prepare for and apply the hydrostatic test whenever necessary, on the date specified by the inspector, which date shall be not less than seven (7) days after the date of notification.

(c) The owner or user shall prepare a boiler for internal inspection in the following manner:

1. Water shall be drawn off and the boiler thoroughly washed.
2. All manhole and handhole plates, washout plugs, and plugs in water column connections shall be removed, the furnace and combustion chambers thoroughly cooled and cleaned.
3. All grates of internally fired boilers shall be removed.
4. At each annual inspection, brickwork shall be removed as required by the inspector in order to determine the condition of the boilers, headers, furnace, supports, or other parts.
5. The steam gauge shall be removed for testing.
6. Any leakage of steam or hot water into the boiler shall be cut off by disconnecting the pipe or valve at the most convenient point.

(d) If the boiler is jacketed so that the longitudinal seams of shells, drums, or domes cannot be seen, enough of the jacketing, setting wall, or other forms or casing or housing shall be removed so that the size of the rivets, pitch of the rivets, and other data necessary to determine the safety of the boiler may be obtained, provided such information cannot be determined by other means.

(e) If a boiler has not been properly prepared for an internal inspection, or the owner or user fails to comply with the requirements for hydrostatic test as set forth in these rules, the inspector may decline to make the inspection or test, and the inspection certificate shall be withheld until the owner or user complies with the requirements.

(2) Lap seam crack: The shell or drum of a boiler in which a lap seam crack is discovered along a longitudinal riveted joint shall be immediately discontinued from use. If the boiler is not more than fifteen (15) years of age, a complete new course of the original thickness may be installed at the discretion of the inspector and after approval by the chief inspector. Patching is prohibited. "Lap seam crack" means the typical crack frequently found in lap seams, extended parallel to the longitudinal joint and located either between or adjacent to rivet holes.

(3) Hydrostatic pressure tests:

(a) A hydrostatic pressure test, when applied to boiler or unfired pressure vessels of riveted or welded construction shall not exceed one and one-half (1-1/2) times the maximum allowable working pressure. During the hydrostatic pressure test, the safety valve or valves shall be removed, or each valve disc shall be held down by means of a testing clamp and not by applying additional load to the spring with the compression screw. The minimum temperature of the water used to apply a hydrostatic test shall not be less than seventy (70) degrees fahrenheit and the maximum temperature shall not exceed 160 degrees fahrenheit.

(b) When hydrostatic test is to be applied to existing installations, the pressure shall be as follows:

1. For all cases involving the question of tightness, the pressure shall be equal to the release pressure of the safety valve or valves having the lowest release setting.
2. For all cases involving the question of safety, the pressure shall be equal to one and one-half (1-1/2) times the maximum allowable working pressure, except for locomotive type boilers in which case it shall be one and one-fourth (1-1/4) times the maximum allowable working pressure.

(4) Low water fuel cutoff and/or water-feeding device:

(a) Each automatically fired steam or vapor-system boiler shall have an automatic low-water fuel cutoff so located as to automatically cut off the fuel supply when the water falls to the lowest part of the water gauge glass. If a water-feeding device is installed, it shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber and so located as to supply requisite feed water.

(b) Such a fuel cutoff or water-feeding device may be attached directly to a boiler. A fuel cutoff or water-feeding device may also be installed in the tapped openings available for attaching a water glass direct to a boiler, provided the connections are made to the boiler with nonferrous tees or Y's not less than one-half (1/2) inch pipe size between the boiler and the water glass so that the water glass is attached directly and as close as possible to the boiler; the run of the tee and Y shall take the water glass fittings, and the side outlet or branch of the tee or Y shall take the fuel cutoff or water-feeding device. The ends of all nipples shall be reamed to full-size diameter.

(c) Fuel cutoffs and water-feeding devices embodying a separate chamber shall have a vertical drain pipe and a blowoff valve not less than three-fourths (3/4) inch pipe size, located at the lowest point in the water equalizing pipe connections so that the chamber and the equalizing pipe can be flushed and the device tested.

(5) Safety appliances: No person shall remove or tamper with any safety appliance prescribed by these rules, except for the purpose of making repairs. The resetting of safety valves shall be done in the presence of an authorized inspector or by the valve manufacturer.

(6) Blowoff tanks:

(a) Blowoff piping from a power boiler, or a miniature boiler, shall not discharge directly into a sewer. A blowoff tank shall be used where conditions do not provide an adequate and safe open discharge. Blowoff tanks hereafter installed, if of metal, shall have a plate thickness of not less than three-eights (3/8) inch and shall be designed for a minimum working pressure of fifty (50) psi gauge. The outlet from the blowoff tank shall be twice the area of the inlet pipe and made to extend internally within eight (8) inches from the bottom of the tank.

(b) A vent pipe, at least four (4) times the area of the inlet pipe shall lead to the outer atmosphere. Vents shall be as direct as possible to the outer air and discharge at a safe location. There shall be no valve or other possible obstructions, such as water pockets between the tank and the discharge end of the vent pipe.

(c) All pipe connections between the tank and the boiler shall be as direct as possible and shall conform to

paragraph PG-59, ASME Boiler and Pressure Vessel Code, Section 1. For convenience, in cleaning the tank, a manhole, or an excess opening, shall be provided.

(d) Where a blowoff tank is not vented as specified above, it shall be constructed for a pressure equal to that allowed on the boiler to which it is attached or shall be equipped with a safety valve or valves of sufficient capacity to prevent the pressure from exceeding the safe working pressure of the tank.

(e) As an alternate to the above, blowoff facilities may conform to the provision set forth in the pamphlet titled, "Boiler Blowoff Equipment," published by the National Board of Boiler and Pressure Vessel Inspectors, whose address is 1155 North High Street, Columbus, Ohio 43201.

(7) Location of discharges to atmosphere: The discharge of safety valves, blowoff pipes, and other outlets shall be located so as to prevent injury to personnel.

(8) Pressure reducing valves:

(a) Where pressure reducing valves are used, one (1) or more relief or safety valves shall be provided on the low pressure side of the reducing valve in case the piping or equipment on the low pressure side does not meet the requirements for the full initial pressure. The relief or safety valves shall be located adjoining to, or as close as possible to, the reducing valve. Proper protection shall be provided to prevent injury or damage caused by the escaping steam from the discharge or safety valves if vented to the atmosphere. The combined discharge capacity of the relief valve shall be such that the pressure rating of the lower pressure piping or equipment shall not be exceeded in case the reducing valve sticks open.

(b) The use of hand-controlled bypasses around reducing valves is permissible. The bypass, if used around a reducing valve, shall not be greater in capacity than the reducing valve unless the piping or equipment is adequately protected by relief valves or meets the requirements of the high pressure system.

(c) It is mandatory that a pressure gauge be installed on the low pressure side of a reducing valve.

(9) Electric boilers: All appliances required for electric boilers shall be attached in accordance with the following rules:

(a) The grounding of the shell shall be permanently fastened on some part of the boiler and shall be grounded in accordance with the current national electrical code.

(b) A suitable screen or guard shall be provided around high tension bushings and a sign posted warning of high voltage. This screen, or guard, shall be so located that it will be impossible for anyone working around the boiler to accidentally come in contact with the high tension circuits. When adjusting safety valves, the power circuit to the boiler shall be open.

(c) The boiler may be under pressure, but the power line shall be open while the operator is making the necessary adjustments.

(d) Each KW of electrical energy consumed by an electric boiler operating at maximum rating shall be considered the equivalent of one (1) square foot of heating surface.

(10) Clearance:

(a) When boilers are replaced, or new boilers installed, in either existing or new building, a minimum height of at least three (3) feet shall be provided between the top of the boiler proper and the ceiling.

(b) All boilers shall be so located that adequate space will be provided for the proper operation of the boiler and its appurtenances, for the inspection of all surfaces, tubes, water walls, economizer, piping, valves, and other equipment, and for their necessary maintenance and repair.

(11) Shop and field inspection: Any new power boiler or steel heating boiler being constructed for installation in the Commonwealth of Kentucky shall be shop inspected in accordance with the provisions of the applicable section of the ASME Boiler and Pressure Vessel Code, and shall be stamped ASME and National Board and applicable copies of data sheets supplied to the bureau. This shall not apply where shop inspection is not required by the ASME Boiler and Pressure Vessel Code. (See 806 KAR 50:155, Section 1, subsections (1) and (2).)

(12) Inspection of secondhand equipment: Charges for inspection of secondhand equipment shall be at the rate provided for in 806 KAR 50:155, Section 1, subsection (27)(a).

(13) Emergency devices for certain installations: Installations of power boilers or heating boilers in hospitals, rest homes, schools, mental institutions or old people's homes shall comply with provisions of ASME Boiler and Pressure Vessel Code, Section IV, Article HG-634, regarding remote emergency cutoff switches. Each installation should be judged on its own merits from a standpoint of accessibility of electrical power cutouts to the boiler or boilers in case of fire or heavy smoke emission. If installed cutout switches are not adjacent to boiler room entryways, then emergency cutout switches must be provided as outlined in Article HG-634, of Section IV, ASME Boiler and Pressure Vessel Code.

(14) Conditions not covered by these rules: In any condition not covered by these rules, the ASME Boiler and Pressure Vessel Code for new installations shall apply. Should any section, subsection, sentence, clause, phrase, provision, or exemption of these rules be declared unconstitutional or invalid for any reason, such invalidity shall not affect the remaining portion or provision hereof.

WARREN SOUTHWORTH, State Fire Marshal
ADOPTED: December 1, 1974
APPROVED: ELIJAH H. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 11:11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: State Fire Marshal's Office, 3rd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Office of the State Fire Marshal
(806 KAR 50:165)

RELATES TO: KRS 236.030
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 236.030 provides the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation sets forth the basic requirements for power boilers.

Section 1. New Installations, Power Boilers: (1) Requirements:

(a) No boiler, except reinstalled boilers and those exempted by the Act, shall hereafter be installed in this Commonwealth unless it has been constructed, inspected and stamped in conformity with ASME Boiler and Pressure Vessel Code for power boilers and is approved, registered, and inspected in accordance with the requirements of the boiler safety regulations.

(b) A boiler having the standard stamping of another state that has adopted a standard of construction equivalent to the standard of the Commonwealth of Kentucky may be accepted by the department; provided, however, that the person desiring to install the boiler shall make application for the installation and shall file with this application the manufacturer's data report covering the construction of the boiler in question. (See also "State Specials" 806 KAR 50:151 Section 1, subsection (37)).

(c) All new boiler installations, including reinstalled boilers shall be installed in accordance with the requirements of the latest revision of the ASME Boiler and Pressure Vessel Code for power boilers and the boiler safety regulations.

(b) Where special designs are not covered by said code, their construction may be determined by the manufacturer in cooperation with the purchaser, subject to the approval of the chief inspector and the Board of Boiler Rules. Upon completion of the installation, all boilers and pressure piping shall be inspected as set forth in 806 KAR 50:155.

Section 2. Existing Installations, Power Boilers: (1) Maximum allowable working pressure for standard boilers: The maximum allowable working pressure for standard boilers shall be determined in accordance with the applicable provision of the edition of the ASME Boiler and Pressure Vessel Code for power boilers under which they were constructed and stamped.

(2) Maximum allowable working pressure for nonstandard boilers:

(a) The maximum allowable working pressure on the shell of a nonstandard boiler or drum shall be determined by the strength of the weakest section of the structure, computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint or tube ligaments, the inside diameter of the weakest course and the factor of safety allowed by the boiler safety regulations:

(TS times t times E) divided by (R times FS) equals maximum allowable working pressure in psig.
Where:
TS=ultimate tensile strength of shell plates psi.
t=minimum thickness of shell plate, weakest course, in inches.
E=efficiency of longitudinal joint.

For riveted construction, E shall be determined by rules given in paragraph PR-15 of ASME Boiler and Pressure Vessel Code for power boilers.

For tube ligaments, E shall be determined by rules given in paragraph PG-53 of ASME Boiler and Pressure Vessel Code for power boilers.

For seamless construction, E shall be considered one hundred percent (100%).

R=inside radius of the weakest course of the shell or drum in inches.
FS=factor of safety permitted.

(b) Tensile strength: When the tensile strength of

steel of wrought iron shell plates is not known, it shall be taken at 55,000 psi for steel and 45,000 psi for wrought iron.

(c) Crushing strength of mild steel: The resistance to crushing of mild steel shall be taken at 95,000 psi of cross section area.

(d) Strength of rivets in shear: When computing the ultimate strength of rivets in shear, the following values in pounds psi of the cross sectional area of the rivet shank shall be used:

Iron rivets in single shear.....38,000 lbs.
Iron rivets in double shear.....76,000 lbs.
Steel rivets in single shear.....44,000 lbs.
Steel rivets in double shear.....88,000 lbs.

When the diameter of the rivet holes in the longitudinal joints of a boiler is not known, the diameter and cross sectional area of rivets, after driving, may be selected from the following table or as ascertained by cutting out one (1) rivet in the body of the joint:

TABLE–SIZES OF RIVETS BASED ON PLATE THICKNESS

Thickness of plate	1/4"	9/32"	5/16"	11/32"	3/8"	13/32"
Diameter of rivet after driving	11/16"	11/16"	3/4"	3/4"	13/16"	13/16"
Thickness of plate	7/16"	15/32"	1/2"	9/16"	5/8"	———
Diameter of rivet after driving	15/16"	15/16"	15/16"	1–1/16"	1–1/16"	———

(e) Factors of safety: The following factors of safety shall be increased by the inspector if the condition and safety of the boiler demand it; the lowest factor of safety permissible on existing installations shall be four point five (4.5) excepting for horizontal return tubular boilers having continuous longitudinal lap seams more than twelve (12) feet in length where the factor of safety shall be eight (8), and when this latter type of boiler is removed from its existing setting, it shall not be reinstalled for pressure in excess of fifteen (15) lbs. psig. Reinstalled or secondhand nonstandard boilers shall have a minimum factor of safety of six (6) when the longitudinal seams are of lap riveted construction, and minimum factor of safety of five (5) when the longitudinal seams are of butt and double strap construction.

(3) Age limit of fire tube boilers: The age limit of a horizontal return tubular, flue, or cylinder boiler having a longitudinal lap joint and operating at a pressure in excess of fifty (50) lbs. psig shall be twenty (20) years.

(4) Welded boilers: Boilers having either longitudinal or circumferential seams of fusion welded construction shall have been constructed and stamped in accordance with the rules and regulations of the ASME Boiler and Pressure Vessel Code of power boilers or shall have the standard stamping of a state that has adopted a standard of construction equivalent to the standards of the ASME Boiler and Pressure Vessel Code for power boilers.

(5) Cast iron headers and mud drums: The maximum allowable working pressure on a water tube boiler, the tubes of which are secured to cast iron or malleable iron headers, or which have cast iron mud drums, shall not exceed one hundred sixty (160) lbs. psig.

(6) Pressure on cast iron boilers: The maximum allowable working pressure for any cast iron boiler, except for hot water boilers, shall be fifteen (15) lbs. psig.

(7) Safety valve requirements:

(a) The use of weight–level safety valves is prohibited and these valves shall be replaced by safety valves that conform to the requirements of the ASME Boiler and Pressure Vessel Code for power boilers.

(b) Safety valves having either the seat or disc of cast iron shall not be used.

(c) Each boiler shall have at least one (1) safety valve, and, if it has more than five hundred (500) square feet of water heating surface, it shall have two (2) or more safety valves.

(d) Safety valves and safety relief valves shall be installed with their spindles vertical.

(e) The method of computing the steam generating capacity of the boiler shall be as given in paragraph A–12 of the ASME Boiler and Pressure Vessel Code for power boilers. The safety valve or valves shall be connected to the boiler, independent of any other steam connection, and attached to the boiler, without intervening pipe or fittings. Where alteration is required to conform to this rule and regulation, owner and users shall be allowed one (1) year in which to complete the work. No valve of any description shall be placed between the safety valve and the boiler, nor on the discharge pipe (if used) between the safety valve and atmosphere. When a discharge pipe is used, it shall be full size and fitted with an open drain to prevent water lodging in the upper part of the safety valve or discharge pipe and supported independently of the safety valve. When an elbow is placed on a safety valve or discharge pipe, it shall be located close to the safety valve outlet. All safety valve discharges shall be so located or piped so as not to endanger persons using walkways or platforms used to control the main valves of boilers or steam headers.

(f) The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than six (6) percent above the maximum allowable working pressure.

(g) For each boiler, one (1) or more safety valves on the boiler proper shall be set at or below the maximum allowable working pressure. If additional valves are used, the highest pressure setting shall not exceed the maximum allowable working pressure by more than three (3) percent. The complete range of pressure settings of all of the saturated steam safety valves on a boiler shall not exceed ten (10) percent of the highest pressure to which any valve is set. When two (2) or more boilers operating at different pressures and safety valve settings are interconnected, the lower pressure boilers or interconnected piping shall be equipped with safety valves of sufficient capacity to prevent overpressure considering the generating capacity of all boilers. In those cases where the boiler is supplied with feed water directly from pressure mains without the use of feeding apparatus (not to include return traps), no safety valve shall be set at a pressure greater than ninety–four (94) percent of the lowest pressure obtained in the supply main feeding the boiler.

(h) The relieving capacity of the safety valves on any boiler may be checked by one of the three (3) following methods, and, if found to be insufficient, additional capacity shall be provided.

1. By making the accumulation test, which consists of shutting off all other steam discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a pressure in excess of six (6) percent above the maximum allowable working pressure. This method should not be used on a boiler with a superheater or reheater.
2. By measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the Appendix of the ASME Boiler and Pressure Vessel Code for power boilers.
3. By determining the maximum evaporative capacity by measuring the feed water.
4. When either of the methods outlined in subparagraphs 2. or 3. is employed, the sum of the safety valve capacity shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler. The minimum safety valve shall be determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface and water wall heating surface, as given in the following table:

MINIMUM POUNDS OF STEAM PER HOUR PER SQUARE FOOT OF SURFACE

	Fire Tube Boilers	Water Tube Boilers
Boiler heating surface		
Hand–fired	5	6
Stoker–fired	7	8
Oil–, gas–, or pulverized–fuel–fired	8	10
Waterwall heating surface		
Hand–fired	8	8
Stoker–fired	10	12
Oil–, gas–, or pulverized–fuel–fired	14	16

a. When a boiler is fired only by a gas having a heat value not in excess of 200 BTU per cubic foot, the minimum safety valve or safety relief valve relieving capacity may be based on the values given for hand–fired boiler above.

b. The minimum safety valve or safety relief valve relieving capacity for electric boilers shall be three and one–half (3–1/2) pounds per hour per kilowatt input.

(8) Boiler feeding and feed piping:

(a) All boilers shall have a feed supply which will permit the boiler to be fed at any time while under pressure.

(b) Except as provided for below, boilers having more than 500 square feet of water–heating surface shall have at least two (2) means of feeding water. Each

source of feeding shall be capable of supplying water to the boiler at a pressure of three (3) percent higher than the highest setting of any safety valve on the boiler.

(c) For boilers that are fired with solid fuel not in suspension and for boilers whose setting or heat source can continue to supply sufficient heat to cause damage to the boiler if the feed supply is interrupted, one such means of feeding shall be steam operated.

(d) Boilers fired by gaseous, liquid, or solid fuel in suspension may be equipped with a single means of feeding water; provided, means are furnished for the immediate shut off of heat input if the water feed is interrupted. For boilers having a water-heating surface of not more than one hundred (100) square feet, the feed piping and connection to the boiler shall not be smaller than one-half (1/2) inch pipe size. For boilers having a water-heating surface more than 100 square feet, the feed piping and connection to the boiler shall not be less than three-fourths (3/4) inch pipe size.

(e) High temperature water boilers shall be provided with means of adding water to the boiler or system while under pressure. The feed water shall be introduced into the boiler in such a manner that it will not be discharged close to riveted joints of shell, or furnace sheets, or directly against surfaces exposed to gases at high temperature, or direct radiation from the fire.

(f) The feed pipe to the boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When two (2) or more boilers are fed from a common source, there shall also be a globe or regulating valve on the branch to each boiler between the check valve and source of supply. Whenever globe valves are used on feed piping, the inlet shall be under the disc of the valve. The valve shall be located as close to the boiler as is practicable.

(g) When deaerating heaters are not employed, it is recommended that the temperature of the feed water be no less than 120 degrees fahrenheit to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, it is recommended that the minimum feed water temperature be no less than 215 degrees fahrenheit so that dissolved gases may be thoroughly released.

(9) Fusible plugs: Fire-actuated fusible plugs, if used, shall conform to the requirements of the ASME Boiler and Pressure Vessel Code for power boilers, A-19, A-20 and A-21.

(10) Water columns, gauge glasses, and gauge cocks:

(a) No outlet connections, except for damper regulator, feed water regulator, low-water fuel cutout, drains, steam gauges, or such apparatus that does not permit the escape of an appreciable amount of steam or water therefrom shall be placed on the piping that connects the water column to the boiler. The minimum size of the steam and water connection to the water column shall be one (1) inch pipe size and each water column shall be provided with a valved drain of at least three-fourths (3/4) inch pipe size, the drain to be piped to a safe location.

(b) Each boiler shall have three (3) or more gauge cocks, located within the range of the visible length of the water glass, except when the boiler has two (2) water glasses with independent connections to the boiler, located on the same horizontal lines and not less than two (2) feet apart. Boilers not over thirty-six (36) inches in diameter in which the heating surface does not exceed 100 square feet have but two (2) gauge cocks.

(c) Electric boilers operating at pressures not exceeding 400 psi need not be fitted with gauge cocks. The gauge cock connections shall be not less than one-half (1/2) inch pipe size.

(d) For all installations where the water gauge glass or glasses are more than thirty (30) feet from the boiler operating floor, it is recommended that water level indicating or recording gauges be installed at eye height from the operating floor.

(11) Pressure gauges:

(a) Each boiler shall have a pressure gauge connected to the steam space or to the water column or its steam connection. The pressure gauge shall be connected to a siphon or equivalent device of sufficient capacity to keep the gauge tube filled with water and so arranged that the gauge cannot be shut off from the boiler except by a cock placed near the gauge and provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open. The dial of the pressure gauge shall be graduated to approximately double the pressure at which the safety valve is set, but, in no case to less than one and one/-half (1-1/2) times this pressure.

(b) When a pressure gauge connection longer than eight (8) feet becomes necessary, a shutoff valve may be used near the boiler provided the valve is of the outside screw and yoke type and is locked or wired open. The line shall be ample size with provisions for free blowing.

(c) Each boiler shall be provided with a one-fourth (1/4) inch nipple and globe valve connected to the steam space for the exclusive purpose of attaching a test gauge when the boiler is in service so that the accuracy of the boiler pressure gauge may be ascertained.

(12) Stop valves:

(a) Each outlet from a boiler (except safety valve connections) shall be fitted with a stop valve located as close as practicable to the boiler.

(b) When boilers provided with manholes are connected to a common main, the steam or high temperature water connection from each boiler shall be fitted with two (2) stop valves having an ample free blow drain between them. The discharge of this drain shall be visible to the operator while manipulating the valves and shall be piped clear of the boiler setting. The stop valves shall consist preferably of one (1) automatic nonreturn valve (set next to the boiler) and a second valve of the outside screw and yoke type to be installed in accordance with Section I of the ASME Boiler and Pressure Vessel Code.

(13) Blowoff piping:

(a) The construction of the setting around each blowoff pipe shall permit free expansion and contraction. Careful attention shall be given to the problem of sealing these setting openings without restricting the movement of the blowoff piping. All blowoff piping, when exposed to furnace heat, shall be protected by firebrick or other heat resisting material, so constructed that the piping may be readily inspected.

(b) When the maximum allowable working pressure exceeds 100 psig, blowoff piping shall be extra heavy from the boiler to the valve or valves, and shall be run full size without use of reducers or bushings. The piping shall be extra heavy wrought iron or steel and shall not be galvanized. All fittings between the boiler and blowoff valve shall be steel or extra heavy fittings of malleable iron. In case of renewal of blowoff pipe or fittings, they shall be installed in accordance with rules and regulations for new installations.

(14) Blowoff valves:

(a) Straight-run globe valves of the ordinary type and valves or such types that dams or pockets can exist for the collection of sediment shall not be used on such connections. Straightway Y-type globe valves or angle valves may be used in vertical pipes, or they may be used in horizontal runs of piping provided they are so constructed or installed that the lowest edge of the opening through the seat is at least twenty-five (25) percent of the inside diameter below the center line of the valve.

(b) The blowoff valve or valves and the pipe between them and the boiler shall be of the same size except where a larger pipe for the return of condensation is used as provided for by the ASME Boiler and Pressure Vessel Code for power boilers. On all boilers, except those used for high temperature water, traction, and/or portable purposes, when the allowable working pressure exceeds 100 psi, each bottom blowoff pipe shall have two (2) slow-opening valves, or one (1) slow-opening valve and a quick-opening valve, or a cock complying with the requirements of the ASME Boiler and Pressure Vessel Code for power boilers.

(c) If a blowoff cock is used, the plug shall be held in place by a guard or gland. The plug shall be distinctly marked in line with the passage. By slow-opening valve is meant a valve which requires at least five (5) 360-degree turns of the operating mechanism to change from full-closed to full-opening and vice versa.

(d) On a boiler having multiple blowoff pipes, a single master valve may be placed on the common blowoff pipe from the boiler, in which case only one (1) valve on each individual blowoff is required. In such a case, either the master valve, or the individual valves, or cocks shall be of the slow-opening valves, or a slow-opening valve and a quick-opening valve, or cock may be combined in one body and may be used provided the combined fitting is the equivalent of two (2) independent slow-opening valves, or a slow-opening valve and a quick-opening valve or cock and provided further that the failure of one (1) to operate cannot affect the operation of the other. The bottom blowoff pipes of every traction engine or portable boiler shall have at least one (1) slow-opening or quick-opening blowoff valve or cock conforming to the requirements of Section I of the ASME Boiler and Pressure Vessel Code. Only one blowoff valve, which shall be of a slow-opening type is required on forced circulation and electric boilers having a normal water content not exceeding 100 gallons.

(15) Piping:

(a) Piping connected to the outlet of a boiler, which comes with the ASME Boiler and Pressure Vessel Code requirements, shall be attached:

1. Screwing into a tapped opening with a screwed fitting or a valve at the other end.
2. Screwing each and into tapered flanges, fittings, or valves with or without rolling or peening.

3. Bolted joints, including those of the van stone type.
4. Expanding into grooved holes, seal welding, if desired. Pipe which is expanded, rolled, or peened, shall be made from open-hearth or electric-furnace steel.

(b) Blowoff piping of fire-tube boilers shall be attached by subparagraph 1. of this paragraph if exposed to products of combustion, or by subparagraphs 1., 2., or 3. of this paragraph, if not so exposed. Fusion welding for sealing purposes at the junction of bolted joints may be used.

(c) Welding may be used to attach piping to nozzles or fittings if the rules for fusion welding or forge welding are followed. All welded piping external to the boiler, from the boiler out to the second stop valve when two (2) or more boilers with manholes are connected to a common steam or high temperature water main or header, shall be installed by a manufacturer or contractor authorized to use any one of the American Society of Mechanical Engineers Code symbol stamps for pressure piping, power boilers, or assembly stamps. The piping of fittings, adjacent to the welded joint farthereat from the boiler shall be stamped with the pressure piping, power boiler, or assembly code symbol stamp of the American Society of Mechanical Engineers when approved by the inspector.

WARREN SOUTHWORTH, State Fire Marshal.
ADOPTED: December 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 11:11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: State Fire Marshal's Office, 3rd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Office of the State Fire Marshal
(806 KAR 50:170)

RELATES TO: KRS 236.030
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 236.030 provides the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation sets forth the basic requirements for heating boilers.

Section 1. New Installations, Heating Boilers:
(1) Requirements:

(a) No heating boiler, except reinstalled boilers and those exempted by these rules and regulations, shall hereafter be installed in this Commonwealth unless it has been constructed, stamped, and inspected in conformity with the ASME Boiler and Pressure Vessel Code for heating boilers, and is approved, registered, and inspected in accordance with the requirements of the boiler safety regulations. (See also "State Specials" 806 KAR 50:151, Section 1, subsection (37).)

(b) All new heating boiler installations, including reinstalled boilers, must be installed in accordance with the requirements of the latest revision of the ASME Boiler and Pressure Vessel Code for heating boilers and the boiler safety regulations.

(2) Safety valve requirements for steam boilers:

(a) Each steam boiler shall have one (1) or more officially rated safety valves of the spring-pop type adjusted and sealed to discharge at a pressure not to exceed fifteen (15) lbs. psi. Seals shall be attached in a manner to prevent the valve from being taken apart without breaking the seal. The safety valves shall be arranged so that they cannot be reset to relieve at a higher pressure than the maximum allowable working pressure of the boiler. For iron and steel bodied valves exceeding two (2) inch pipe size, the drain hole, or holes, shall be tapped not less than three-eights (3/8) inch pipe size.

(b) No safety valve for a steam boiler shall be smaller than three-fourths (3/4) inch unless the boiler and radiating surfaces consist of a self-contained unit. No safety valve shall be larger than four and one-half (4-1/2) inches. The inlet opening shall have an inside diameter equal to, or greater than, the seat diameter.

(c) The minimum relieving capacity of valve, or valves, shall be governed by the capacity-marking on the boiler.

(d) The minimum valve capacity in pounds per hour shall be the greater of that determined by dividing the maximum BTU output at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1000, or shall be determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface as given in the following table. In many cases, a greater relieving capacity of valves will have to be provided than the minimum specified by these rules. In every case, the requirements of paragraph (e) of this subsection shall be met.

MINIMUM POUNDS OF STEAM PER HOUR
PER SQUARE FOOT OF HEATING SURFACE

Boiler Heating Surface	Fire Tube Boilers	Water Tube Boilers
Hand fired	5	6
Stoker fired	7	8
Oil, gas or pulverized fuel fired	8	10

1. When a boiler is fired only by a gas having a heat valve not in excess of 200 BTU per cubic foot, the minimum safety valve or safety relief valve relieving capacity may be based on the values given for hand fired boilers.
2. The minimum safety valve or safety relief valve relieving capacity for electric boilers shall be three and one-half (3-1/2) pounds per hour per kilowatt input.
3. For heating surface determination see ASME Code for Heating Boilers, paragraph HG-403.

(e) The safety valve capacity for each steam boiler shall be such that with the fuel-burning equipment installed and operated at maximum capacity, the pressure cannot rise more than five (5) lbs. above the maximum allowable working pressure.

(f) When operating conditions are changed, or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions and be in accordance with paragraph (e). The additional valves required, on account of changed conditions, may be installed on the outlet piping provided there is no intervening valve.

(3) Safety relief valve requirements for hot water heating boilers and hot water supply heaters:

(a) Each hot water heating boiler shall have at least one (1) officially rated pressure relief valve, set to relieve at or below the maximum allowable working pressure of the boiler. Each hot water supply heater shall have at least one (1) officially rated safety relief valve of the automatic-reseating type, set to relieve at or below the maximum allowable pressure of the boiler. Safety relief valves officially rated as to capacity shall have pop action when tested by steam. When more than one (1) safety relief valve is used on either hot water heating or hot water supply boilers, the additional valve or valves shall be officially rated and may be set within a range not to exceed six (6) lbs. psi above the maximum allowable working pressure exceeding sixty (60) lbs psi and ten (10) per cent for those having a maximum allowable working pressure exceeding sixty (60) lbs. psi. Safety relief valves shall be spring loaded. Safety relief valves shall be so arranged that they cannot be reset at a higher pressure than the maximum permitted in this paragraph.

(b) No materials liable to fail due to deterioration or vulcanization when subjected to saturated steam temperature corresponding to capacity test pressure shall be used for any part.

(c) No safety relief valve shall be smaller than three-fourths (3/4) inch, nor larger than four and one-half (4-1/2) inches, standard pipe size, except that boilers having a heat input not greater than 15,000 BTU per hour may be equipped with a rated safety relief valve of one-half (1/2) inch standard pipe size. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat diameter. In no case shall the minimum opening through any part of the valve be less than one-fourth (1/4) inch diameter, or its equivalent area.

(d) The required steam relieving capacity, in pounds per hour, of the pressure relieving device, or devices, on a boiler shall be the greater of that determined by dividing the maximum output in BTU at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1000, or shall be determined on the basis of pounds of steam generated per hour, per square foot of boiler heating surface, as given in the foregoing table. In many cases a greater relieving capacity of valves will have to be provided than the minimum specified by these rules. In every case, the requirements of paragraph (f) of this subsection shall be met.

(e) When operating conditions are changed, or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions and shall be in accordance with paragraph (f) of this subsection. The additional valves required, on account of changed conditions, may be installed on the outlet piping provided there is no intervening valve.

(f) Safety-relief valve capacity for each boiler shall be such that, with the fuel burning equipment installed and operated at maximum capacity, the pressure cannot rise more than six (6) lbs. psi above the maximum allowable working pressure for

pressure up to and including sixty (60) lbs. psi and ten (10) per cent of maximum allowable working pressures over sixty (60) lbs. psi.

(g) Safety valves and safety relief valves shall be located in the top or side of the boiler in the highest practicable part of the boiler, but in no case lower than the lowest permissible water level. Coil or header type boilers or hot water supply boilers shall have the safety valve or safety relief valve located on the steam or hot water outlet end.

(h) Safety valves or safety relief valves shall be installed with their spindles vertical.

(4) Water gauge glasses:

(a) Each steam boiler shall have one (1) or more water gauge glasses attached to the water column, or boiler, by means of valved fittings not less than one-half (1/2) inch pipe size, with the lower fitting provided with a drain valve of the type with opening not less than one-fourth (1/4) inch diameter to facilitate cleaning. Gauge glass replacement shall be possible under pressure. Water glass fittings may be attached directly to a boiler.

(b) The lowest visible part of the water gauge glass shall be at least one (1) inch above the lowest permissible water level recommended by the boiler manufacturer. With the boiler operating at this lowest permissible water level, there shall be no danger of overheating any part of the boiler.

1. Transparent material other than glass may be used for the water gauge provided that the material will remain transparent and has proved suitable for the pressure, temperature, and corrosive conditions expected in service.

(5) Bottom blowoff or drain valves:

(a) Each boiler shall have a bottom blowoff or drain pipe connection fitted with a valve or cock connected with the lowest water space practicable, with the minimum size of blow-off piping and valves as shown in the following table:

SIZE OF BOTTOM BLOWOFF PIPING AND VALVES

Minimum Required Safety or Safety-Relief Valve Capacity Pounds of Steam Per Hour	Blowoff Valves Size, Inches
Up to 500	3/4
501 to 1,250	1
1,251 to 2,500	1 1/4
2,501 to 6,000	1 1/2
6,001 and larger	2

(b) To determine the discharge capacity of safety-relief valves in terms of BTU, the relieving capacity in pound of steam per hour is multiplied by 1,000.

(c) Any discharge piping connected to bottom blowoff and/or bottom drain connection shall be full size to the point of discharge. All blowoff valves are to be piped full size without reducing to a drain, sump or outside atmosphere so as to prevent injury to personnel.

(6) Expansion of cushion tanks:

(a) If the system is of the closed type, an airtight tank or system of tanks, as required, or other suitable air cushion shall be installed that is consistent with the volume and capacity of the system and shall be suitably designed for a hydrostatic test pressure of two and one-half (2-1/2) times the allowable working pressure or safety valve setting of the system. Expansion tanks for systems designed to operate at or above fifty (50) P.S.I. shall be constructed in accordance with ASME Boiler and Pressure Vessel Code, Section VIII. Provision must be made for draining the tank without emptying the system. All hot water heating systems shall be so installed that there will be no opportunity for the fluid-relief column to freeze or to be accidentally shut off.

(b) If the system is equipped with an open expansion tank, an indoor overflow from the upper portion of the expansion tank must be provided, in addition to the open vent, the indoor overflow to be carried within the building to a suitable plumbing fixture, or to the basement.

(c) The required minimum capacity of the expansion or cushion tank may be determined from the following tables, or from the following formula:

EXPANSION TANK CAPACITIES FOR GRAVITY HOT WATER SYSTEMS

Square Feet of Equivalent Direct Radiation Installed	Gallon Tank
Up to 350	18
Up to 450	21
Up to 650	24
Up to 900	30
Up to 1,100	35
Up to 1,400	40
Up to 1,600	2-30
Up to 1,800	2-30
Up to 2,000	2-35
Up to 2,400	2-40

1. For systems with more than 2,400 square feet of installed equivalent direct water radiation, the required capacity of the cushion tank shall be increased on the basis of one (1) gallon tank capacity per thirty-three (33) square feet of additional equivalent directed radiation.

EXPANSION TANK CAPACITIES FOR FORCED HOT WATER SYSTEMS

System Volume Gallons	Tank Capacity Gallons
100	15
200	30
300	45
400	60
500	75
1,000	150
2,000	300

2. Includes volume water in boiler, radiation and piping, not including expansion tank. A procedure for estimating system volume and for determining expansion tank sizes for other design conditions may be referred to in Chapter 10 of the 1964 edition of the ASHRAE Guide and Date Book--Applications. The minimum capacity of the closed type expansion tank may be determined from the preceding tables or from the following formula where the necessary information is available:

$$V_t = \frac{(0.00041\,T - 0.0466)\,V_s}{\frac{Pa}{Pf} - \frac{Pa}{Po}}$$

Where:
Vt = minimum volume of tanks, gallons;
Vs = volume of system, not including tanks, gallons;
T = average operating temperature, degrees Fahrenheit;
Pa = atmospheric pressure, psia;
Pf = fill pressure, psia;
Po = maximum operating pressure, psia.

(7) Inspection: Upon completion of the installation, all boilers and associated pressure piping shall be inspected by an authorized Boiler Inspector as set forth in 806 KAR 50:155 Section 1, subsection (4).

(8) Water sealing loop: It is recommended that the return water connection to all low pressure steam heating boilers supplying a gravity return heating system be so arranged as to form what is known as the "water line return" so that the water cannot be forced out of the boiler below the safe water level.

Section 2. Existing Installations, Heating Boilers: (1) ASME Code Boilers: The maximum allowable working pressure of a boiler built in accordance with the ASME Code shall, in no case, exceed the pressure indicated by the manufacturer's identification stamped or cast upon the boiler or upon a plate secured to it.

(2) Noncode riveted boilers: The maximum allowable working pressure on the shell of a noncode riveted heating boiler shall be determined in accordance with 806 KAR 50:165, Section 2, subsection (1), covering existing installations-power boilers, except that, in no case, shall the maximum allowable working pressure of a steam boiler exceed fifteen (15) pounds or a hot water boiler exceed 160 pounds at a temperature not exceed 250 degrees fahrenheit.

(3) Noncode welded boilers: The maximum allowable working pressure of a noncode steel or wrought iron heating boiler of welded construction shall not exceed fifteen (15) pounds. For other than steam service, the maximum allowable working pressure shall be calculated in accordance with Section IV of the ASME Boiler and Pressure Vessel Code.

(4) Noncode cast iron boilers:

(a) The maximum working pressure of a noncode boiler, composed principally of cast iron, shall not exceed fifteen (15) pounds for steam service or thirty (30) pounds for hot water service.

(b) The maximum allowable working pressure of a noncode boiler having cast iron shell or heads and steel or wrought iron tubes shall not exceed fifteen (15) pounds for steam service or thirty (30) pounds for water service.

(5) General: If, in the judgement of the inspector, a steam heating boiler is unsafe for operation at the pressure previously approved, the pressure shall be reduced, proper repair made, or the boiler retired from service.

(6) Safety valves: Each steam heating boiler shall be provided with one (1) or more safety valves with total area of not less than one (1) square inch for each five (5) square feet of grate area, or equivalent, if grates are not used. It is further provided that the steam relieving capacity of the

safety valve, or valves on any boiler shall be sufficient to prevent a boiler pressure greater than twenty (20) pounds. If there is doubt as to the capacity of the safety valve, an accumulation test shall be run. No stop valve of any description shall be located between a boiler and its safety valve; nor in the safety valve discharge pipe. The safety valve may be located on a main steam pipe connection at the boiler.

(7) Water relief valves: Each hot water heating boiler or hot water supply heater shall have one (1) or more relief valves of the spring-loaded type without disc guides on the pressure side of the valve. The valves shall be set to relieve at a pressure at or below the maximum allowable working pressure of the boiler and so arranged that they cannot be reset to relieve at a higher pressure of the boiler. Each relief valve shall have a substantial device which will positively lift the disc from its seat one-sixteenth (1/16) inch when there is no pressure on the boiler. Such valves shall be BTU rated and shall bear the ASME and national board stamp.

(8) Pressure of altitude gauges:

(a) Each hot water heating boiler shall have a pressure or altitude gauge connected to it or to its flow connection in such a manner that it cannot be shut off from the boiler except by a cock with tee or lever handle, placed on the pipe near the gauge. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open. The scale on the dial of the pressure or altitude gauge shall be graduated to not less than one and one-half (1-1/2) times the maximum allowable working pressure. The gauge shall be provided with effective stops for the indicating pointer at the zero-point and at the maximum pressure point. Pressure or altitude gauge connections shall be of nonferrous composition when smaller than one (1) inch size and longer than five (5) feet between the gauge and point of connection of pipe to boiler, and also when smaller than one-half (1/2) inch size and shorter than five (5) feet between the gauge and point of connection of pipe to boiler.

(9) Thermometers: Each hot water heating boiler shall have a thermometer so located and connected that it shall be easily readable when observing the water pressure or altitude. The thermometer shall be so located that it shall, at all times, indicate the temperature in degrees fahrenheit of the water in the boiler at or near the outlet.

(10) Temperature combustion regulators: A temperature combustion regulator, which will control the rate of combustion to prevent the temperature of the water from rising above 250 degrees fahrenheit, at or near the outlet, or a thermometer device which will relieve the pressure on the boiler when the temperature exceeds 250 degrees fahrenheit, shall be used on all hot water heating and hot water supply boilers automatically fired.

(11) Bottom blowoff and/or bottom drain valves: Each boiler shall have a bottom blowoff pipe connection fitted with a gate, cock, or "Y" type valve, connected with the lowest water space practicable and of a size as shown in chart, Section 1, subsection 5 of this regulation.

(12) Steam gauges: Each steam boiler shall have a steam pressure gauge connected to the steam space of the boiler itself or on steam pipe near the boiler. The graduations of the steam gauge shall not be less than fifteen (15) pounds nor more than thirty (30) pounds.

(13) Water gauge glass and gauge cocks: Each steam boiler shall have at least one (1) water gauge glass attached to the water column or boiler by means of valved fittings. The lower fitting shall be equipped with a drain cock. The lowest visible part of the glass shall be above the heating surfaces in the primary combustion chamber. The lower water gauge fitting shall be equipped with a drain cock of the straight-way type with opening not less than one-fourth (1/4) inch diameter to facilitate cleaning. If the drain cock does not comply with this requirement, the boiler shall have two (2) or more gauge cocks located within the visible length of the glass, except when such boiler is fitted with two (2) water gauge glasses.

(14) Water levels-steel boilers: The lowest visible part of the water gauge glass shall not be lower than the lowest safe water line recommended by the boiler manufacturer and approved by his authorized shop inspection agency.

(15) Cast iron boilers: The front section of cast iron boilers shall have marked in the casting the normal water level, except this marking may be omitted when the water gauge fittings are connected to tapped openings provided in the boiler by the manufacturer for that purpose.

(16) Stop valves and check valves: If a boiler may be closed off from the heating system by closing a steam stop valve, there shall be a check valve in the condensate return line between the boiler and the system. If any part of a heating system may be closed off from the remainder of the system by closing a steam stop valve, there shall be a check valve in the condensate return pipe between the boiler and the system.

(17) Feed water connections: Feed water connections shall be independent of any water gauge connections and be made to the condensate return pipe or reservoir of the condensate return pump. There should be a stop valve and check valve in the feed water line at the boiler.

(18) Return pump: Each condensate return pump, where practicable, shall be provided with an automatic water level control set to maintain the water level within the limits of two (2) gauge cocks.

(19) Return piping:

(a) For arrangements of return piping, feed water lines, pump return lines, headers and drip legs, please contact the Boiler Inspection Section, Office of the State Fire Marshal.

(b) Washout openings may be used for return pipe connections and the washout plug or close nipple and cap) placed in a tee so the plug or cap is directly opposite and as close as possible to the opening in the boiler.

(20) Repairs and renewals of fittings and appliances: Whenever repairs are made to fittings or appliances, or it becomes necessary to replace them, the work must comply with the ASME Boiler and Pressure Vessel Code.

(20) Gas fired boilers shall be equipped with a furnace flame control so located and connected that in the case of a flame failure the gas fuel will be completely cut off and require manual reset and purging time delay that will purge the furnace thoroughly before relighting.

(22) Expansion or cushion tanks:

(a) All hot water heating systems shall be so installed that there will be no opportunity for the fluid-relief column to freeze or to be accidentally shut off.

(b) If the system is equipped with an open expansion tank, an indoor overflow from the upper portion of the expansion tank must be provided, in addition to the open vent, the indoor overflow to be carried within the building to a suitable plumbing fixture, or to the basement. If the system is of the closed type, an airtight tank, or other suitable air cushion, must be installed that will be consistent with the volume and capacity of the system.

WARREN SOUTHWORTH, State Fire Marshal
ADOPTED: December 1, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 11:13 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: State Fire Marshal's Office, 3rd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Office of the State Fire Marshal
(806 KAR 50:175)

RELATES TO: KRS 236.030
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 236.030 provides the commissioner, upon advisement of the Board of Boiler Rules, to fix reasonable standards for the safe construction, installation, inspection and repair of boilers and pressure piping. This regulation sets forth the basic requirements for nuclear vessels.

Section 1. Nuclear Vessels: (1) ASME, National Board stamping: All nuclear vessels covered under the scope of Section III, ASME Boiler and Pressure Vessel Code shall be constructed, stamped and installed in accordance with the boiler safety rules of the latest edition of the ASME Boiler and Pressure Vessel Code, Section III, together with the addenda and code cases thereto. Such vessels shall be registered with the National Board and so stamped. (See also "State Specials" 806 KAR 50:151, Section 1, subsection (37).)

(2) Responsibilities of parties involved:

(a) The various parties involved in the work of producing vessels under Section III of the ASME Boiler and Pressure Vessel Code have definite responsibilities in meeting code requirements. The owner requiring that a vessel or vessels be designed, constructed, tested and certified to be a code vessel in compliance with the code shall provide or cause to be provided a diagram of each vessel, a specification, related to operating conditions in such detail as will provide a complete basis for design, construction and inspection in accordance with the code. The diagram to be treated as a data report form attached to the other data forms to create a master report which will be registered with the Boiler Inspection Section, Office of the State Fire Marshal, Department of Insurance, 3rd Floor, Capital Plaza Tower, Frankfort, Kentucky.

(b) Design specifications certified: The design specifications shall be certified as to compliance with the above requirements and Section III, ASME Boiler and Pressure Vessel Code by a registered professional engineer experienced in nuclear pressure vessel design.

(3) Inspections and tests:

(a) It is the duty of the inspector to make all inspections specified by the ASME Boiler and Pressure Vessel Code, Section III and in addition such other inspections and tests as in his judgment are necessary to verify that the equipment is fabricated and installed in accordance with requirements of the code.

(b) Inspections and tests of nuclear vessels shall be made only by a national board inspector qualified as an inspection specialist, nuclear, under Section III, ASME Boiler and Pressure Vessel Code.

(4) Field inspections:

(a) Upon completion of installation such vessels and

associated piping shall be inspected by a national board inspector qualified as engineering specialist, nuclear under Article N-612, Section III, ASME Boiler and Pressure Vessel Code and commissioned to inspect pressure vessels in this Commonwealth. At the time of initial inspection a vessel composed of two (2) or more pressure retaining compartments shall constitute one (1) complete unit for the purpose of assigning and stamping the serial number thereon as set forth in 806 KAR 50:155, Section 1, subsection (4).

(b) Recurring inspections: Recurring inspections of nuclear vessels in service will be made only by an inspector or inspectors qualified as above. Such inspections shall be conducted in strict adherence to methods and precautions set forth in the Nuclear In-service Inspection Code.

WARREN SOUTHWORTH, State Fire Marshal

ADOPTED: December 1, 1974
APPROVED: ELJAH M. HOGGE, Secretary
RECEIVED BY LRC: December 12, 1974 at 11:12 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: State Fire Marshal's Office, 3rd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 5:010)

RELATES TO: KRS 210.310
PURSUANT TO: KRS 13.082, 210.310
SUPERSEDES: DMH-13-3
NECESSITY AND FUNCTION: KRS 210.310 requires the department to fix the rates for various state hospitals and institutions. A determination of charges is reached by the actual cost per day. This regulation indicates the method by which the per day charges are determined.

Section 1. The rate for board and maintenance of patients in state mental hospitals, state schools and hospitals for the mental retarded, state tuberculosis hospitals, the diagnostic and evaluation service, and the children's treatment services shall be determined by the method described in Section 2.

Section 2. An audit shall be performed as often as deemed necessary but not less than once a year for the purpose of determining the patient per day cost at each of the institutions listed in Section 1. Upon determination of the cost for the services rendered to the patients, the various institutions will either raise or lower their per day charges to an amount equal to the per day cost.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: October 10, 1974
RECEIVED BY LRC: December 12, 1974 at 4:05 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 10:010)

RELATES TO: KRS 211.180
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
SUPERSEDES: SAN - 2
NECESSITY AND FUNCTION: KRS 211.180 authorizes the Department for Human Resources to regulate the sanitation of public rest rooms. This regulation provides standards for public rest rooms in order to protect the health of the public.

Section 1. Definitions. The following definitions shall apply in the interpretation and enforcement of this regulation:
(1) "Department" means the Department for Human Resources and the local health department having jurisdiction and their duly designated representatives.
(2) "Public Rest Room" means any facility that provides toilet and handwashing facilities for the general public.
(3) "Septic Tank" means a water-tight receptacle which receives the discharge of a building sanitary drainage system (or part thereof) and is designed and constructed so as to digest organic matter through a period of detention that allows the liquids to discharge into the soil outside of the tank through a system of open joints or perforated piping, or a seepage pit.

Section 2. Water Flushed Toilet Facilities. Whenever water flushed toilet facilities are provided for the accommodation of the public or patrons at any public place:
(1) The floors shall be of smooth construction and relatively impervious to water.
(2) The walls and ceilings shall have a smooth washable surface and shall be painted or finished in light color and shall be maintained in good condition.
(3) All openings shall be effectively screened against flies and other insects.
(4) All doors shall be self-closing.
(5) The plumbing installations shall comply with the state plumbing code.
(6) All wastes resulting from flush toilets, lavatories or other fixtures shall be disposed of in a public sewer or, in the absence of a public sewer, by a method approved by the Department for Natural Resources and Environmental Protection.
(7) An adequate supply of toilet tissue shall be provided at each toilet facility at all times.
(8) The rooms shall be adequately lighted and ventilated.
(9) If drinking water is provided, it shall be from a source approved by the Department for Natural Resources and Environmental Protection.
(10) If drinking fountains are provided, they shall be installed in accordance to the state plumbing code and shall be maintained in a sanitary manner.
(11) The use of the common drinking cup is prohibited.
(12) Handwashing facilities, including running water, soap and individual cloth or paper towels, or any other method for drying hands approved by the department, shall be provided.
(13) The use of the common towel is prohibited.
(14) All trash or refuse shall be kept in non-absorbent containers and removed from the premises as frequently as necessary to prevent an unsanitary condition from developing. A covered waste container shall be provided in each women's toilet facility.
(15) The rooms, including all fixtures therein, shall be kept clean, in good repair and free from dust, dirt, insects and other contaminating material.

Section 3. Earth Pit Privies. Outdoor toilets (earth pit privies) not connected to a public sewerage system or septic tank shall be prohibited within the boundaries of cities of the first or second class as provided by KRS 381.780. In other areas, whenever water under pressure is not available, earth pit privies may be used for the accommodation of the public or patrons at any public place provided they comply with the following requirements:
(1) Construction of Pit Privies:
(a) The pit shall not be located within 100 feet of any source of water supply and shall have a capacity of not less than fifty (50) cubic feet and shall be not less than four and one-half (4 1/2) feet or more than six (6) feet deep, measured from the original ground surface.
(b) The pit shall be lined with curbing of sound lumber, concrete, or other material approved by the department and extend to the full depth of the pit.
(c) The floor and seat riser shall be constructed of impervious material or tongue and groove lumber, and in a manner to exclude insects and rodents. The seat riser shall be so constructed and bonded with the floor as to prevent seepage through the riser onto the floor and the seat opening shall be elevated at least twenty (20) inches above floor level.
(d) The superstructure of the privy shall be constructed of substantial material fastened solidly to the floor.
(2) Maintenance of Pit Privies:
(a) The floor, seat and other fixtures shall be kept in good repair and clean at all times.
(b) An adequate supply of toilet tissue shall be provided.
(c) When the pit is filled to within eighteen (18) inches of the floor, the pit shall be cleaned or a new pit shall be constructed. Old pits shall be filled and mounded with earth.
(d) The privy shall be adequately ventilated.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: December 11, 1974
RECEIVED BY LRC: December 12, 1974 at 4:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 15:010)

RELATES TO: KRS 219.310 to 219.410, 219.991(2)
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
SUPERSEDES: MRP-1
NECESSITY AND FUNCTION: KRS 219.310 to 219.410 and 219.991(2) directs the Department for Human Resources to regulate mobile home parks in Kentucky. This regulation establishes standards for park construction and layout; site planning; lot size; water supply; sewage disposal; lighting; refuse handling; insect and rodent control; inspections; hearings; issuance, suspension and revocation of permits; sanitary standards for operation and other matters necessary to insure a safe and sanitary mobile home park operation.

Section 1. Definitions. In addition to the definitions set forth in KRS 219.320, the following terms shall have the meanings set forth below:

(1) "Department" means the Department for Human Resources and the local health department having jurisdiction and their duly designated representatives.

(2) "Mobile home stand" means that part of a mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures or additions.

(3) "Park driveway" means a private driveway which affords principal means of access between the park street and individual mobile home lots.

(4) "Park street" means the paved portion of a roadway between curbs or, if not paved, the surfaced area separating lots.

(5) "Sewer connection" means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.

(6) "Water connection" means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

Section 2. Application for Construction Permit. Application for a permit to construct or alter a mobile home park shall be made in writing to the department and shall contain:

(1) The name and address of the applicant;
(2) The name and location of the park;
(3) The number and size of all mobile home lots;
(4) The number of lights and wattage;
(5) The source of water supply;
(6) The type of sewage disposal;
(7) The method of solid waste disposal;
(8) The source of electrical service;
(9) Evidence of compliance with local zoning laws; and
(10) Be accompanied by a fee of twenty-five dollars ($25).

Section 3. Submission of Construction Plan. Each application for a permit to construct or alter a mobile home park shall be accompanied by a complete plan, drawn to scale, submitted in triplicate, of the proposed park or alteration. The plan shall show all existing and proposed facilities including:

(1) The area and dimensions of the tract of land being developed;

(2) The number, location and size of all mobile home lots;

(3) The area within each mobile home lot intended for location of a mobile home and setback distances;

(4) A detailed drawing of the foundation for the placement of the mobile home stand within the mobile home lot;

(5) The location and width of roadways, driveways and walkways;

(6) The number, location and size of all off-street automobile parking spaces;

(7) The location of park street lighting and electrical system;

(8) A detailed drawing of the water supply, if source is other than public;

(9) A detailed drawing of the sewage disposal facilities, including specifications of the sewage plant;

(10) A detailed drawing of the refuse storage facilities;

(11) The location and size of water and sewer lines, vents and riser pipes;

(12) The size and location of any playground areas within the park, if provided; and

(13) A separate floor plan of all buildings and other improvements constructed or to be constructed within the mobile home park including a plumbing riser diagram.

Section 4. Location and General Layout Standards. (1) Every mobile home and mobile home park shall be located on a well-drained area, not subject to re-occurring flooding, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

(2) Each mobile home or lot shall be numbered and displayed in some systematic order.

(3) Each mobile home lot shall contain a minimum of 4,000 (approximately 40' x 100' recommended) square feet.

(4) Mobile homes shall be separated from each other and from other buildings and structures by at least fifteen (15) feet. An accessory structure which has a horizontal area exceeding twenty-five (25) square feet, if attached to a mobile home or located within ten (10) feet of its window, and has an opaque top or roof that is higher than the nearest window shall, for purposes of all separation requirements, be considered to be part of the mobile home.

(5) All mobile homes shall be located at least twenty-five (25) feet from any park property boundary line abutting upon a public street or highway and at least ten (10) feet from other park property boundary lines.

(6) There shall be a minimum distance of twenty (20) feet between an individual mobile home and adjoining pavement of a park street, or common parking area or other common areas.

(7) If a park provides a playground area, it shall be easily accessible to all park residents and free of traffic hazards.

(8) All lots shall abut upon a park street. For a two-way park street the minimum width shall be eighteen (18) feet and, if parking is permitted, the width shall be at least twenty-seven (27) feet for one (1) side parking and thirty-six (36) feet for both side parking. For a one-way park street the minimum width shall be fourteen (14) feet and, if parking is permitted, the width shall be at least twenty-three (23) feet for one side parking and thirty-two (32) feet for both side parking.

(9) Park streets, driveways and walkways shall be all weather construction, maintained in good condition, have natural drainage, relatively free of dust and shall be maintained free of holes.

(10) The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the super-structure.

Section 5. Lighting Within Park. A minimum equivalent to a 175 watt mercury vapor type light shall be provided at park entrances, intersections and at intervals of 200 feet within the park.

Section 6. Park Water Supply. (1) The water supply shall be potable, adequate and from an approved public supply of a municipality or water district, if available. In the event a public water supply of a municipality or a water district is not available, the supply for the park shall be developed and approved in accordance with applicable requirements of the Department for Natural Resources and Environmental Protection; provided, however, if a public water supply of a municipality or water district subsequently becomes available, connections shall be made thereto and the park supply shall be discontinued.

(2) The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home.

(3) No physical connection shall be made between an approved public water supply and unapproved water supply.

(4) Water distribution lines and connections shall comply with the State Plumbing Code.

Section 7. Park Sewage and Waste Disposal. (1) All sewage and waste matter shall be disposed of into a public sewerage system, if available. In the event a public sewerage system is not available, disposal shall be made into a private system designed, constructed and operated in accordance with the requirements of the Department for Natural Resources and Environmental Protection; provided, however, if a public sewerage system subsequently becomes available, connections shall be made thereto and the park sewerage system shall be discontinued.

(2) The sewer service connection between the mobile home and the sewer riser opening shall have a nominal inside diameter of at least three (3) inches with a slope of at least one-fourth (1/4) inch per foot. All joints shall be watertight.

(3) All materials used for sewer connections shall be semirigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

(4) The sewer outlet shall be capped when not in use.

(5) Mobile home park waste systems and connections shall comply with the state plumbing code.

Section 8. Storage, Collection and Disposal of Park Refuse. (1) The permit holder shall be responsible for storage and disposal of refuse.

(2) The storage, collection and disposal of refuse in the park area shall be so conducted as not to create a health, safety or fire hazard, rodent harborage, insect breeding area or cause air pollution.

(3) All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be conveniently located near each mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(4) Approved container storage location shall be provided and shall be so designed and maintained as to not create a nuisance.

(5) All refuse containing garbage shall be collected at least once a week or more often, if necessary. Where suitable collection service is not available from municipal or private agencies, the owner or operator of the park shall provide such service. All refuse shall be collected and transported in covered, leakproof containers or vehicles.

(6) All refuse and waste collected at a park shall be disposed of in a safe and sanitary manner. In the event a permitted site or facility approved by the Department for Natural Resources and Environmental Protection is available, disposal shall be at such site or facility.

Section 9. Insect and Rodent Control Within the Park. (1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Approved extermination methods and other measures to control insects and rodents shall be used.

(2) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(3) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building materials shall be stored at least 1 foot above the ground.

(4) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(5) Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Parks shall be maintained free of heavy vegetative growth of any description.

Section 10. Park Electrical Distribution Systems. (1) Every park shall contain an electrical system consisting of wiring, fixtures, equipment and appurtenances installed and maintained in accordance with applicable codes and regulations.

(2) Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home, service building or other structure.

(3) All direct burial conductors or cables shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for such purpose. Conductors shall be located not less than 1 foot radial distance from water, sewer, gas or communication lines.

(4) Electric service connection between the meter box and the mobile home shall be suspended above ground in a non-hazardous manner or buried.

Section 11. Park Fire Protection. All parks shall comply with applicable rules and regulations of the State Fire Marshal and applicable local fire codes pertaining to fire safety, fuel supply storage and fuel connections.

Section 12. Park Maintenance and Registration of Occupants. (1) The person to whom a permit to operate a park is issued shall at all times operate in compliance with this regulation. The permittee shall maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) The permittee shall notify park occupants of all applicable provisions of this regulation and of their duties and responsibilities under this regulation.

(3) The permittee shall be responsible for the proper placement of each mobile home on its mobile home stand and for securing its stability and installing all utility connections.

(4) The permittee shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

(5) The permittee shall notify the department immediately of any suspected communicable or contagious disease within the park.

Section 13. Parks Constructed Prior to January 12, 1973. All mobile home parks in existence and holding a valid construction or operating permit on January 12, 1973 (the effective date of former Regulation MRP-1) may be eligible for a permit to operate notwithstanding such parks do not fully meet the design and construction requirements of this regulation provided the park facilities are capable of being maintained in a safe and sanitary manner in accordance with the operational requirements of this regulation, and; provided further, that no public health nuisance shall be allowed to exist.

Section 14. Inspection of parks. (1) At least once every twelve (12) months, the department shall inspect each park and shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(2) Whenever an agent of the department makes an inspection of a park, he shall record his findings on an official department inspection report form and provide the permit holder or operator with a copy. The inspection report shall:

(a) Set forth the specific violations found;
(b) Establish a specific and reasonable period of time for the correction of the violation found; and
(c) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in suspension or revocation of the permit.

Section 15. Suspension of Permits. (1) Whenever the department has reason to believe that an imminent public health hazard exists, or whenever the permit holder has interfered with the Department concerned in the performance of their duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. In such event the permit holder may request a hearing which shall be granted as soon as practicable.

(2) In all other instances of violation of the provisions of this regulation the department shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct same. Whenever a permit holder or operator has failed to comply with any written notice issued under the provisions of this regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the department, by the permit holder, within such ten (10) day period.

(3) The hearings provided for in this section shall be conducted by the department at a time and place designated by it. At the conclusion of the hearing, the department shall make a finding of fact and conclusion of the law. A transcript of the hearing shall not be made unless the interested party assumes the costs thereof and a request is made therefore at the time a hearing is requested.

Section 16. Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the department shall make a reinspection. If the applicant is found to be in compliance with the requirements of this regulation, the permit shall be reinstated.

Section 17. Revocation of Permits. For serious or repeated violations of any of the requirements of this regulation or for interference with the agents of the department in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the department. Prior to such action, the department shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of such notice unless a request for a hearing is filed with the Department by the permit holder, within such ten (10) day period.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: December 11, 1974
RECEIVED BY LRC: December 12, 1974 at 4:28 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 15:020)

RELATES TO: KRS 219.310 to 219.410, 219.991(2)
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
SUPERSEDES: MRP-2
NECESSITY AND FUNCTION: KRS 219.310 to 219.410 and 219.991(2) directs the Department for Human Resources to regulate recreational vehicle parks in Kentucky. This regulation establishes standards for park construction and layout; service buildings; watering stations; sanitary stations; site planning; lot size; water supply; sewage disposal; lighting; refuse handling; insect and rodent control; inspections; hearings; issuance, suspension and revocation of permits; sanitary standards for operation and other matters necessary to insure a safe and sanitary recreational vehicle park operation.

Section 1. Definitions. In addition to the definitions set forth in KRS 219.320, the following terms shall have the meanings set forth below:

(1) "Department" means the Department for Human Resources and the local health department having jurisdiction and their duly designated representatives.

(2) "Park street" means the paved portion of a roadway between curbs or, if not paved, the surfaced area separating sites.

(3) "Recreational vehicle parking area" means that portion of the space used to park the recreational vehicle and automobile.

(4) "Self-contained recreational vehicle park" means a park in which all recreational vehicle spaces are designed with water and sewer riser pipe connections that permit only the parking of self-contained recreational vehicles.

(5) "Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each recreational vehicle space.

Section 2. Application for Construction Permit. Application for a permit to construct or alter a recreational vehicle park shall be made in writing to the department and shall contain:

(1) The name and address of the applicant;
(2) The name and location of the park;
(3) The number and size of all recreational vehicle spaces;
(4) The number of park lights and wattage;
(5) The number of water closets, urinals, lavatories and showers;
(6) The number of sanitary and watering stations;
(7) Source of water supply;
(8) Type of sewage disposal;
(9) Method of solid waste disposal;
(10) Source of electrical services;
(11) Evidence of compliance with local zoning laws; and
(12) Be accompanied by a fee of twenty-five dollars ($25).

Section 3. Submission of Construction Plan. Each application for a permit to construct or alter a recreational vehicle park shall be accompanied by a complete plan, drawn to scale, submitted in triplicate, of the proposed park or alteration. The plans shall show all existing and proposed facilities including:

(1) The size of the area and general dimensions of the tract of land being developed;

(2) The number, location and size of all recreational vehicle spaces;

(3) The area within the space planned for location of the recreational vehicle including setback distances where applicable;

(4) The location and width of roadways, driveways and walkways;

(5) The number, location and size of all off-street automobile parking spaces;

(6) The location of the exterior area lights and the exterior electrical distribution system;
(7) Detailed drawings of water supply if source is other than public;
(8) Detailed drawings of sanitary station and watering station;
(9) Detailed drawings of sewage disposal facilities, including written specifications of sewage plant disposal facilities;
(10) Detailed drawings of refuse storage facilities;
(11) The location and size of water and sewer lines, vents and riser pipes;
(12) Size and location of any playground area within the park, if provided; and
(13) A separate floor plan of all service buildings and other improvements constructed or to be constructed within the recreational vehicle park including a plumbing riser diagram.

Section 4. Location, Space and General Layout Standards. (1) The recreational vehicle park shall be located on a well drained site, susceptible to quick drying following rains and shall be so located that its drainage will not endanger any water supply.
(2) The area of the recreational vehicle park shall be large enough to accommodate the designated number of recreational vehicle spaces, necessary streets and roadways and parking areas for motor vehicles.
(3) Each recreational vehicle space shall be numbered and displayed in some systematic order.
(4) Each recreational vehicle space shall contain a minimum of 1,500 (approximately 30' x 50' recommended) square feet.
(5) Recreational vehicles shall be separated from each other and from other structures by at least fifteen (15) feet.
(6) All recreational vehicles shall be located at least twenty-five (25) feet from any public street or highway right-of-way and at least ten (10) feet from other park property boundary lines.
(7) All parking areas shall be provided with safe and convenient vehicular access from abutting public streets or roads to each recreational vehicle space. Alignment and gradient shall be properly adapted to topography.
(8) Access to recreational vehicle parking areas shall be designed to minimize congestion and hazards at their entrance or exit and allow free movement of traffic on adjacent streets. All traffic into or out of the parking area shall be through such entrances and exists.
(9) All spaces shall abut upon a park street. For a two-way park street, the minimum width shall be eighteen (18) feet and for a one-way park street, the minimum width shall be twelve (12) feet.
(10) Park streets, driveways and recreational vehicle parking areas shall be of all weather construction, maintained in good condition, have natural drainage, be relatively free of dust and be maintained free of holes.
(11) Each parking area shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of recreational vehicles incidental to parking shall not necessitate the use of any public street, sidewalk or right-of-way, or any private ground not part of the parking area.

Section 5. Lighting Within the Park. A minimum equivalent to a 175 watt mercury vapor type light shall be provided at park entrances, intersections, service buildings, sanitary stations, and such other areas within the park as deemed necessary by the department.

Section 6. Park Water Supply. (1) The water supply shall be potable, adequate and from an approved public supply of a municipality or water district, if available. In the event a public water supply of a municipality or a water district is not available, the supply for the park shall be developed and approved in accordance with applicable requirements of the Department for Natural Resources and Environmental Protection; provided, however, if a public water supply of a municipality or water district subsequently becomes available, connections shall be made thereto and the park supply shall be discontinued.
(2) The water supply shall be capable of supplying a minimum of fifty (50) gallons per day per recreational vehicle.
(3) Except as provided in subsection (4) of this section, each recreational vehicle park shall be provided with one (1) or more easily accessible watering stations for filling recreational vehicle water storage tanks. Each watering station shall be protected against the hazard of backflow, backsiphonage and other means of contamination. Watering stations shall be provided at the ratio of one (1) station per fifty (50) recreational vehicular spaces or fraction thereof. A watering station shall be separated from a sanitary station by a minimum of fifty (50) feet.
(4) In lieu of a watering station, individual water connections may be provided at each recreational vehicle space as follows:
(a) Riser pipes provided for individual water-service connections shall be so located and constructed as not to be damaged by the parking of recreational vehicles;
(b) Water riser pipes shall at least three-fourths (3/4) inch in size and extend at least four (4) inches above ground elevation; and
(c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes.
(5) Water distribution lines and connections in the service buildings, sanitary stations, water stations and at recreational vehicle spaces shall comply with the state plumbing code.

Section 7. Park Sewage and Waste Disposal. (1) All sewage and waste matter shall be disposed of into a public sewerage system, if available. In the event a public sewerage system is not available, disposal shall be made into a private system designed, constructed and operated in accordance with the requirements of the Department for Natural Resources and Environmental Protection; provided, however, if a public sewerage system subsequently becomes available, connections shall be made thereto and the park sewerage system shall be discontinued.
(2) Except for self-contained recreational vehicle parks, each park shall provide at least one sanitary station. When more than seventy-five (75) recreational vehicle spaces without sewer riser pipes are provided, additional sanitary stations shall be required at the ratio of one station for each seventy-five (75) recreational vehicle spaces without sewer riser pipes or portion thereof. Sanitary stations shall consist of at least a trapped four (4) inch sewer riser pipe connected to the park sanitary sewer system, be surrounded at the inlet end by a concrete apron sloped to the drain, the riser provided with a suitable hinged cover and the area around the station shall be sloped to drain the surface water away. A water outlet shall be included to permit sanitary maintenance of the station and be marked: "This Water for Flushing and Cleaning Purposes Only". The water outlet house shall be reel or tower mounted to insure sanitary storage when not in use. A vacuum breaker shall be installed at the highest point on the reel or tower mounting.
(3) If facilities for individual sewer riser pipes are provided, the following requirements shall apply:
(a) The sewer riser pipe shall have at least a four (4) inch diameter and shall be so located on the recreational vehicle space that the sewer riser pipe to the recreational vehicle drain outlet will approximate a vertical position.
(b) Provision shall be made for capping the sewer riser piper when a recreational vehicle does not occupy the space. Surface drainage shall be diverted away from the riser.
(4) All plumbing in recreational vehicle parks shall comply with the state plumbing code.

Section 8. Storage, Collection and Disposal of Park Refuse. (1) The storage, collection and disposal of refuse in the park area shall be so conducted as not to create a health, safety or fire hazard, rodent harborage, insect breeding area or cause air pollution.
(2) All refuse shall be stored in flytight, watertight, rodent proof containers. Containers shall be provided at the ratio of one (1) container per two (2) recreational vehicle spaces and in such additional numbers as may be necessary to properly store refuse.
(3) Refuse collection stands shall be provided for all refuse containers with less than thirty-five (35) gallons capacity. Stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
(4) All refuse containing garbage shall be collected at least once a week or more often if necessary. Where suitable collection service is not available from municipal or private agencies, the owner or operator of the park shall provide such service. All refuse shall be collected and transported in covered, leakproof containers or vehicles.
(5) All refuse and waste collected at a park shall be disposed of in a safe and sanitary manner. In the event a permitted site or facility approved by the Department for Natural Resources and Environmental Protection is available, disposal shall be at such site or facility.

Section 9. Park Service Buildings. (1) Except for self-contained recreational vehicle parks, each park shall provide one (1) or more central service buildings containing the necessary toilet and other plumbing fixtures specified. Service buildings shall be conveniently located within a radius of approximately 500 feet of the spaces to be served; provided, however, that variances may be granted by the department due to the topography of the land and other geographical conditions.
(2) Except for self-contained recreational vehicle parks, each park shall be provided with toilet, handwashing and bathing facilities as shown in the following table:

Number of Parking Spaces	Water Closets Men	Water Closets Women	Urinals Men	Lavatories Men	Lavatories Women	Showers Men	Showers Women
1-15	1	1	1	1	1	1	1
16-30	1	2	1	2	2	2	2
31-45	2	2	1	3	3	3	3
46-60	2	3	2	3	3	3	3
61-80	3	4	2	4	4	4	4
81-100	4	5	2	5	5	5	5

Parks having more than 100 recreational vehicle spaces shall provide one (1) additional water closet and lavatory for each sex per additional thirty (30) recreational vehicle spaces; one (1) additional shower for each sex per additional forty (40) recreational vehicle spaces; and one (1) additional men's urinal per additional 100 recreational vehicle spaces.
(3) A floor drain and hose bibb shall be located in each restroom to facilitate cleaning.
(4) All portions of the service building shall be properly protected from damage by ordinary use, decay, corrosion, termites and destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or pentration of moisture and weather.

(5) All rooms containing sanitary or laundry facilities shall have:

(a) Walls and partitions around showers, lavatories and other plumbing fixtures constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material;

(b) At least one (1) window which can be easily opened or a mechanical device or opening which will adequately ventilate the room;

(c) All openings to the outer air in the service building effectively screened and the doors provided with springs or devices to make them self-closing;

(d) Water closets located in separate compartments equipped with doors;

(e) Shower stalls of the individual type;

(f) An individual dressing area provided for each shower stall;

(g) An outside door to the service building containing the toilet and bathing facilities so constructed as to prevent a direct view of the interior when opened;

(h) Illumination levels in the service building maintained as follows:

1. General seeing tasks - ten (10) footcandles.
2. Laundry room work area - forty (40) footcandles.
3. Toilet room, in front of mirrors - forty (40) footcandles.

(i) Hot and cold water furnished to every lavatory, sink, shower and laundry fixture, and cold water furnished to every water closet and urinal;

(j) All refuse stored in easily cleanable containers; and

(k) Sanitary towels or a mechanical hand drying device located adjacent to the lavatories.

Section 10. Insect, Rodent, Pest and Pet Control Within the Park. (1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Approved extermination methods and other measures to control insects and rodents shall be used.

(2) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(3) Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least one (1) foot above the ground.

(4) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(5) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and noxious insects within the area used for the parking of recreational vehicles. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

(6) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of the park.

Section 11. Park Electrical Distribution Systems. (1) Every park shall contain an electrical system consisting of wiring, fixtures, equipment and appurtenances installed and tions.

(2) Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any recreational vehicle, service building or other structure.

(3) All direct burial conductors or cables shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for such purpose. Conductors shall be located not less than one (1) foot radial distance from water, sewer, gas or communication lines.

Section 12. Park Fire Protection. All parks shall comply with applicable rules and regulations of the State Fire Marshal and applicable local fire codes pertaining to fire safety, fuel supply storage and fuel connections.

Section 13. Park Maintenance and Registration of Occupants and Vehicles. (1) The person to whom a permit to operate a park is issued shall at all times operate in compliance with this regulation. The permitee shall maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) Every permittee shall maintain a register showing the following:

(a) The names and permanent addresses of all recreational vehicle occupants;

(b) The make, model and license number of the recreational vehicle or the tow vehicle; and

(c) The dates of arrival and departure of the recreational vehicle or its occupants.

(3) The register shall be available to any authorized person inspecting the recreational vehicle parking area.

(4) Every owner, operator, attendant or other person operating a recreational vehicle park shall notify the department immediately of any suspected communicable or contagious disease within the recreational vehicle park.

(5) No owner, operator or attendant of a self-contained recreational vehicle park shall permit the parking of any dependent recreational vehicle within the self-contained recreational vehicle park.

Section 14. Parks Constructed Prior to June 16, 1973. All recreational vehicle parks in existence on June 16, 1973 (the effective date of former Regulation HRP-2) may be eligible for a permit to operate notwithstanding such parks do not fully meet the design and construction requirements of this regulation provided that it can be determined by the department that such parks can be operated in a safe and sanitary manner in accordance with the operational requirements of this regulation, and; provided further, that all such parks shall have a service building, sanitary station, safe water supply, adequate sewage disposal and solid waste disposal.

Section 15. Inspection of Parks. (1) At least once every twelve (12) months, the department shall inspect each park and shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(2) Whenever an agent of the department makes an inspection of a park, he shall record his findings on an official department inspection report form and provide the permit holder or operator with a copy. The inspection report shall:

(a) Set forth the specific violations found;

(b) Establish a specific and reasonable period of time for the correction of the violation found; and

(c) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in suspension or revocation of the permit.

Section 16. Suspension of Permits. (1) Whenever the department has reason to believe that an imminent public health hazard exists, or whenever the permit holder has interfered with the department concerned in the performance of their duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. In such event the permit holder may request a hearing which shall be granted as soon as practicable.

(2) In all other instances of violation of the provisions of this regulation, the department shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct same. Whenever a permit holder or operator has failed to comply with any written notice issued under the provisions of this regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the department, by the permit holder, within such ten (10) day period.

(3) The hearings provided for in this section shall be conducted by the department at a time and place designated by it. At the conclusion of the hearing, the department shall make a finding of fact and conclusion of the law. A transcript of the hearing shall not be made unless the interested party assumes the costs thereof and a request is made therefore at the time a hearing is requested.

Section 17. Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the department shall make a reinspection. If the applicant is found to be in compliance with the requirements of this regulation, the permit shall be reinstated.

Section 18. Revocation of Permits. For serious or repeated violations of any of the requirements of this regulation or for interference with the agents of the department in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the department. Prior to such action, the department shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of such notice unless a request for a hearing is filed with the department by the permit holder, within such ten (10) day period.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: December 11, 1974
RECEIVED BY LRC: December 12, 1974 at 4:26 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
(902 KAR 20:050)

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 13.082, 216.425
SUPERSEDES: HPHS 10
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of intermediate care facilities, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services. It is now being promulgated in its original form pursuant to KRS 13.082.

Section 1. Definition: Intermediate care services are provided intermittently on a twenty-four (24) hour basis by establishments with permanent facilities and health related services to patients who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities on an inpatient basis.

Section 2. Essential characteristics: All intermediate care services shall have provisions for the following essential characteristics: (1) A governing authority legally responsible for the conduct of the facility;
(2) An administrator licensed by the Kentucky Board of Licensure for Nursing Home Administrators to whom the governing authority delegates full-time responsibility for the operation of the facility in accordance with established policy;
(3) Inpatient care;
(4) Twenty-four (24) hour supervision (at various levels) according to patient need;
(5) Diagnostic care and evaluation according to need;
(6) Treatment and/or training of the type and frequency required by specific patient needs as detailed in an individual "plan of care;"
(7) Cooperation with appropriate community planning and referral agencies where available for admission and discharge of patients;
(8) Social services as needed by the patients through direct provision or arrangement;
(9) A current and complete record maintained for each patient;
(10) An organized food service which meets the nutritional needs of the patients, with special diets regularly available;
(11) A plan for independent and group activities;
(12) A written patient care policy governing patient treatment in the facility;
(13) Maintaining effective arrangements for required institutional services through a written agreement with an outside resource in those instances where the facility does not employ a qualified professional person to render a required service. The terms of agreement with each such resource are delineated in writing and signed by the administrator or authorized representative and the resource;
(14) Written transfer agreements with other health facilities in the service area will provide a level of inpatient care not provided by the intermediate care facility. Any facility which does not have such an agreement in effect but which is found by the survey agency to have attempted in good faith to enter into such an agreement with another health facility shall be considered to have such an agreement in effect if and for so long as the survey agency finds that to do so is in the public interest and essential to assuring intermediate care facility services for eligible persons in the community;
(15) Intermittent appraisal and intervention by trained nursing personnel is on a twenty-four (24) hour basis;
(16) Medical management by a licensed physician and scheduled intermittent diagnostic care is provided;
(17) Restorative nursing care is provided to each patient to achieve and maintain the highest possible degree of function, self-care and independence.

Section 3. Licensure: (1) No person shall provide intermediate care services without having first obtained a license from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board. Licenses issued by the board shall include designation thereon of "conforming" or "non-conforming" with the standards set forth in this regulation. A license shall not be issued to any facility which cannot meet the minimum requirements as set forth in the life safety codes and standards, and federal, state and local requirements for environment and sanitation as set forth in these standards. The license shall be posted in a public area of the facility in plain view of visitors. An "existing facility" is defined as a long term care facility in operation prior to January 1, 1974 and continuously thereafter.
(2) Conforming licenses: Upon submission of a properly completed application to the board accompanied by the prescribed fee, an existing facility in full compliance with the standards herein may be issued a license designated as "conforming." Any existing facility not in full compliance, upon submission of properly completed application accompanied by the prescribed fee, may be issued a license designated as "non-conforming." Those standards which are not met by the "non-conforming" facility shall be identified and reported to the Regional Health Planning Council and responsible state and local officials. An existing licensed "non-conforming" facility may be redesignated as a "conforming" facility upon full compliance with standards herein.
(3) Non-conforming licenses:
(a) Licenses issued to existing intermediate care facilities designated as "non-conforming" by reason of deficiencies pertaining to physical structure of the plant shall be issued on the basis that a facility may be granted a three (3) year period of time in which to meet "conforming" standards. The current owner may retain the bed complement for the three (3) year waiver period provided he can show that he is making reasonable effort and progress to attain "conforming" status. Deficiencies in the physical plant may be waivered only if they are non-hazardous in nature and if the patient care services are conforming. At the end of the three (3) year period, the number of beds in the existing facility shall be open for replacement if the facility has not become "conforming."
(b) Licenses issued to existing intermediate care facilities designated as "non-conforming" by reason of deficiencies pertaining to patient care services shall be considered for renewal on an individual basis concerning the need therefore; and where the denial of licensure would seriously limit the availability of the service to the patients.

Section 4. Minimum Standards for Operation: The following minimum standards for operation as set forth in this regulation shall apply to all intermediate care facilities services in a distinct part, or other facilities providing intermediate care services: (1) Organization:
(a) The facility shall comply with all applicable laws and regulations.
(b) The facility shall have a governing authority that has overall legal responsibility for the conduct of the facility.
(c) The governing authority shall establish bylaws or policies in accordance with legal requirements, setting forth the purposes of the facility and the means of fulfilling them.
(d) The facility shall admit only those persons whose needs can be met by the facility directly or in cooperation with community resources or other providers of care with which it is affiliated or has contracts.
(2) Administrative management:
(a) The facility shall have available a written statement of objectives, goals and policies which shall include a statement of rights of its patients and its relationship to its patients or their surrogates.
(b) The administrator may or may not serve in the capacity of supervisor, but shall be responsible for satisfactory compliance with state and local laws, rules and regulations. The administrator:
1. Shall be licensed and be responsible for meeting all laws governing licensure requirements for intermediate care facilities;
2. May be the director of nursing service in a facility of sixty (60) beds or less;
3. Shall, in his absence, designate a responsible person on his staff to act in an emergency during his absence, and shall designate a full-time person in charge of each shift in the facility to be responsible for patient care;
4. Shall be responsible for the services required in the daily care of the patients and for supervision of the personnel who are employed;
5. Shall be in good physical and mental health, have the ability to establish a program to meet the needs of the patients in relation to their community and families, and be capable of directing and supervising persons working in a facility;
6. Shall attend education programs appropriate to the responsibilities of the position and shall arrange for other professionals to attend appropriate educational programs in supervision, subjects related to personal care, activities, nutrition and other pertinent subjects as often as possible; and
7. Shall be responsible for and participate in recruiting, hiring, assigning and development of the staff.
(c) The administrator shall be responsible for coordinating and directing the day-to-day activities of the facility in accordance with the policies established by the governing body. He shall:
1. Serve as liaison between the governing authority and the staff of the facility;
2. Assist the governing authority in the formulation and implementation of policies;
3. Develop an organizational structure including lines of authority, responsibility and communication subject to the approval of the governing authority; and
4. Perform other duties that may be designated to him by the governing authority.
(d) The administrator shall appoint qualified personnel as needed to assume the responsibility for the routine functioning of the various aspects of the program. He shall:
1. Carry out the administration of their program in keeping with established policies;
2. Participate in decisions affecting program develop-

ment such as staffing and budgeting; and

3. Coordinate activities and policies through regularly scheduled meetings of the appropriate staff members.

(e) According to the policies set by the governing authority, the administrator shall contract for professional and supportive services as appropriate to the needs of the patient. These contracts shall be available for review by appropriate representatives of the Department for Human Resources. The contractors shall:

1. Be required to meet the standards as herein contained; and,
2. Coordinate the service(s) they render to the existing patient care program.

(f) Reports:

1. Administrative reports shall be established, maintained, and utilized as necessary to guide the operation, and reflect the program of the facility. Such reports shall include, where applicable: minutes of the governing body, financial meetings and reports, personnel records, inspection reports, incident investigation reports, and other pertinent reports made in the regular course of the business of the intermediate care facility.
2. Each facility shall furnish an annual report to the Department for Human Resources which shall consist of statistical data on utilization of services, plus other information as requested by the Department for Human Resources on forms supplied by the department; however, financial records previously submitted to the department for Medicare and/or Medicaid shall be excluded.

(g) There shall be full disclosure annually to the licensure board of the names and addresses, and any changes in these, if:

1. Each person having (directly or indirectly) ownership interest of ten (10) percent or more in such facility; and
2. Each officer and director of the corporation where a facility is organized as a corporation; and
3. Each partner where a facility is organized as a partnership; and prompt reporting if;
4. Any change of ownership occurs.

(h) Admission and discharge:

1. The facility shall have written policies which provide that a patient is admitted when it has been determined that the patient is in need of the care and services provided by such facility consistent with the medical recommendation stated in subsection (11) of this section.
2. As changes occur in their physical or mental condition, necessitating service or care which cannot be adequately provided by the facility, patients, upon physician's orders, (except in cases of emergency) shall be transferred promptly to hospitals, skilled nursing facilities or other appropriate facilities; or services shall be contracted for from another community resource to be provided either in the intermediate care facility or in the resource facility as an out-patient.
3. It may be, by reason of remote location or other good and sufficient reason, that the facility is unable to effect such an arrangement with a hospital, skilled nursing facility or other type of facility required for appropriate patient care. These findings may be made by the Department for Human Resources when:

a. There is no general hospital or skilled nursing facility serving the area in which the facility is located; or

b. There are one (1) or more general hospitals or skilled nursing facilities serving the area and the facility has attempted in good faith and has exhausted all reasonable possibilities to enter into an agreement with such other facilities; and

c. The facility has provided copies of letters, records of conferences, or other evidence to support its claim that it has attempted in good faith to enter into an agreement;

d. Hospitals or skilled nursing facilities in the area have, in fact, refused to enter into an agreement with the facility in question.

4. Similarly, as validated changes, and progress occur which would enable the patient to function in a less structured and restrictive environment, the facility shall offer assistance in making arrangements for patients to be transferred to facilities providing appropriate services and the less restrictive environment cannot be offered at the facility.
5. Except in an emergency, the patient, his next of kin, the attending physician, and the responsible agency, if any, are consulted in advance of the transfer, release or discharge of any patient, and social services, or other means, are utilized to assure that adequate arrangements exist for meeting his needs through other resources.
6. Upon the direction of a qualified physician or physicians, the facility shall have the rights to discharge to an appropriate resource, any patient for whom such action is indicated.
7. No patient shall knowingly be admitted to an intermediate care facility with a communicable disease, including active tuberculosis.

(3) Personnel and staffing:

(a) The facility shall employ, or offer access to, a sufficient number of qualified personnel as may be required to provide services necessary to fully implement the facility's program. Responsible staff member shall be on duty and awake at all time to assure prompt, appropriate action in cases of injury, illness, fire, or other emergencies.

1. Volunteers shall be used, when available, to supplement staff, but shall not be counted on to make up minimum staffing requirements.
2. The working hours of the personnel shall be spaced over all shifts so that the needs of the patients are adequately met over any twenty-four (24) hour period.
3. The number and classification of personnel to be provided, including staff to provide personal care, shall be based on the following: number of patients; amount and kind of personal care, nursing care, supervision, and program needed to meet the needs of the patients as determined by the definition and essential characteristics of this regulation; and/or, medical orders.

(b) Written job descriptions and standards of qualifications shall be developed for each category of personnel. Job descriptions shall include necessary qualifications, lines of authority and specific duty assignments. Job descriptions shall be reviewed and revised as necessary.

(c) Current employee records shall be maintained and shall include a resume of each employee's training and experience, evidence of current licensure or registration where required by law, health records and evaluation of performance, along with employe's name, address and social security number.

(d) Supportive personnel, consultants, assistants and volunteers shall be supervised and shall function within the policies and procedures of the facility.

(e) Each employee shall present, at time of employment, or within one (1) week of employment, evidence of freedom from communicable disease.

(f) All employees shall have a test for tuberculosis either prior to or within the first week of employment and annually thereafter.

(g) The staff shall be knowledgeable and well-trained in relation to policies and procedures regarding their roles within the program.

(h) There shall be a planned in-service program including orientation, skilled training and ongoing education provided for all levels of employees.

(i) Immediate supervision of the facility's health services, on all days of the week, shall be by a registered nurse or a licensed practical (or vocational) nurse employed full-time on the day shift.

(j) In the facility where a licensed practical (or vocational) nurse serves as health services supervisor, consultation shall be provided by a registered nurse under formal contract at regular intervals, but not less than four (4) hours weekly.

(4) Community involvement and relations:

(a) The facility shall develop its programs and services to meet the needs of the community which it serves.

(b) Identification of available services and resources, i.e., emergency, transportation, medical care shall be made and use of these services shall be in corporation with other groups (in the service community) concerned with health and welfare. The facility shall have communication with other facilities in the community to allow temporary or permanent placement of patients at the appropriate levels of care when advisable for the benefit of the patients.

(c) The staff and/or administrator of the program shall be encouraged to be involved in interagency and community planning and activities.

(d) If and when the facility conducts or participates in public information programs to promote understanding of the facility's programs and goals, either separately or in cooperation with agencies and groups in the service community, or in fund raising, it shall protect the confidential relationship of persons served.

1. The program and its representatives shall employ only ethical methods of publicity, promotion and solicitation of funds. Promotional materials shall not contain portrayals of the disabled as helpless.
2. No use shall be made of any living, deceased or disabled person's name or picture without prior permission of the individual or guardian concerned.
3. No rights shall be granted to profit making or non-profit making groups to couple their support of programs for the disabled with their sales promotions in such a manner as to exploit the disabled.

(5) Case records:

(a) The facility shall develop and maintain a system of records retention and filing to insure completeness and prompt location of each patient's records. These records shall be the property of the facility and shall be held confidential. The records shall be in ink or typed and shall be legible. Each entry shall be dated and signed. These shall include but not limited to the following:

1. Identification data including the patient's name, address and social security number (if available);

name, address and telephone number of referral agency; name and telephone number of personal physician; name, address and telephone number of next of kin or other responsible person.

2. The patient's physician shall transmit a medical evaluation including medical history, physical examination and diagnosis. This admission information shall also include current medical findings, summary of the course of treatment in the transferring institution and verification of freedom from all contagious disease. The medical evaluation may be a copy of the discharge summary or history and physical report from a hospital or skilled nursing facility if done within fourteen (14) days prior to admission. The physician's orders shall include all medication, diet, treatment and any other orders required for the safety and well-being of the patient. These shall be dated and signed by the physician. The discharge and/or release summary shall be dated and signed by the attending physician.

3. A progress record shall be maintained relating to patient goals. It shall indicate any changes in the patient's condition, actions, responses, attitude, appetite and other changes as noted by the staff; and shall include a discharge summary within one (1) month of discharge from the facility.

4. If consultants are involved in the intermediate care program, they shall make a written report of their findings and recommendations at the time of their visits. These shall be included in the patient's record.

5. A medication sheet shall be maintained which contains the date, time given, name of medication or prescription number, dosage and name of prescribing physician.

6. Nurse's notes shall indicate changes in patient's condition, actions, responses, attitudes, appetite, etc. These changes shall be recorded as they occur. Nursing personnel shall make notation of significant response to special treatment, medication, etc. There shall be a written assessment of the patient's general condition at least monthly by the nursing supervisor.

7. Reports of social services, dental, laboratory, x-ray and special reports shall be included in the case record.

8. A full written report of any incident or accident involving a patient, including medication errors or drug reactions, shall be made and signed by the administrator/health services supervisor and any staff member who may have been witness to the incident.

9. Records shall be retained for a minimum of five (5) years and for such additional time as deemed necessary by the governing body of the facility.

(b) Storage and transfer of records:

1. After death or discharge, the completed case record shall be placed in an inactive file and retained in accordance with applicable regulations governing the storage and retention of medical records.

2. In the event of a transfer to another health care facility, a copy of the patient's record or summary thereof, shall accompany the patient.

3. In multi-level facilities, the complete patient record shall be transferred with the patient.

(c) Responsibility for medical records: If the facility does not have a full or part-time medical records librarian, an employee shall be assigned to the responsibility of assuring that the medical records are maintained, completed and preserved according to subsection (5)(a)9. of this section.

(6) Administrative records:

(a) The facility shall maintain a bound, permanent, chronological patient registry showing date of admission, name of patient, and date of discharge.

(b) The facility shall keep records of any personal money, regardless of source, or valuables kept by the facility for a patient. When purchases are made for a patient from personal monies, proper accounting shall be made.

(c) The facility shall require and maintain written recommendations or comments from consultants regarding the program and its development on a per visit basis.

(d) Menu and food purchase records shall be maintained.

(e) There shall be quarterly reports for all employees as needed for Social Security and Unemployment Compensation. Copies of these reports shall be made available to the department upon request.

(7) Fire control or disaster plan:

(a) The facility shall have a written procedure to be followed in case of fire, explosion or other emergency. It shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating patients, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift.

1. The plan shall be developed with the assistance of qualified fire and safety experts.

2. All personnel shall be trained to perform assigned tasks.

3. Simulated drill testing the effectiveness of the plan shall be conducted involving each shift at least one (1) time per quarter.

4. The plan shall be posted throughout the facility.

(b) Fire extinguishers, alarm signals and exits shall be clearly marked and visible.

(8) Environment:

(a) Infection control:

1. The intermediate care facility shall provide a sanitary environment to avoid sources and transmission of infections.

2. There shall be a plan for isolation of patients with contagious diseases.

(b) Housekeeping services:

1. The facility shall provide sufficient housekeeping and maintenance personnel to maintain the exterior and interior of the facility in a safe, clean, orderly and attractive manner.

2. Housekeeping personnel and staff, using accepted procedures and practices, shall keep the facility free from offensive odors, safety hazards, and accumulations of dirt, rubbish and dust.

3. Floors shall be cleaned regularly. Polishes on floors shall provide a non-slip finish; throw or scatter rugs shall not be used except for non-slip entrance mats.

4. Walls and ceilings shall be maintained free from cracks and falling plaster, and shall be cleaned and painted regularly.

5. Deodorizers shall not be used to cover odors caused by unsanitary conditions or poor housekeeping practices.

6. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.

7. The grounds shall be kept free from refuse and litter. Areas around buildings, sidewalks, gardens and patios shall be kept clear of dense undergrowth.

8. The facility shall be maintained free from insects and rodents.

9. A pest control program shall be in operation in the facility. Pest control services shall be provided by maintenance personnel of the facility or by contract with a pest control service.

10. Windows and doors shall be appropriately screened.

11. Harborages and entrances for insects and rodents shall be eliminated.

12. Garbage and trash shall be stored in areas separate from those used for the preparation and storage of food and shall be removed from the premises regularly. Containers shall be cleaned regularly.

13. Bathtubs, shower stalls and/or lavatories shall not be used for laundering, janitorial or storage purposes.

14. All cleaning compounds, insecticides and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.

(9) Transportation:

(a) If transportation of patients is provided by the facility to community agencies or other activities, the following shall apply:

1. Special provision shall be made for patients who use wheelchairs.

2. An escort or assistant to the driver shall be provided in transporting patients to and from the facility if necessary for patient's safety.

(b) The facility shall arrange for appropriate transportation, if available, when necessary for medical emergencies.

(10) Communicable disease policies:

(a) The administrator shall assume the responsibility of assuring that there is a minimum danger of transmission of communicable diseases.

(b) No person with a serious communicable disease shall knowingly be admitted to the facility. If, after admission, such a condition is suspected or diagnosed, the individual shall be placed in isolation until a transfer from the facility can be arranged. No individual may remain in the facility for more than seventy-two (72) hours after a diagnosis of a serious communicable disease has been made.

(c) No patient shall be admitted knowingly who has had a history of tuberculosis until the disease is classified inactive and the results of the annual examination by the physician have been received indicating the inactive status of the patient's tuberculin condition, or until the attending physician's written statement that tuberculosis is inactive is on record.

(11) Medical supervision of patients: The facility shall maintain policies and procedures to assure that each patient shall be under the medical supervision of a licensed physician.

(a) The patient (or his guardian) shall be permitted his choice of physician.

(b) The physician shall visit the patients as often as necessary and in no case less often than every sixty (60) days, unless justified otherwise and documented by the attending physician.

(c) Physician services shall include a complete physical examination at least annually and formal arrangements to provide for medical emergencies on a twenty-four (24) hour, seven (7) days a week basis.

(12) Psychiatric emergencies:

(a) If a patient becomes disturbed or unmanageable, his doctor will be notified immediately and the patient

will be seen as soon as possible.

(b) Restraints can be used if ordered by the attending physician. In an emergency, restraints may be used temporarily, but in no case for a period to exceed twelve (12) hours. Restraints shall be applied only by personnel trained in proper application and observation of this equipment. Restraints as referred to by this regulation shall be those devices utilized to confime a patient that has become unmanageable thus requiring restraints as protection against self-endangering acts to other patients or staff. In no case shall a locking device be used.

(c) Mechanical restraints shall be employed only when absolutely necessary to protect the patient from injury to himself or to others. This does not include safety devices such as Posey vests, and other similar non-locking devices.

1. The facility shall have a written policy that defines the use of restraints and a mechanism for monitoring and controlling their use.
2. Restraints or safety devices shall not be employed as a punishment, for the convenience of staff or as a substitute for appropriate programs.

(d) During the psychiatric emergency an employee shall remain in the area of the patient under restraint at all times.

(e) The reason for ordering and using restraints shall be recorded in the clinical record. There shall be written policies covering the use of restraints.

(13) Patient care and safety:

(a) Missing, lost or runaway patient procedures shall include:

1. A written procedure for all three (3) shifts, which will specify in a step-by-step manner, the actions which shall be taken by staff when a patient is determined to be lost, runaway, unaccounted for or on other unauthorized absence.
2. Specific, individualized staff responsibilities for search of all locations in the facility and of its surroundings and if necessary, notification of specific authorities and law enforcement agencies for assistance.

(b) A patient shall not be held in isolation except in the case of an emergency or suspicion of communicable disease; and in the case of an emergency, shall be attended by an employee until a change of condition has occurred or until the patient is transferred to a different facility.

(c) No patient whose need for care shall exceed the abilities of the personnel of the facility to provide shall be retained in that facility for a period longer than is required to obtain transfer to a facility where the required level of care can be provided.

(d) Utmost safety precautions relating to conditions and maintenance of floors, steps, doorways, furniture placement, beds, equipment of any type which may be contacted by patient (including heating and cooking equipment) shall be taken to prevent injury or accident. Poisonous cleansing supplies shall be kept in locked storage areas.

(14) Patient accommodations:

(a) Furnishings:

1. There shall be a standard size bed for each patient which is at least thirty-six (36) inches wide, of standard length with head board and foot board, and which is of sturdy construction and in good repair. Cots, roll-away, double or folding beds shall not be used.
2. Each bed shall be provided with satisfactory type springs or similar support structure in good repair and a clean, firm, comfortable mattress and covers of appropriate size for the bed.
3. Each bed shall be provided with a minimum of one (1) clean, comfortable pillow. If the pillow is not made with a waterproof washable fabric, the pillow shall be sterilized after it has been used by one patient before it is used by another.
4. Bedroom windows shall have window shades or equivalent in good repair.
5. For each patient unit, the following shall be furnished: individual reading light; bedside cabinet; comfortable chair; accessible storage space for clothing and other possessions.
6. Each patient room shall have a night light. In multi-patient rooms, each bed shall have flame retardant cubicle curtains or partitions.
7. There shall be a sufficient number of tables provided that can be rolled over a patient's bed, or one that can be placed next to a bed to serve every patient that does not eat in a dining room or area.
8. Each living room or lounge area and recreation area used for patients shall be provided with an adequate number of reading lamps, tables and chairs or settees. These furnishings shall be well constructed and of satisfactory design for the patients.
9. Dining room furnishings shall be adequate in number, well constructed, and of satisfactory design for the patients.

(b) Equipment: There shall be a sufficient quantity of patient care equipment of satisfactory design and in good condition to carry out established patient care procedures. This shall include, but not be limited to, the following:

1. Wheelchairs with brakes;
2. Walkers;
3. Metal bedside rails;
4. Bedpans and urinals (permanent or disposable);
5. Emesis basins and wash basins (permanent or disposable);
6. Footstools;
7. Bedside metal commodes;
8. Foot cradles;
9. Foot boards;
10. Under-the-mattress bed boards;
11. Trapeze frames;
12. Transfer board; and
13. An autoclave for sterilization of nursing equipment and supplies or an equivalent alternate method of sterilization is provided.

(c) Linens: There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the patients. The following procedures will be followed for the handling of soiled and cleaned linen:

1. Soiled linen shall be placed in washable or disposable containers, transported in a sanitary manner and stored in separate, well-ventilated areas in a manner to prevent contamination and odors.
2. Soiled linen shall not be permitted to accumulate excessively in any area of the facility.
3. Soiled linen shall be handled and stored in such a manner as to prevent contamination of clean linen. Equipment of areas used to transport or store soiled linen shall not be used for handling or storing of clean linen.
4. Soiled linen shall not be sorted, laundered, rinsed or stored in bathrooms, patients' rooms, kitchens or food storage areas.
5. Handwashing facilities with hot and cold running water, soap dispenser and paper towels shall be available in the laundry area where soiled linen is handled or sorted.
6. Personal laundry of patients, or staff shall also be collected, transported, sorted, washed and dried in a sanitary manner, separate from bed linens.
7. Clean linen shall be sorted, dried, ironed, and folded in a specified area separate from soiled linen and in a sanitary manner.
8. Clean linen shall be transported, stored and distributed in a sanitary manner.
9. Clean linen and clothing shall be stored in clean, dry, dust-free closets on each floor that are easily accessible to the nurses' station and such closets shall not be used for any other purpose.
10. When feasible, arrangements shall be made so that patients who wish to do so have a safe and convenient place to wash out and dry a small amount of personal laundry.
11. When applicable, laundry personnel shall be appropriately uniformed and adequate storage space shall be provided for the storage of their street clothing.

(15) Policies governing patient rights:

(a) The patient's family, guardian, or committee appointed by the state authority responsible for the patient, and if indicated, the private or public agency financially responsible for his care, shall be notified immediately, if possible, of accidents, sudden illness, disease, unexplained absences, or anything unusual happening to the patient.

(b) The patient's family, guardian, or committee and, if indicated, the private or public agency financially responsible for his care, shall be notified, if possible, prior to the patient being transferred to a hospital, to another facility, or discharged.

(c) The facility shall provide and maintain an adequate system for identifying each patient's personal property and facilities for safekeeping of his valuables. Each patient's clothing and other property shall be reserved for his own use.

(d) A written account, available to patients and their families is maintained on a current basis for each patient with written receipts for all personal possessions and funds received by or deposited with the facility and for all disbursements made to or on behalf of the patients.

(e) The facility shall return to the patient his valuables, personal possessions, and any unused balance of monies from his account at the time of his transfer or discharge from the facility. In case of his death, or for valid reasons when he is transferred or discharged, they shall be returned promptly to any legally authorized person.

(f) Every patient shall be permitted and/or assisted in attending religious services if he desires. His spiritual advisor shall be permitted to visit him at all reasonable hours. Privacy for consultation with his spiritual advisor and for communion shall be provided.

(g) Visitors shall be permitted for each patient. Provision shall be made for privacy with his visitors, physician, and any agency representative who has a responsibility for his care.

(h) Each patient shall be permitted to have his own radio and/or television set in his room unless it

interferes with or is disturbing to other patients.

(i) Each patient shall be permitted to send and receive mail. His mail shall be delivered to him unopened unless the patient's physician has requested in writing that the mail be reviewed. His outgoing mail shall not be censored.

(j) Patients shall have access to a telephone at a convenient location within the building for making and receiving telephone calls.

(k) Patients shall be permitted to go outdoors and leave the premises as they wish to visit, shop, attend church, see a movie, attend a social function, or for any similar reason, unless a legitimate reason can be shown for refusing such activity.

Section 5. Services-General: All programs and services shall have:

(1) Written policies and procedures which govern all areas of services provided by the facility which shall be developed with the assistance of a registered nurse, and/or other professional staff employed by the facility or under contract to the facility.

(2) An orientation program conducted for all new employees that includes review of facility policies, patient care and service policies, and emergency and disaster instructions.

Section 6. Nutrition and Dietary Services: The facility shall provide or contract for food service to meet the dietary needs of the patients including modified diets or dietary restrictions as prescribed by the attending physician.

(1) Director of food service: Each facility shall have a full-time person qualified by training and experience designated by the administrator, responsible for the total food service operation of the facility and who shall be on duty a minimum of thirty-five (35) to forty (40) hours each week. Such a person may be a qualified dietitian or nutritionist. If the facility provides therapeutic diets, and the food service director is not a qualified dietitian or nutritionist, consultation by a qualified dietitian shall be provided or the diets shall be reviewed and approved by the attending physician.

(2) Dietary staffing: There shall be sufficient number of food service personnel employed and their working hours, schedules of hours, on duty and days off shall be posted.

(a) Employees personal hygiene:

1. All persons engaged in the preparation and serving of food shall have a current tuberculin test and stool examination. These shall be performed at least annually.
2. No person, while afflicted with any disease in a communicable stage, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or acute respiratory infection, shall work in areas in any capacity in which there is likelihood of such person contaminating food, or food surfaces with pathogenic organism, or transmitting disease to other individuals.
3. If any food service personnel are assigned duties outside the dietary department, the duties shall not interfere with the sanitation, safety or time required from regular dietary assignments.
4. Employees shall wear apparel appropriate to their jobs and shall adhere to good sanitation practices.
5. Hairnets, caps or other effective hair restraints shall be used by all employees (male and female) engaged in the preparation and serving of food.
6. Dietary employees shall not use tobacco in any form while engaged in any dietary department procedure.

(3) Food service functions and areas:

(a) Physician's diet order: The diet order shall be specific, complete and in writing.

(b) Menu planning:

1. Menus shall be planned, written and rotated according to a definite pattern. Nutrition needs shall be met in accordance with the current recommended dietary allowances of the nationally accepted dietary authorities, and in accordance with physician's orders.
2. Meals shall correspond with the posted menu; when changes in the menu are necessary, substitutions shall provide equal nutritive value and the changes shall be recorded on the menu and kept on file for thirty (30) days.
3. The daily menu shall include daily diet for all modified diets served within the facility based on an approved diet manual. (The diet manual shall be a current manual with copies available in the dietary department, that has the approval of the professional staff of the facility. The diet manual shall indicate nutritional deficiencies of any diet. The dietitian shall correlate and integrate the dietary aspects of the patient care with the patient and patient's chart through such methods as patient instruction, recording diet histories and participation in rounds and conferences.)

(c) Quality of food:

1. At least three (3) meals or their equivalent shall be served daily with not more than a fourteen (14) hour span existing between substantial evening meal and breakfast.
2. Meals shall be served at regular times with between meals or bedtime snacks of nourishing quality offered.

(d) Preparation and serving of food: Foods shall be prepared by methods that conserve nutritive value, flavor and appearance and attractively served at the proper temperatures, and in a form to meet the individual needs. (A file of tested recipes, adjusted to appropriate yield shall be maintained.)

1. Food shall be cut, chopped or ground to meet individual needs. If a patient refuses foods served, substitutions shall be offered.
2. Trays provided bedfast patients shall rest on firm supports such as overbed tables. Sturdy tray stands of proper height are provided for patients able to be out of bed.
3. Correct positioning of the patient to receive his tray shall be the responsibility of the direct patient care staff. Patients requiring help in eating shall be assisted by trained personnel.
4. Adaptive self-help devices shall be provided to contribute to the patient's independence in eating.

(e) Maintenance of sanitary conditions:

1. Equipment and work areas shall be clean and orderly. Effective procedures for cleaning all equipment and work areas shall be followed consistently to safeguard the health of the patient. The dietary department shall be routinely inspected and approved by state or local health agencies as a food handling establishment. Written reports of the inspection shall be on file with recommendations.
2. Dry or staple food items shall be stored at least twelve (12) inches off the floor in a ventilated room which is not subject to sewage or waste water back-flow, or contamination by condensation, leakage, rodents, or vermin.
3. All cleaning agents and supplies shall be stored separately from food supplies.
4. All perishable foods shall be refrigerated at the appropriate temperature and in an orderly and sanitary manner. All refrigerators shall have thermometers conveniently located to spot check frequently.
5. Foods being displayed or transported shall be protected from contamination by being properly covered.
6. Only appropriate personnel shall be allowed in the food production and serving areas of the dietary department at any time.
7. Where mechanical dishwashers are used, dishwashing procedures and techniques shall be well-developed, understood, and carried out in compliance with the state and local health codes and with periodic check on: detergent dispenser operation, washing, rinsing, and sanitizing temperature of 180 degrees for rinse cycle, machine and jets.
8. Where dishes are washed manually, the following techniques shall be employed: A three compartment sink shall be provided; the utensils shall be washed in hot water at a temperature of 110 to 120 degrees F., containing an adequate amount of an effective soap or detergent. Water shall be kept clean by changing it frequently.
9. Sanitizing of hand-washed dishes: Following hand washing, all utensils shall be sanitized by either submerging all utensils for thirty (30) seconds in clean water maintained at a temperature of 180 degrees F., or more, or all utensils shall be submerged for at least two (2) minutes in a hypochlorite solution. The solution shall be made up with chlorine concentration of at least one hundred (100) parts per million and shall be discarded when the chlorine concentration goes below fifty (50) parts per million. All hypochlorite solutions shall be prepared fresh at least three (3) times each day prior to its use in sanitizing the dishes used at each main meal period, and at least twice each day if only glassware is sanitized. Soaps, water softeners, washing compounds and detergents shall not be added to hypochlorite solutions. Utensils should be racked in baskets so that all surfaces will be reached by the chemical solution while submerged. Other chemical sanitizing solutions shall be approved for use by the state health officer in which case the concentration will be specified.
10. Thermometer: A suitable thermometer shall be provided for frequent determination of the temperature of the water used for sanitizing, washing, and rinsing utensils.
11. All garbage and kitchen refuse shall be disposed of through a disposal or kept in leak proof, nonabsorbent containers with close fitting covers and shall be disposed of daily in a manner that will not permit transmission of disease, a nuisance, or a breeding place for flies. All garbage containers shall be thoroughly cleaned inside and out each day.

Section 7. Activities and Therapeutic Recreation: (1) All facilities shall provide or shall designate a person as an activity director who is responsible for developing and implementing the activity program.

(2) Patients, both ambulatory and non-ambulatory, are encouraged, but not forced, to participate in planned activities appropriate to the patients' needs.

(3) The patient activities program is designed to:

(a) Stimulate physical and mental abilities to the fullest extent;

(b) Encourage and develop a sense of usefulness and self respect;
(c) Include activities which inhibit, prevent, or overcome the development of symptoms of physical and mental regression due to illness or old age;
(d) Include, whenever possible, the patient and his family in planning of and participation in activities;
(e) Be of sufficient variety that they meet the needs of the various types of patients in the facility;
(f) Include religious activities for each patient if it is the desire of the patient to participate; requests from a patient to be seen by a clergyman are acted upon as soon as possible, and an area for consultation is made available to the patient who desires a private visit from the clergyman;
(g) Allow the patient to leave the facility to visit, shop, attend church, or other social activities provided this does not endanger his health; and
(h) Be planned in group and individual projects and programs and available to all patients.

(4) An activities program is developed for each patient, incorporated in the overall patient's plan of care and reviewed and revised, if necessary, every four (4) months.

(5) The patient's participation in the activities program and significant changes in his response to activities are entered into his patient record.

(6) The activities director maintains a current list of patients on which precautions are noted regarding a patient's condition that might restrict or modify his participation in the program.

(7) The schedule and/or calendar for the activity program shall be current and shall be posted on a general patient area within the facility.

(8) The facility provides indoor and outdoor space, supplies, and equipment for the program.

Section 8. Social Services: The facility provides or arranges for social services as needed by the patient, designed to promote preservation of the patient's physical and mental health.

(1) A designated staff member suited by training or experience is responsible for arranging for social services and for the integration of social services with other elements of the plan of care.

(2) A plan for such care is recorded in the patient's record and is periodically evaluated in conjunction with the patient's total plan of care.

(3) Social services patient records shall be maintained as an integral part of the patient's case record.

Section 9. Pharmaceutical Services: Whether drugs are generally procured from community or institutional pharmacists or stocked by the facility, the facility shall have methods for its pharmaceutical services that are in accordance with accepted professional practices.

(1) Procedures for administration of pharmaceutical services: The facility shall provide appropriate methods and procedures for obtaining, dispensing, and administering of drugs and biologicals, developed with the advice of a staff pharmacist, a consultant pharmacist, or a pharmaceutical advisory committee which includes one (1) or more licensed pharmacists.

(a) If the facility has a pharmacy department, a license pharmacist shall be employed to administer the pharmacy department.
(b) If the facility does not have a pharmacy department, it shall have provision for promptly and conveniently obtaining prescribed drugs and biologicals from a licensed community or institutional pharmacy.
(c) An emergency medication kit approved by the facility's group of professional personnel shall be kept readily available.
(d) The facility shall have written policies covering pharmaceutical services which shall be developed with the advise of a group of professional personnel and which shall be reviewed at least annually. Pharmacy policies and procedures shall be developed with the advice of a committee of the professional staff of the facility.

(2) Conformance with physician's orders: All medications administered to patients shall be ordered in writing. Oral orders shall be given only to a licensed nurse or pharmacist, immediately reduced to writing, and signed. Medications not specifically limited as to time or number of doses, when ordered, shall be automatically stopped in accordance with written policy on stop orders. A nurse and the prescribing physician shall review, not necessarily at the same time, as a committee, the patient's medication profile at least every three (3) months. The patient's attending physician shall be notified of stop order policies and contacted promptly for renewal of such orders so that continuity of the patient's therapeutic regimen is not interrupted. Medications are released to patients on discharge or visits only after being labeled appropriately and on the written authorization of the physician.

(3) Administration of medications: All medications shall be administered by trained personnel. Each dose administered shall be recorded in the clinical record. If in case of emergency, intravenous injections are necessary, they shall be administered by a licensed physician or a registered nurse.

(a) The nursing station shall have readily available items necessary for the proper administration of medication.
(b) Medications prescribed for one patient shall not be administered to any other patient.
(c) Self-administration of medications by patients shall not be permitted except for drugs on special order of the patient's physician or in a predischarge program under the supervision of a licensed nurse or pharmacist. (The medication shall remain in the container provided by the pharmacist.)
(d) Medication errors and drug reactions shall be immediately reported to the patient's physician and pharmacist and an entry thereof made in the patient's clinical record as well as on an incident report.
(e) Up-to-date medication reference texts (P.D.R.) and other sources of information shall be provided, such as the American Hospital Formulary Service of the American Society of Hospital Pharmacists or other suitable references.

(4) Labeling and storing medications: Patient's medications shall be properly labeled and stored in a locked cabinet at the nurses' station.

(a) The label of each patient's individual medication container clearly indicates the patient's full name, physician's name, prescription number, name and strength of drug, date of issue, expiration date of all time-dated drugs and name and the lot or control number of the medication also appear on the label.
(b) Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist or pharmacy for relabeling or disposal. Containers having no labels shall be destroyed in accordance with state and federal laws.
(c) The medications of each patient shall be kept and stored in their originally received containers and transferring between containers shall be forbidden, except as noted in subsection (3)(c) of this section.
(d) Separately locked boxes, or drawers securely fastened down within the locked medicine cabinet shall be provided for storage of narcotics, barbiturates, amphetamines, and other dangerous drugs subject to the current Controlled Substance Act or subsequent amendments thereof.
(e) Cabinets shall be well lighted and of sufficient size to permit storage without crowding.
(f) Medications requiring refrigeration shall be kept in a separate locked box within a refrigerator at or near the nursing station.
(g) Medications for "external use only" shall be kept in a locked cabinet and separate from other medications.
(h) Medications no longer in use shall be disposed of or destroyed in accordance with federal and state laws and regulations.
(i) Medications having an expiration date shall be removed from usage and properly disposed of after such date.

(5) Control of narcotics: The facility complies with all federal and state laws and regulations relating to the procurement, storage, dispensing, administration and disposal of narcotics, those drugs subject to the federal and state Controlled Substance Acts, and other legend drugs. A narcotic record shall be maintained which lists on separate sheets for each type and strength of narcotic the following information: date, time administered, name of patient, dose, physician's name, signature of person administering dose and balance.

Section 10. Dental Services: The facility shall assist patients in obtaining dental services. Conditions necessitating dental services shall be noted and such dental procedures and services shall be recorded in the patient's record.

Section 11. Nursing Services: (1) Immediate supervision of the facility's health services on all days of each week is by a registered nurse or licensed practical nurse employed on the day shift.

(a) In the case of facilities where a licensed practical nurse serves as supervisor of health services, consultation is provided in the facility by a registered nurse, through formal contract, at regular intervals, but not less than four (4) hours weekly.
(b) The supervisor of health services shall have training and knowledge in restorative nursing.

(2) The responsibilities of the health services supervisor shall be in:

(a) Developing and/or maintaining nursing service objectives, standards of nursing practice, nursing procedure manuals, and written job description for each level of nursing personnel.
(b) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.
(c) Assigning and supervising all levels of nursing care.
(d) Participating in planning and budgeting for nursing care.
(e) Participating with the interdisciplinary team in the development and implementation of patient care policies.
(f) Coordinating nursing services with other patient care services.

(g) Participating in the screening of prospective patients in terms of required nursing services and nursing competencies available.
(h) Assuring that a current nursing care plan is established for each patient and that his plan is reviewed and modified as necessary, (but not less than quarterly). Plan shall indicate (long and short term goals), nursing care needed, how it is to be accomplished, and methods, approaches and modifications necessary to insure best results for the patient.
(i) Assuring that all medications are administered by licensed personnel (physician or nurse) or by other personnel who have completed a state-approved training program. There shall be trained personnel in the facility at all times for supervision. Intravenous medication shall be limited to emergency situations and shall be administered by physicians, or registered nurse. Each dose shall be promptly charted in the patient's medical record.
(j) Assuring that the registered nurse reviews, monthly, each patient's medications and notifies the physician when changes are appropriate of pertinent information; the registered nurse or consultant participates with the physician (not necessarily at the same time) in a review of medication orders at least quarterly.
(k) Assuring that acceptable in-service and/or continuing education for all nursing personnel shall be conducted at least quarterly or its equivalent. (Provided by in-service or continuing education.) Also assuring that an orientation program shall be written and implemented for all levels of nursing personnel.
(l) Assuring that minutes of all meetings and in-service educational programs are recorded and available to staff members involved in patient care.
(m) Assuring the accuracy and legibility of the nurse's notes which must contain but are not limited to the following situations or circumstances: frequency of treatments rendered; response to treatments rendered; mode and frequency of p.r.n. medications administered; symptoms or condition necessitating administration of p.r.n. medication when indicated; reaction following p.r.n. medication when indicated; visits by the physician and phone calls to the physician; unusual conditions or symptoms as they occur; the recording of medically prescribed diets in the patient's clinical record; (The patient shall be observed at all meals and persistent failure to eat shall be noted.); and restorative nursing measures.
(n) Restorative measures shall be practiced on a twenty-four (24) hour, seven (7) day week basis in the care of patients. Those procedures requiring medical approval shall be ordered by the attending physician. Restorative measures shall include, but are not limited to the following procedures:
1. Positioning and turning: Nursing personnel shall encourage and/or assist patients in maintaining good body alignment while standing, sitting, or lying in bed.
2. Exercises: Nursing personnel shall assist patients in maintaining maximum joint range of motion and/or active range of motion.
3. Bowel and bladder training: Nursing personnel shall assist incontinent patients to gain bowel and bladder control.
4. Training in activities of daily living: Nursing personnel shall encourage and when necessary, teach patients to function at their maximum level in appropriate activities of daily living for as long as, and to the degree that, they are able.
5. Ambulation: Nursing personnel shall assist and encourage patients with daily ambulation unless otherwise ordered by the physician.

(3) Nursing services shall include but not be limited to:
(a) Assessment of nursing needs and, where appropriate, direct nursing intervention; by:
1. Proper administration of medications including oral, rectal, hypodermic, and intra-muscular;
2. The proper carrying out of treatments such as: enamas, irrigations, catheterizations, applications of dressings or bandages, supervision of special diets, restorative measures and other treatments involving a like level of skill;
3. Objective observations of changes in a patient's condition, (including mental and emotional changes, as a means for analyzing and determining care required and/or the need for further medical evaluation and treatment);
4. Personal care and hygiene such as clean, neat, well-groomed hair; clean, trimmed fingernails and toenails; clean skin and freedom from offensive odors; clean mouth and teeth; and care of the lips to prevent dryness and cracking; and
5. Encouragement of patients to be dressed in their own clothing whenever possible (unless otherwise indicated by the physician, this should be street clothes and shoes).
(b) Implementing a regular program with special emphasis on the following to prevent decubiti:
1. A system to maintain cleanliness of the patient, his clothes and linens, shall be followed each time the bed or the clothing is soiled. Rubber, plastic, or other type of linen protectors (newspapers not acceptable) shall be properly cleaned and completely covered to prevent direct contact with the patient.
2. Special effort shall be made to assist the patient in being up and out of bed as much as his condition permits. The patient may be denied this assistance only upon the written order of his physician. If the patient cannot move himself, he shall have his position changed as often as necessary but not less than every two (2) hours.
3. Treatment of decubitus in the facility will depend on the physician's judgment of the capability of the facility.
(c) Instruction and supervision of nursing staff in the following:
1. Basic skills required to meet the nursing needs of the patients;
2. Basic first aid practices to minimize injury from commonly encountered emergencies; and
3. Personnel should be knowledgeable of the proper use and location of emergency and life supporting equipment.
(d) Participation on appropriate facility committees.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board

ADOPTED: August 26, 1974
APPROVED: L. W. TRUE, Secretary
RECEIVED BY LRC: December 13, 1974 at 4:14 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Howard Bost, Ph.D., Chairman, Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:001)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
REPEALS: RH 1-2, RH 2-2, RH 3-2, RH 4-2, RH 5-2, RH 6-2, RH 7-2, RH 8-3, RH 9-2, RH 10-2, RH 11-2, RH 12-2, RAD 1-2, RAD 3-2, RAD 4-1, RAD 5-2, RAD 6-2, RAD 7-2, RAD 8-2 and RAD 10-1.

NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to repeal all regulations of the former State Board of Health heretofore adopted under the code letters "RAD" or "RH" relating to radiological health. These regulations are being repealed due to the concurrent adoption of a new comprehensive set of radiation regulations by the Department for Human Resources.

Section 1. Repeal of "RAD" and "RH" Regulations. Regulations RH 1-2, RH 2-2, RH 3-2, RH 4-2, RH 5-2, RH 6-2, RH 7-2, RH 8-3, RH 9-2, RH 10-2, RH 11-2, RH 12-2, RAD 1-2, RAD 3-2, RAD 4-1, RAD 5-2, RAD 6-2, RAD 7-2, RAD 8-2 and RAD 10-1 are hereby repealed.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:29 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:005)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to specify the general applicability of the Department for Human Resources' radiation regulations.

Section 1. General Applicability of State Radiation Regulations. The Department for Human Resources regulations relating to radiation are applicable to the possession and use of all sources of ionizing and electronic product radiation in Kentucky and to the handling and disposal of radioactive waste in Kentucky except where exclusive jurisdiction has been retained by the U. S. Atomic Energy Commission pursuant to applicable federal laws and regulations. Nothing in the department's radiation regulations shall be interpreted as limiting the exposure of patients to radiation by licensed state practitioners of the healing arts who are authorized by

virtue of their license to use sources of radiation, or by qualified individuals acting under their direction. The classification and certification of operators of sources of radiation as provided by KRS 211.870, 211.890, and 211.993 are not included within the scope of these regulations.

Section 2. Existing Licenses and Certificates. All licenses, registration certificates and other actions of the department taken pursuant to previous State Board of Health regulations bearing the code letters "RAD" or "RH" shall continue in full force and effect subject to the provisions of the department's current regulations relating to radiation.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: December 11, 1974
RECEIVED BY LRC: December 12, 1974 at 4:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:010)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide for definitions as applicable to other Department for Human Resources radiation regulations.

Section 1. Definitions. As used in these regulations, these terms have the definitions set forth below: (1) "Accelerator" means any machine capable of accelerating electrons, protons, deuterons, and helium ions, or other charged particles in a vacuum, and of discharging the resultant particulate, or other radiation into a medium at energies usually in excess of one (1) MeV. It includes, but is not limited to, the cyclotron, synchrotron, synchrocyclotron, betatron, linear accelerator, and Van de Graaff electrostatic generator.

(2) "Accessible surface" means the external surface of the enclosure or housing provided by the manufacturer.

(3) "Act" means KRS 152.105 to 152.190 relating to nuclear energy, ionizing and electronic product radiation.

(4) "Agreement state" means any state with which the United States Atomic Energy Commission has entered into an effective agreement under Section 274 b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

(5) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, mists, vapors, or gases.

(6) "Airborne radioactivity area" means:

(a) Any room, enclosure, or operating area in which airborne radioactive material exists in concentrations in excess of the amounts specified in Table I, Column 1 of 902 KAR 100:025, listing the concentrations in air and water above natural background; or

(b) Any room, enclosure, or operating area in which airborne radioactive material exists in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 per cent of the amounts specified in Table I, Column 1 of 902 KAR 100:025, listing the concentrations in air and water above natural background.

(7) "Aluminum equivalent" means the thickness of aluminum affording the same attenuation, under specified conditions, as the material in question.

(8) "Analytical x-ray systems" means any system which utilizes x-rays for the examination of the structure of materials. This includes, but is not limited to, all types of x-ray diffraction and spectrographic equipment.

(9) "As far below the limits specified in this regulation as practicable" means as low as is practicably achievable taking into account the state of technology, and the economics of improvement in relation to benefits to the public health and safety and in relation to the utilization of atomic energy in the public interest.

(10) "Attenuation" means the reduction of exposure rate upon passage of radiation through matter.

(11) "Attenuation block" means a block or stack, having dimensions twenty (20) cm by twenty (20) cm by three and eight-tenths (3.8) cm, of type 1100 aluminum alloy or other materials having equivalent attenuation.

(12) "Beam limiting device" (collimator) means a device which provides a means to restrict the dimensions of the x-ray field.

(13) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(14) "Cabinet x-ray systems" means an x-ray system with the x-ray tube installed or used in a permanent enclosure in which the enclosure is intended to contain at least that portion of the material being irradiated. The enclosure may be the architectural structure or may be independent of the architectural structure, but in either case, the structure of the enclosure must provide attenuation of the radiation to meet the requirements of 902 KAR 100:105, relating to the possession, use, and operation of x-ray systems, and must exclude personnel from its interior during the generation of x-radiation. This definition does not include x-ray systems used by licensed practitioners of the healing arts.

(15) "Calendar quarter" means not less than twelve (12) consecutive weeks nor more than fourteen (14) consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be such that no day is included in more than one (1) calendar quarter or omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him of determining calendar quarters except at the beginning of a calendar year.

(16) "Certified components" means components of x-ray systems which are subject to regulations promulgated under P.L. 90-602.

(17) "Certified system" means any x-ray system which has one (1) or more certified component(s).

(18) "Control panel" means that part of the x-ray control upon which are mounted the switches, knobs, push buttons, and other hardware necessary for manually setting the technique factors.

(19) "Cooling curve" means the graphical relationship between heat units stored and cooling time.

(20) "Curie (Ci)" means the unit of radioactivity. One (1) curie is the activity corresponding to a rate of 3.7 E 10 disintegrations per second (dps) = 2.2 E 12 disintegrations per minute (dpm), except for purposes of these regulations, 6615 pounds of natural uranium or 19,850 pounds of natural thorium shall be considered equivalent to one (1) curie. A commonly used sub-multiple of the curie is the microcurie (uCi). One uCi = 0.000001 Ci = 2.2 E 6 dpm. ("E" means exponent. For example, 2.2 E 6 means 2.2 times ten to the sixth power.)

For purposes of these regulations, it may be assumed that the daughter activity concentrations in the following table are equivalent to an air concentration of E -7 microcuries of Radon 222 per milliliter of air in equilibrium with the daughters Polonium 218, Lead 214, Bismuth 214, and Polonium 214:

Alpha-Emitting Daughter Activity
Collected Per Milliliter of Air

Maximum Time Between Collection and Measurement (hours)*	Microcuries/ml	Total Alpha Disintegrations per Minute Per ml
0.5	7.2 E -8	0.16
1.0	4.5 E -8	0.10
2.0	1.3 E -8	0.028
3.0	0.3 E -8	0.0072

*The duration of sample collection and the duration of measurement should be sufficiently short compared to the time between collection and measurement, as not to have a statistically significant effect upon the results.

(20) "Deadman switch" means a switch so constructed that a circuit closing contact can be maintained only by continuous pressure on the switch by the operator.

(22) "Department" means Department for Human Resources, or its duly authorized representatives.

(23) "Diagnostic source assembly" means the tube housing assembly with a beam-limiting device attached.

(24) "Diagnostic-type protective tube housing" means an x-ray tube housing so constructed that the leakage radiation measured at a distance of one (1) meter from the source cannot exceed 100 milliroentgens in one hour when the tube is operated at its maximum continuous rated current for the maximum tube potential.

(25) "Direct Scatter Radiation" means that scattered radiation which has been deviated in direction only by materials irradiated by the useful beam (See also "Scattered Radiation").

(26) "Dose" means the quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body. When these regulations specify a dose during a period of time, the dose means the total quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body during such period of time. Several different units of dose are in current use. (See "Rad" and "Rem".)

(27) "Entrance Exposure Rate" means the roentgens per unit time at the point where the center of the useful beam enters the patient.

(28) "Exposure" means the quotient of dQ by dm where dQ is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass dm are completely stopped in air. (The special unit of exposure is the roentgen.) Exposure also means one or more irradiations of a person for a healing arts purpose.

(29) "Filter" is the material in the useful beam which usually absorbs preferentially the less penetrating radiations.

(a) "Inherent filtration" means the filter permanently in the useful beam. It includes the window of the x-ray tube and any permanent tube enclosure.

(b) "Added filter" means the filter added to the inherent filtration.

(c) "Total filter" means the sum of the inherent and added filters.

(30) "Fluoroscopic imaging assembly" means a component which comprises a reception system in which x-ray photons produce a fluoroscopic image. It includes equipment housings, electrical interlocks if any, the primary protective barrier, and structural material providing linkage between the image receptor and the diagnostic source assembly.

(31) "Half-value layer, HVL" means the thickness of specified material which attenuates the beam of radiation to an extent such that the exposure rate is reduced to one-half (1/2) of its original value. In this definition the contribution of all scattered radiation, other than any which might be present initially in the beam concerned, is deemed to be excluded.

(32) "High radiation area" means any area, accessible to individuals, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirems.

(33) "Human use" means the internal or external administration of radiation or radioactive materials to human beings.

(34) "Image intensifier" means a device which converts instantaneously by means of photoemissive surfaces and electronic circuitry an x-ray pattern into a light pattern of greater intensity than would have been produced by the original x-ray pattern.

(35) "Image receptor" means any device such as a fluorescent screen or radiographic film which transforms incident radiation either into a visual image or into another form which can be made into a visual image by further transformations.

(36) "Individual" means any human being.

(37) "Industrial radiography" means the examination of the macroscopic structure of materials by nondestructive methods utilizing sources of radiation.

(38) "Interlock" means a device for precluding access to an area of radiation hazard by automatically eliminating the hazard upon entry by personnel or parts of their body.

(39) "Kilovolt peak (kVp)" means the crest value in kilovolts of the potential difference of a pulsating potential generator. When only one-half (1/2) of the wave is used, the value refers to the useful half of the wave.

(40) "Lead equivalent" means the thickness of lead affording the same attenuation, under specified conditions, as the material in question.

(41) "Leakage technique factors" means the technique factors associated with the tube housing assembly which are used in measuring leakage radiation. They are defined as follows:

(a) For capacitor energy storage equipment, the maximum rated number of exposures in an hour for operation at the maximum rated peak tube potential with the quantity of charge per exposure being ten (10) millicoulombs (mAs) or the minimum obtainable from the unit, whichever is larger.

(b) For field emission equipment rated for pulsed operation, the maximum rated number of x-ray pulses in an hour for operation at the maximum rated peak tube potential.

(c) For all other equipment, the maximum rated continuous tube current for the maximum rated peak tube potential.

(42) "License" means a license issued under these regulations.

(43) "Licensed material" means radioactive material received, possessed, used, or transferred under a general or specific license issued by the department pursuant to these regulations.

(44) "Licensee" means the holder of such license.

(45) "Microscopic analytical x-ray equipment" means any device which utilizes x-rays for examining the microscopic structure of materials. This includes all types of x-ray diffraction and spectrographic equipment.

(46) "Occupational dose" means exposure of an individual to radiation:

(a) In a restricted area; or

(b) In the course of employment in which the individual's duties involve exposure to radiation; provided, that occupational dose shall not be deemed to include any exposure of an individual to radiation for the purpose of medical diagnosis or medical therapy of such individual.

(47) "Operating procedures" means detailed written instructions including but not limited to the normal operation of equipment and movable shielding, closing of interlock circuits, manipulation of controls, radiation monitoring procedures for personnel and areas, testing of interlocks, and record keeping requirements.

(48) "Peak tube potential" means the maximum value of the potential difference across the x-ray tube during an exposure.

(49) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group agency, political subdivision of this state or any other state, or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing.

(50) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received (e.g., film badges, pocket chambers, pocket dosimeters, film rings, etc.).

(51) "Physician" means an individual licensed to practice medicine or osteopathy in this state.

(52) "Protective apron" means an apron made of radiation absorbing materials of at least 0.25 mm lead equivalency. This requirement may be assumed to have been met if the HVL of the apron is not less than 0.25 mm lead at normal operating voltages.

(53) "Protective barrier" means a barrier of radiation absorbing material(s) used to reduce radiation exposure.

(a) "Primary protective barrier" means a barrier sufficient to attenuate the useful beam to the required degree.

(b) "Secondary protective barrier" means a barrier sufficient to attenuate the stray radiation to the required degree.

(54) "Protective glove" means a glove made of radiation absorbing materials of at least 0.25 mm lead equivalency. This requirement may be assumed to have been met if the HVL of the glove is not less than 0.25 mm lead at normal operating voltages.

(55) "Qualified expert" means an individual who has demonstrated to the satisfaction of the department that he possesses the knowledge and training to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs.

(56) "Rad" means the measure of the dose of any radiation to body tissues in terms of the energy absorbed per unit mass of the tissue. One (1) rad is the dose corresponding to the absorption of 100 ergs per gram of tissue. (One millirad--mrad--equals 0.001 rad.)

(57) "Radiation" means ionizing radiation, i.e., gamma rays and x-rays, alpha and beta particles, high speed electrons, neutrons, and other nuclear particles. This definition does not include sound, microwave, radiowave, or visible, infra-red, or ultraviolet light.

(a) "Leakage radiation" means all radiation coming from within the tube housing except the useful beam.

(b) "Scattered radiation" means radiation that, during passage through matter, has been deviated in direction. It may also have been modified by a decrease in energy.

(c) "Useful radiation" means radiation which passes through the window, aperture, cone, or other beam limiting device of the tube housing. Sometimes called "primary beam."

(d) "Stray radiation" means the sum of leakage and scattered radiation.

(58) "Radiation area" means any area, accessible to individuals, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of five (5) millirems, or in any five (5) consecutive days a dose in excess of 100 millirems.

(59) "Radiation machine" means any device capable of producing radiation except devices which produce radiation only from radioactive material.

(60) "Radiation safety officer" means a person directly responsible for radiation protection.

(61) "Radioactive material" means any material, solid, liquid, or gas, which emits radiation spontaneously.

(62) "Radiographer" means any individual who performs or who, in attendance at the site where sources of radiation are being used, personally supervises industrial radiographic operations and who is responsible to the licensee or registrant for assuring compliance with the requirements of these regulations and all license conditions.

(63) "Radiographer's assistant" means any individual who, under the personal supervision of a radiographer, uses sources of radiation, related handling tools, or survey instruments in industrial radiography.

(64) "Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

(65) "Rem" means the measure of the dose of any radiation to body tissue in terms of its estimated biological effect relative to a dose of one (1) roentgen (R) of x-rays. (One millirem--mrem--equals 0.001 rem.) The relation of the rem to other dose units depends upon the biological effect under consideration and upon the conditions of irradiation. For the purposes of these regulations, any of the following is considered to be equivalent to a dose of one (1) rem:

(a) A dose of one (1) R due to x- or gamma radiation;

(b) A dose of one (1) rad due to x-, gamma, or beta radiation;

(c) A dose of 0.1 rad due to neutrons or high energy protons;

(d) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye. If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron dose in rads, as provided in subparagraph (c) of this paragraph, one (1) rem of neutron radiation may, for purposes of these regulations, be assumed to be equivalent to fourteen (14) million neutrons per square centimeter incident upon the body; or, if there exists sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to one (1) rem may be estimated from the following table:

Neutron Flux Dose Equivalence

Neutron energy (Mev)	Number of neutrons per square centimeter equivalent to a dose of 1 rem (neutrons/square cm)	Average flux to deliver 100 mrem in 40 hrs. (neutrons/square cm per second)
Thermal	970 E 6*	670
0.0001	720 E 6	500
0.005	820 E 6	570
0.02	400 E 6	280
0.1	120 E 6	80
0.5	43 E 6	30
1.0	26 E 6	18
2.5	29 E 6	20
5.0	26 E 6	18
7.5	24 E 6	17
10.0	24 E 6	17
10 to 30	14 E 6	10

* "E" represents an exponent. For example, 970 E 6 means 970 times ten to the sixth power.

(66) "Research and development" means:
(a) Theoretical analysis, exploration, or experimentation; or
(b) The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

(67) "Restricted area" (controlled) means any area access to which is controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive materials. "Restricted area" shall not include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

(68) "Roentgen" (R) means a unit of exposure to radiation. It is the amount of gamma or x-rays required to produce ions carrying one electrostatic unit of electrical charge in one cubic centimeter of dry air under standard conditions. (For determining exposures to x- or gamma rays up to three (3) MeV, the dose limits specified in 902 KAR 100:020, relating to standards for protection against radiation, may be assumed to be equivalent to the "air dose." (For the purpose of these regulations, "air dose" means the dose measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of highest dose rate.)

(69) "Sealed source" means radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

(70) "Secretary" means the Secretary of the Department for Human Resources.

(71) "Source image receptor distance (SID)" means the distance from the source to the center of the input surface of the image receptor.

(72) "Source material" means:
(a) Uranium or thorium, or any combination thereof, in any physical or chemical form; or
(b) Ores which contain by weight one twentieth of one per cent (0.05 per cent) or more of:
1. uranium
2. thorium
3. any combination thereof.
(c) Source material does not include special nuclear material.

(73) "Source of radiation" means any radioactive material, or any device or equipment emitting or capable of producing radiation.

(74) "Special form" means any of the following physical forms of licensed material of any transport group:
(a) The material is in solid form having no dimension less than 0.5 millimeter or at least one (1) dimension greater than five (5) millimeters; does not melt, sublime, or ignite in air at a temperature of 1,000 degrees F.; will not shatter or crumble if subjected to the percussion test described in these regulations; and is not dissolved or converted into dispersible form to the extent of more than 0.005 per cent by weight by immersion for one (1) week in water at 68 degrees F. or in air at 86 degrees F.; or
(b) The material is securely contained in a capsule having no dimension less than 0.5 millimeter or at least one (1) dimension greater than five (5) millimeters, which will retain its contents if subjected to the tests prescribed in these regulations; and which is constructed of materials which do not melt, sublime, or ignite in air at 1,475 degrees F., and do not dissolve or convert into dispersible form to the extent of more than 0.005 percent by weight by immersion for one (1) week in water at 68 degrees F. or in air at 86 degrees F.

(75) "Special nuclear material" means:
(a) Plutonium, uranium 233, uranium enriched in the isotope U-233 or in the isotope U-235, and any other material which the Governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or
(b) Any material artificially enriched by any of the foregoing, but does not include source material.

(76) "Special nuclear material in quantities not sufficient to form a critical mass" means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235, U-233 in quantitites not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula. For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed the limitation and are within the formula:

$$\frac{175\,(\text{grams contained U-235})}{350} + \frac{50\,(\text{grams U-233})}{200} + \frac{50\,(\text{grams Pu})}{200} = 1$$

(77) "Spot Film" means a radiograph which is made during a fluoroscopic examination to permanently record conditions which exist during that fluoroscopic procedure.

(78) "Storage container" means a device in which sealed sources are transported or stored.

(79) "Survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

(80) "Technique factors" means the conditions of operation. They are specified as follows:
(a) For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs.
(b) For field emission equipment rated for pulsed operation, peak tube potential in kV and number of x-ray pulses.
(c) For all other equipment, peak tube potential in kV and either tube current in mA and exposure time in seconds, or the product of tube current and exposure time in mAs.

(81) "Therapeutic-type protective tube housing" means:
(a) For x-ray therapy equipment not capable of operating at 500 kVp or above, the following definition applies: An x-ray tube housing so constructed that the leakage radiation at a distance of one (1) meter from the target does not exceed one (1) roentgen in one (1) hour when the tube is operated at its maximum rated tube potential;
(b) For x-ray therapy equipment capable of operating at 500 kVp or above, the following definition applies: An x-ray tube housing so constructed that the leakage radiation at a distance of one (1) meter from the target does not exceed 0.1 percent of the useful beam exposure rate at one (1) meter from the target, for any of its operating conditions;
(c) In either case, small areas of reduced protection are acceptable providing the average reading over any 100 square centimeter area at one meter distance from the target does not exceed the values given above.

(82) "These regulations" means radiation regulations adopted by the Department for Human Resources.

(83) "Transport group" means any one of seven (7) groups into which radionuclides in normal form are classified, according to their toxicity and their relative potential hazard in transport in accordance with 902 KAR 100:035, relating to the classification for transport of radioactive materials.

(84) "Tube" means an x-ray tube, unless otherwise specified.

(85) "Tube housing assembly" means the tube housing with tube installed. It includes high-voltage or filament transformers and other appropriate elements when they are contained within the tube housing.

(86) "Tube rating chart" means the set of curves which specify the rated limits of operation of the tube in terms of the technique factors.

(87) "Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

(88) "Unrestricted area" (uncontrolled) means any area access to which is not controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation and radioactive materials, and any area used for residential quarters.

(89) "Useful beam" means the radiation which passes through the tube housing port and the aperture of the beam limiting device when the exposure switch of timer is activated.

(90) "User" means any individual who personally utilizes or manipulates a source of radiation.

(91) "Variable-aperture beam-limiting device" means a beam limiting device which has capacity for stepless adjustment of the x-ray field size at a given SID.

(92) "Worker" means an individual engaged in activities licensed or registered by the department and controlled by the licensee or registrant, but does not include the licensee or registrant.

(93) "X-ray equipment" means an x-ray system, sub-system, or component thereof. X-ray equipment may be used as:
(a) "Mobile" means x-ray equipment mounted on a permanent base with wheels or casters for moving while completely assembled.
(b) "Portable" means x-ray equipment designed to be handcarried.
(c) "Stationary" means x-ray equipment which is installed in a fixed location.
(d) "Transportable" means x-ray equipment installed in a vehicle or trailer.

(94) "X-ray system" means an assemblage of components for the controlled production of x-rays. It includes minimally an x-ray high-voltage generator, an x-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:015)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide for general requirements, prohibitions, and exemptions that will be applicable to all persons who possess or use sources of ionizing or electronic product radiation in Kentucky.

Section 1. Applicability. This regulation is applicable to all persons who possess or use sources or ionizing or electronic product radiation in Kentucky.

Section 2. Exposure to be Maintained as Low as Practicable. All persons shall make every reasonable effort to maintain radiation exposures and releases of radioactive materials in effluents to unrestricted areas as far below the limits specified in these regulations as is practicable.

Section 3. Prohibited Uses. The following uses of radiation are prohibited in Kentucky:
(1) Hand-held fluoroscopic screens shall not be used.
(2) Shoe-fitting fluoroscopic devices shall not be used.
(3) Sources of radiation detrimental to public health, safety, or property shall not be used.
(4) No person shall use sources of radiation in a manner to intentionally expose any individual except as specifically allowed by these regulations or by license authorization.

Section 4. Records. Each licensee and registrant shall keep records showing the receipt, transfer, and disposal of all sources of radiation. Additional record requirements are specified elsewhere in these regulations.

Section 5. Inspections. (1) Each licensee and registrant shall afford to the department at all reasonable times opportunity to inspect sources of radiation and the premises and installations wherein such sources of radiation are used or stored.

(2) Each licensee and registrant shall make available for inspection, to the department, records maintained pursuant to these regulations.

Section 6. Tests. Each licensee and registrant shall perform or permit the department to perform such tests as the department deems appropriate including, but not limited to, tests of:
(1) Sources of Radiation;
(2) Location wherein sources of radiation are used or stored;
(3) Radiation detection and monitoring instruments; and
(4) Other equipment and devices used in connection with utilization or storage of licensed or registered sources of radiation.

Section 7. Exemptions. (1) General provision. The department may, upon application or its own initiative, grant such exemptions or exceptions from the requirements of these regulations as it determines are authorized by law or regulation that will not result in undue hazard to public health, safety, or property.
(2) Carriers. Common and contract carriers operating within this state are exempt from licensing to the extent that they transport or store sources of radiation in the regular course of their carriage for another or storage incident thereto, provided that, when such transportation is not subject to the rules and regulations of the U. S. Atomic Energy Commission, the U. S. Department of Transportation, or the Post Office, such carriers shall comply with these regulations.
(3) U. S. Atomic Energy Commission contractors. The following contractors and subcontractors of the U. S. Atomic Energy Commission are exempt from licensing in this state to the extent that under their contract they receive, possess, use, transfer, own, or acquire sources of radiation; to wit:
(a) Prime contractors performing work for the AEC at U. S. Government-owned or controlled sites;
(b) Prime contractors performing research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components thereof;
(c) Prime contractors using or operating nuclear reactors or other nuclear devices in a U. S. GOvernment-owned vehicle or vessel; and
(d) Any other prime contractor or subcontractor when the state and the AEC jointly determine:
1. That, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety, and
2. That, the exemption of such contractor or subcontractor is otherwise appropriate.

Section 8. Additional Requirements. The department may, by order, impose upon any licensee or registrant such requirements in addition to those established in these regulations as it deems appropriate or necessary to minimize danger to public health, safety, or property.

Section 9. Impounding. Sources of radiation may be subject to impoundment by the department as necessary to minimize danger to public health, safety, or property. Any such impoundment by the department shall not relieve the owner of the responsibility for such sources.

Section 10. Communications. All communications and reports concerning these regulations, and applications filed thereunder, shall be addressed to: Director, Radiological Health Program, Kentucky Department for Human Resources, 275 East Main Street, Frankfort, Kentucky 40601.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:32 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:020)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic produce radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide for standards for the protection to the user and general public against radiation exposure.

Section 1. Applicability. This regulation applies to all persons licensed or registered pursuant to the department's radiation regulations.

Section 2. Exposure of Individuals to Radiation in Restricted Areas. (1) Except as provided in subsection (2) of this section, no licensee or registrant shall possess, use, receive, or transfer sources of radiation in such a manner as to cause any individual in a restricted area to receive in any period of one (1) calendar quarter from all sources of radiation in the licensee's or registrant's possession a dose in excess of the limits specified in the following:
(a) Whole body; head and trunk; active blood-forming organs; lenses of eyes; or gonads: one and one-fourth (1 1/4) Rems per calendar quarter;
(b) Hands and forearms; feet and ankles: eighteen and three-fourths (18 3/4) Rems per calendar quarter;
(c) Skin of whole body: seven and one-half (7 1/2) Rems per calendar quarter.
(2) A licensee or registrant may permit an individual eighteen (18) years of age or over to receive an occupational dose to the whole body greater than that permitted under subsection (1) of this section, provided:
(a) During any calendar quarter the dose to the whole body from sources of radiation in the licensee's or registrant's possession shall not exceed three (3) rems; and
(b) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed five (5) (N-18) rems where "N" equals the individual's age in years at his last birthday; and
(c) The licensee or registrant has determined the

individual's accumulated occupational dose to the whole body on department Form KR-411, or on a clear and legible record containing all information required in that form and has otherwise complied with the requirements of Section 3 of this regulation. As used in subsection (2) of this section "dose to the whole body" shall be deemed to include any dose to the whole body, gonads, active blood-forming organs, head and trunk, or lens of eye.

(3) For determining the doses specified in this section, a dose from x- or gamma rays up to 3 MeV may be assumed to be equivalent to the exposure measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dose rate.

Section 3. Determination of Accumulated Dose. (1) This section contains requirements which must be satisfied by licensees or registrants who propose, pursuant to subsection (2) of Section 2 of this regulation to permit individuals in a restricted area to receive exposure to radiation in excess of the limits specified in subsection (1) of Section 2.

(2) Before permitting any individual eighteen (18) years of age or over to receive an occupational exposure to radiation in excess of the limits specified in subsection (1) of Section 2, each licensee or registrant shall:

(a) Obtain a certificate on department Form KR-411, or on a clear and legible record containing all the information required in that form, signed by the individual, showing each period of time after the individual attained the age of eighteen (18) in which the individual received an occupational dose of radiation; and

(b) Calculate on department Form KR-411, in accordance with the instructions appearing therein, or on a clear and legible record containing all the information required in that form, the previously accumulated occupational dose received by the individual and the additional dose allowed for that individual under Section 2(2).

(3) (a) In the preparation of department Form KR-411, or a clear and legible record containing all the information required in that form, the licensee or registrant shall make a reasonable effort to obtain reports of the individual's previously accumulated occupational dose. For each period for which the licensee or registrant obtains such reports, he shall use the dose shown in the report in preparing the form. In any case where a licensee or registrant is unable to obtain reports of the individual's occupational dose for a previous complete calendar quarter, it shall be assumed that the individual has received the occupational dose specified in whichever of the following columns apply:

	Column 1	Column 2
	Assumed dose in rems for calendar quarters prior to January 1, 1961	Assumed dose in rems for calendar quarters beginning on or after January 1, 1961
Part of Body		
Whole body, gonads, active blood-forming organs, head and trunk, lens of eye	3 3/4	1 1/4

(b) The licensee or registrant shall retain and preserve records used in preparing department Form KR-411. If calculation of the individual's accumulated occupational dose for all periods prior to January 1, 1961, yields a result higher than the applicable accumulated dose value for the individual as of that date, as specified in subsection (2) of Section 2, the excess may be disregarded.

Section 4. Exposure of Individuals to Concentrations of Radioactive Material in Restricted Areas. (1) No licensee shall possess, use, receive, or transfer radioactive material in such a manner as to cause an individual in a restricted area to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in Table I of 902 KAR 100:025, relating to concentrations in air and water above natural background. "Exposed" as used in this section means that the individual is present in an airborne concentration. No allowance shall be made for the use of protective clothing or equipment, or particle size, except as authorized by the department pursuant to subsection (3) of this section.

(2) The limits given in Table I of 902 KAR 100:025, relating to concentrations in air and water above natural background are based upon exposure to the concentrations specified for forty (40) hours in any period of seven (7) consecutive days. In any such period where the number of hours of exposure is less than forty (40), the limits specified in the table may be increased proportionately. In any such period where the number of hours of exposure is greater than forty (40), the limits specified in the table shall be decreased proportionately.

(3) (a) Except as authorized by the department pursuant to this section, no allowance shall be made for particle size or the use of protective clothing or equipment in determining whether an individual is exposed to an airborne concentration in excess of the limits given in Table I of 902 KAR 100:025, relating to concentrations in air and water above natural background.

(b) The department may authorize a licensee to expose an individual in a restricted area to airborne concentrations in excess of the limits specified in Table 1 of 902 KAR 100:025, upon receipt of an application demonstrating that the concentration is composed in whole or in part of particles of such size that such particles are not respirable and that the individual will not inhale the concentrations in excess of the limits established in Table I. Each application under this paragraph shall include an analysis of particle sizes in the concentrations and a description of the methods used in determining the particle sizes.

(c) The department may authorize a licensee to expose an individual in a restricted area to airborne concentrations in excess of the limits specified in Table I of 902 KAR 100:025 upon receipt of an application demonstration that the individual will wear appropriate protective equipment and that the individual will not inhale, ingest, or absorb quantities of radioactive material in excess of those which might otherwise be permitted under this regulation for individuals in restricted areas during a forty (40) hour week. Each application under this paragraph shall contain the following information:

1. A description of the protective equipment to be employed, including the efficiency of the equipment for the material involved;
2. Procedures for the fitting, maintenance, and cleaning of the protective equipment;
3. Procedures governing the use of the protective equipment, including supervisory procedures and length of time the equipment will be used by the individuals in each work week. The proposed periods for use of the equipment by any individual should not be of such duration as would discourage observance by the individual of the proposed procedures; and
4. The average concentrations present in the areas occupied by individuals.

Section 5. Exposure of Minors. For determining the doses specified in this section, a dose from x-, or gamma rays up to 3 MeV may be assumed to be equivalent to the exposure measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dose rate.

(1) No licensee or registrant shall possess, use, or transfer sources of radiation in such a manner as to cause any individual within a restricted area, who is under eighteen (18) years of age, to receive in any period of one (1) calendar quarter from all sources of radiation in such licensee's or registrant's possession a dose in excess of ten (10) percent of the limits specified in Section 2(1)(a),(b) and (c).

(2) No licensee shall possess, use, or transfer radioactive material in such a manner as to cause any individual within a restricted area, who is under eighteen (18) years of age, to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in Table II of 902 KAR 100:025, relating to concentrations in air and water above natural background. For purposes of this subsection, concentrations may be averaged over periods not greater than a week.

(3) The provisions of subsection (3), Section 4 of this regulation, shall apply to exposures subject to subsection (2) of this section.

Section 6. Exposure of the fetus. No licensee or registrant should possess, use, or transfer sources of radiation in such a manner as to knowingly cause a fetus to receive a dose, except for the intentional exposure of patients to radiation for the purpose of medical diagnosis or medical therapy, in excess of 0.5 rem for the entire gestation period.

Section 7. Permissible Levels of Radiation from External Sources in Unrestricted Areas. It is the intent of this section to limit radiation levels so that it is unlikely that individuals in unrestricted areas would receive a dose to the whole body in excess of 0.5 rem in any one year. If in specific instances, it is determined by the department that this intent is not being met, the department may impose such additional requirements on the licensee or registrant as may be necessary to meet the intent.

(1) Except as authorized by the department pursuant to subsection (2) of this section, no licensee or registrant shall possess, use, or transfer sources of radiation in such a manner as to create in any unrestricted areas from such sources of radiation in his possession:

(a) Radiation levls which, if an individual were continuously present in the area, could result in his receiving a dose in excess of two (2) millirem in any one (1) hour; or

(b) Radiation levels which, if an individual were con-

timuously present in the area, could result in his receiving a dose in excess of 100 millirems in any seven (7) consecutive days.

(2) Any person may apply to the department for proposed limits upon levels of radiation in unrestricted areas in excess of those specified in subsection (1) of this section resulting from the applicant's possession or use of sources of radiation. Such applications should include information as to anticipated average radiation levels and anticipated occupancy times for each unrestricted area involved. The department will approve the proposed limits if the applicant demonstrates to the satisfaction of the department that the proposed limits are not likely to cause any individual to receive a dose to the whole body in any period of one (1) calendar year in excess of 0.5 rem.

Section 8. Concentration in Effluents to Unrestricted Areas. (1) A licensee shall not possess, use, or transfer licensed material so as to release to an unrestricted area radioactive material in concentrations which exceed the limits specified in Table II of 902 KAR 100:025, relating to concentrations in air and water above natural background, except as authorized pursuant to subsection (2) of this section. For purposes of this subsection, concentrations may be averaged over periods not greater than one (1) year.

(2) An application for a license or amendment may include proposed limits higher than those specified in subsection (1) of this section. The department will approve the proposed limits if the applicant demonstrates:

(a) That the applicant has made a reasonable effort to minimize the radioactivity contained in effluents to unrestricted areas; and,

(b) That it is not likely that radioactive material discharged in the effluent would result in the exposure of an individual to concentrations of radioactive material in air or water exceeding the limits specified in Table II of 902 KAR 100:025, relating to concentrations in air and water above natural background.

(3) An application for higher limits pursuant to subsection (2) of this section shall include information demonstrating that the applicant has made a reasonable effort to minimize the radioactivity discharged in effluents to unrestricted areas, and shall include, as pertinent:

(a) Information as to flow rates, total volume of effluent, peak concentration of each radionuclide in the effluent, and concentration of each radionuclide in the effluent averaged over a period of one (1) year at the point where the effluent leaves a stack, tube, pipe, or similar conduit;

(b) A description of the properties of the effluents, including:

1. Chemical composition;
2. Physical characteristics, including suspended solids content in liquid effluents, and nature of gas or aerosol for air effluents;
3. The hydrogen ion concentrations (pH) of liquid effluents; and,
4. The size range of particulates in effluents released into air.

(c) A description of the anticipated human occupancy in the unrestricted area where the highest concentration of radioactive material from the effluent is expected, and, in the case of a river or stream, a description of water uses downstream from the point of release of the effluent;

(d) Information as to the highest concentration of each radionuclide in an unrestricted area, including anticipated concentrations averaged over a period of one (1) year:

1. In air at any point of human occupancy; or,
2. In water at points of use downstream from the point of release of the effluent.

(e) The background concentration of radionuclides in the receiving river or stream prior to the release of liquid effluent;

(f) A description of the environmental monitoring equipment, including sensitivity of the system, and procedures and calculations to determine concentrations of radionuclides in the unrestricted area and possible reconcentrations of radionuclides;

(g) A description of the waste treatment facilities and procedures used to reduce the concentration of radionuclides in effluents prior to their release.

(4) For the purposes of this Section, the concentration limits in Table II of 902 KAR 100:025, relating to concentrations in air and water above natural background, shall apply at the boundary of the restricted area. The concentration of radioactive material discharged through a stack, pipe, or similar conduit may be determined with respect to the point where the material leaves the conduit. If the conduit discharges within the restricted area, the concentration at the boundary may be determined by applying appropriate factors for dilution, dispersion, or decay between the point of discharge and the boundary.

(5) In addition to limiting concentrations in effluent streams, the department may limit quantities of radioactive materials released in air or water during a specified period of time if it appears that the daily intake of radioactive material from air, water, or food by a suitable sample of an exposed population group, averaged over a period not exceeding one (1) year, would otherwise exceed the daily intake resulting from continuous exposure to air or water containing one-third (1/3) the concentration of radioactive materials specified in Table II of 902 KAR 100:025, relating to concentrations in air and water above natural background.

(6) The provisions of this section do not apply to disposal of radioactive material into sanitary sewerage systems, which is governed by Section 17.

Section 9. Orders Requiring Furnishing of Bio-assay Services. Where necessary or desirable in order to aid in determining the extent of an individual's exposure to concentrations of radioactive material, the department may incorporate license provisions or issue an order requiring a licensee to make available to the individual appropriate bio-assay services and to furnish a copy of the reports of such services to the department.

Section 10. Surveys. Each licensee or registrant shall make or cause to be made such surveys as may be necessary for him to establish compliance with these regulations.

Section 11. Personnel Monitoring. Each licensee or registrant shall supply appropriate personnel monitoring equipment to, and shall require the use of such equipment by:

(1) Each individual who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of twenty-five (25) percent of the applicable value specified in subsection (1) of Section 2.

(2) Each individual under eighteen (18) years of age who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of five (5) percent of the applicable value specified in subsection (1) of Section 2.

(3) Each individual who enters a high radiation area.

Section 12. Caution Signs, Labels and Signals. (1) General:

(a) Except as otherwise authorized by the department, symbols and lettering prescribed by this section shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this section is the conventional three (3) bladed design.

(b) In addition to the contents of signs and labels prescribed in this regulation, a licensee or registrant may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation.

(2) Radiation areas. Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION (or DANGER), RADIATION AREA.

(3) High radiation areas:

(a) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION (or DANGER), HIGH RADIATION AREA.

(b) Each entrance or access point to a high radiation area shall be:

1. Equipped with a control device which shall cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirems in one hour upon entry into the area; or
2. Equipped with a control device which shall energize a conspicuous visible and audible alarm signal in such a manner that the individual entering the high radiation area and the licensee, registrant, or a supervisor of the activity are made aware of the entry; or
3. Maintained locked except during periods when access to the area is required, with positive control over each individual entry.

(c) The controls required by subsection (3)(b) of this section shall be established in such a way that no individual will be prevented from leaving a high radiation area.

(d) For those entrances requiring controls as indicated in paragraph (b):

1. The controls required by subsection (3)(b)1. of this section shall be constructed in such a manner that the primary radiation cannot be reactivated until all entrances have been secured, and the radiation on-off control is reset at the control panel.

2. The controls required by subsection (3)(b)2. of this section shall be constructed in such a manner that when the warning device is activated, it shall be necessary to shut off or secure the source of radiation and secure all tripped entrances prior to being able to inactivate the alarm system.

(e) In the case of a high radiation area established for a period of thirty (30) days or less, direct surveillance to prevent unauthorized entry may be substituted for the controls required by subsection (3)(b) of this section.

(f) Any licensee, or registrant, or applicant for a license or registration, may apply to the department for approval of methods not included in subsections (3)(b) and (3)(e) of this section for controlling access to high radiation areas. The department may approve the proposed alternatives if the licensee, or registrant, or applicant demonstrates that the alternative methods of control will prevent unauthorized entry into a high radiation area, and

that the requirement of subsection (3)(c) of this section is met.

(4) Airborne radioactivity areas. Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION (or DANGER), AIRBORNE RADIOACTIVITY AREA.

(5) Additional Requirements:

(a) Each area or room in which any radioactive material, other than natural uranium or thorium, is used or stored in an amount exceeding ten times the quantity of radioactive material specified in 902 KAR 100:030, relating to quantity bases for posting and disposal shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION (or DANGER), RADIOACTIVE MATERIAL.

(b) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding one hundred (100) times the quantity specified in 902 KAR 100:030, relating to quantity bases for posting and disposal shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: CAUTION (or DANGER), RADIOACTIVE MATERIAL.

(6) Containers:

(a) Except as provided in paragraph (c) of this subsection, each container of radioactive material shall bear a durable, clearly visible label identifying the radioactive contents.

(b) A label required pursuant to paragraph (a) of this subsection shall bear the radiation caution symbol and the words: CAUTION (or DANGER), RADIOACTIVE MATERIAL. It shall also provide sufficient information to permit individuals handling or using the containers, or working in the vicinity thereof, to take precautions to avoid or minimize exposures. As appropriate, the information shall include radiation levels, kinds of material, estimate of activity, date for which activity is estimated, and other relevant information.

(c) Notwithstanding the provisions of paragraph (a) of this subsection, labeling is not required:

1. For containers that do not contain radioactive materials in quantities greater than the applicable quantities listed in 902 KAR 100:030, relating to quantity bases for posting and disposal;
2. For containers containing only natural uranium or thorium in quantities no greater than ten times the applicable quantities listed in 902 KAR 100:030, relating to quantity bases for posting and disposal;
3. For containers that do not contain radioactive materials in concentrations greater than the applicable concentrations listed in Column 2, Table I of 902 KAR 100:025, relating to concentrations in air and water above natural background;
4. For containers when they are attended by an individual who takes the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established by the requirements in this regulation;
5. For containers when they are in transport and packaged and labeled in accordance with regulations published by the U. S. Department of Transportation;
6. For containers which are accessible (for example, containers in locations such as water filled canals, storage vaults, or hot cells) only to individuals authorized to handle or use them, or to work in the vicinity thereof, provided that the contents are identified to such individuals by a readily available written record; and
7. For manufacturing and process equipment such as piping and tanks.

(d) Where containers are used for storage, the labels required in paragraph (a) shall state also the quantities and kind of radioactive materials in the containers and the date of measurement of the quantities.

(7) All x-ray equipment capable of producing radiation when operated shall be labeled in a manner which cautions individuals of such fact. This label shall be affixed in a clearly visible location on the face of the control unit.

Section 13. Exceptions from Posting and Labeling Requirements. Notwithstanding the provisions of Section 12 of this regulation: (1) A room or area is not required to be posted with a caution sign because of the presence of a sealed source, provided the radiation level twelve (12) inches from the surface of the source container or housing does not exceed five (5) millirem per hour.

(2) Rooms or other areas in hospitals are not required to be posted with caution signs because of the presence of patients containing radioactive material, provided that there are personnel in attendance who shall take the precautions necessary to prevent the exposure of any individuals to radiation or radioactive material in excess of the limits established in this regulation.

(3) Caution signs are not required to be posted at areas or rooms containing radioactive materials for periods of less than eight (8) hours provided that:

(a) The materials are constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established in this regulation; and

(b) Such area or room is subject to the licensee's control.

(4) A room or other area is not required to be posted with a caution sign, and control is not required for each entrance or access point to a room or other area which is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with regulations of the U. S. Department of Transportation.

Section 14. Storage of Sources of Radiation. Sources of radiation shall be secured against unauthorized removal from the place of storage.

Section 15. General Requirements for Waste Disposal. No licensee shall dispose of any radioactive material except:

(1) By transfer to an authorized recipient as provided in 902 KAR 100:055, relating to the licensing of radioactive materials; or

(2) As authorized pursuant to Sections 8, 16, 17, or 18 of this regulation.

Section 16. Method of Obtaining Approval of Proposed Disposal Procedures. Any person may apply to the department for approval of proposed procedures to dispose of radioactive material in a manner not otherwise authorized in this regulation. Each application shall include a description of the radioactive material, including the quantities and kinds of radioactive material and the levels of radioactivity involved, and the proposed manner and conditions of disposal. The application, where appropriate should also include an analysis and evaluation of pertinent information as to the nature of the environment, including topographical, geological, meteorological, and hydrological characteristics; usage of ground and surface waters in the general area; the nature and location of other potentially affected facilities; and procedures to be observed to minimize the risk of unexpected or hazardous exposures. The department will not approve any application for a license to receive radioactive material from other persons for disposal on land not owned by the Commonwealth of Kentucky or the federal government.

Section 17. Disposal by Release Into Sanitary Sewerage Systems. No licensee shall discharge radioactive material into a sanitary sewerage system unless:

(1) It is readily soluble or dispersible in water; and

(2) The quantity of any radioactive material released into the system by the licensee in any one (1) day does not exceed the larger of paragraphs (a) or (b) of this subsection:

(a) The quantity which, if diluted by the average daily quantity of sewage released into the sewer by the licensee, will result in an average concentration not greater than the limits specified in 902 KAR 100:025, relating to concentrations in air and water above natural background; or

(b) Ten (10) times the quantity of such material specified in 902 KAR 100:030, relating to quantity bases for posting and disposal; and

(3) The quantity of any radioactive material released in any one (1) month, if diluted by the average monthly quantity of water released by the licensee, will not result in an average concentration exceeding the limits specified in Table I, Column 2 of 902 KAR 100:025, relating to concentrations in air and water above natural background; and

(4) The gross quantity of radioactive material released into the sewerage system by the licensee does not exceed one (1) curie per year. Excreta, blood and blood plasma from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt from any limitations contained in this regulation; provided that, the licensee provides for appropriate radiological monitoring whenever any waste line in the licensee's installation which may carry such excreta, blood or blood plasma is opened.

Section 18. Disposal by Burial in Soil. No licensee shall dispose of radioactive material by burial in soil unless:

(1) The total quantity of radioactive materials buried at any one location and times does not exceed, at the time of burial, 1,000 times the amount specified in 902 KAR 100:030, relating to quantity bases for posting and disposal; and

(2) Burial is at a minimum depth of four (4) feet; and

(3) Successive burials are separated by distances of at least six (6) feet and not more than twelve (12) burials are made in any year.

Section 19. Disposal by Incineration. No licensee shall incinerate radioactive material for the purpose of disposal or preparation for disposal except as specifically approved by the department pursuant to Sections 8 and 16 of this regulation.

Section 20. Records of Surveys, Radiation Monitoring, and Disposal. (1) Each licensee or registrant shall maintain records showing the radiation exposure of all individuals for whom personnel monitoring is required under Section 11 of this regulation. Such records shall be kept on KR-401, in accordance with the instructions contained in that form, or on clear and legible records containing all the information required by KR-401. The doses entered on the forms or records shall be for periods of time not exceeding one (1) calendar quarter.

(2) Each licensee or registrant shall maintain records in the same units used in this regulation, showing the results of

surveys required by Section 10 of this regulation, and disposal made under Sections 8, 16, 17, and 18 of this regulation.

(3) Records of individual radiation exposure shall be maintained pursuant to the provisions of subsection (1) of this section and records of bioassays, including results of whole body counting examinations, made pursuant to Section 9 of this regulation shall be preserved indefinitely or until the department authorizes their disposal. Records which must be maintained pursuant to this section may be maintained in the form of microfilm.

(4) The discontinuance of or curtailment of activities, does not relieve the licensee or registrant of responsibility for retaining all records required by this section. A licensee or registrant may, however, request the department to accept such records. The acceptance of the records by the department relieves the licensee or registrant of subsequent responsibility only in respect to their preservation as required by this section.

Section 21. Reports of Theft or Loss of Sources of Radiation. (1) Each licensee or registrant shall report promptly by telephone to the department the theft or loss of any source of radiation after such theft or loss becomes known.

(2) Each licensee or registrant who is required to make a report pursuant to subsection (1) of this section shall within thirty (30) days after he learns of the loss or theft, make a report in writing to the department setting forth the following information:

(a) A description of the device, or if radioactive material is involved, the kind, quantity, chemical and physical form;
(b) A description of the circumstances under which the loss or theft occurred;
(c) A statement of disposition or probable disposition of the device or radioactive material involved;
(d) Radiation exposure, circumstances under which the exposures occurred, and the extent of possible hazard to persons in unrestricted areas;
(e) Actions which have been taken, or will be taken, to recover the device or material; and
(f) Procedures or measures which have been or will be adopted to prevent a recurrence of the loss or theft of the device or radioactive materials.

(3) Subsequent to filing the written report, any substantive additional information on the loss or theft which becomes available to the licensee or registrant shall be reported to the department within thirty (30) days after he learns of such information.

(4) Any report filed with the department pursuant to this section shall be so prepared that names of individuals who may have received exposure to radiation are stated in a separate part of the report.

Section 22. Notification of Incidents. (1) Immediate notification. Each licensee or registrant shall immediately notify the department by telephone and telegraph of any incident involving any source of radiation possessed by him which may have caused or threatens to cause:

(a) A dose to the whole body of any individual to twenty-five (25) Rems or more of radiation; a dose to the skin of the whole body of any individual of 150 Rems or more of radiation or a dose to the feet, ankles, hands, or forearms of any individual to 375 Rems or more of radiation; or
(b) The release of radioactive material in concentrations which, if averaged over a period of twenty-four (24) hours, would exceed 5,000 times the limits specified for such materials in Table II of 902 KAR 100:025, relating to concentrations in air and water above natural background; or
(c) A loss of one (1) working week or more of the operations of any facilities affected; or
(d) Damage to property in excess of $100,000.

(2) Twenty-four (24) Hour Notification. Each licensee or registrant shall within twenty-four (24) hours notify the department by telephone and telegraph of any incident involving any source of radiation possessed by him which may have caused or threatens to cause:

(a) A dose to the whole body of any individual to five (5) Rems or more of radiation; a dose to the skin of the whole body of any individual to thirty (30) Rems or more of radiation; or a dose to the feet, ankles, hands, or forearms to seventy-five (75) Rems or more of radiation; or
(b) The release of radioactive material in concentrations which, if averaged over a period of twenty-four (24) hours, would exceed 500 times the limits specified for such materials in Table II of 902 KAR 100:025, relating to concentrations in air and water above natural background; or
(c) A loss of one (1) day or more of the operations of any facilities affected; or
(d) Damage to property in excess of $1,000.

(3) Any report filed with the department pursuant to this section shall be prepared in such manner that names of individuals who have received exposure to radiation will be stated in a separate part of the report.

Section 23. Report to Former Employees and Others of Exposure to Radiation. Each licensee or registrant shall furnish to any individual reports of his exposure to radiation as required by these regulations.

Section 24. Reports of Overexposures and Excessive Levels and Concentrations. (1) In addition to any notification required by Section 22 of this regulation, each licensee or registrant shall make a report in writing within thirty (30) days to the department of:

(a) Each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit as set forth in this regulation or as otherwise approved by the department; or
(b) Any incident for which notification is required by Section 22 of this regulation; or
(c) Levels of radiation or concentrations of radioactive material (not involving excessive exposure of any individual) in an unrestricted area in excess of ten (10) times any applicable limit as set forth in this regulation or as otherwise approved by the department. Each report required under this subsection shall describe the extent of exposure of individuals to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved; the cause of the exposure, levels of concentrations; and corrective steps taken or planned to assure against a recurrence.

(2) Any report filed with the department pursuant to this section shall be prepared in such a manner that names of individuals, with social security numbers and dates of birth, who have received exposure to radiation will be stated in a separate part of the report.

Section 25. Notifications and Reports to Individuals. When a licensee or registrant is required pursuant to Section 24 of this regulation to report to the department any exposure of an individual to radiation or radioactive material, the licensee or registrant shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the department, and shall comply with other applicable provisions of these regulations.

Section 26. Vacating Installations. Each licensee before vacating any installation which may have been contaminated by radioactive material as a result of the licensee's activities shall, no less than fifteen (15) days prior to such vacating, notify the department in writing of intent to vacate. The department may require that the licensee provide for decontamination of the installation to a degree consistent with subsequent use as an uncontrolled area. The details are to be specified in each case by the department.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:32 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:025)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide for the concentrations of radioactivity in air and water above natural background.

Section 1. Applicability. This regulation applies to persons licensed pursuant to the department's radiation regulations.

Section 2. Table. The following table provides for the average concentrations of radioactivity in air and water above natural background where applicable in the department's radiation regulations:

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND

(In this table the following symbols are defined as: "S" means soluble; "I" means insoluble; and "Sub" means that values given for submersion in a semi-spherical infinite cloud of airborne material)

		Table I		Table II	
Element (atomic number)	Isotope	Column 1 Air (uc/ml)	Column 2 Water (uc/ml)	Column 1 Air (uc/ml)	Column 2 Water (uc/ml)
Actinium (89)	Ac 227 S	2×10^{-12}	6×10^{-5}	8×10^{-14}	2×10^{-6}
	I	3×10^{-11}	9×10^{-3}	9×10^{-13}	3×10^{-4}
	Ac 228 S	8×10^{-8}	3×10^{-3}	3×10^{-9}	9×10^{-5}
	I	2×10^{-8}	3×10^{-3}	6×10^{-10}	9×10^{-5}
Americium (95)	Am 241 S	6×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
	I	1×10^{-10}	8×10^{-4}	4×10^{-12}	3×10^{-5}
	Am 242 m S	6×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
	I	3×10^{-10}	3×10^{-3}	9×10^{-12}	9×10^{-5}
	Am 242 S	4×10^{-8}	4×10^{-3}	1×10^{-9}	1×10^{-4}
	I	5×10^{-8}	4×10^{-3}	2×10^{-9}	1×10^{-4}
	Am 243 S	6×10^{-12}	1×10^{-4}	2×10^{-13}	4×10^{-6}
	I	1×10^{-10}	8×10^{-4}	4×10^{-12}	3×10^{-5}
	Am 244 S	4×10^{-6}	1×10^{-1}	1×10^{-7}	5×10^{-3}
	I	2×10^{-5}	1×10^{-1}	8×10^{-7}	5×10^{-3}

Element (atomic number)	Isotope		Table I Column 1 Air (uc/ml)	Table I Column 2 Water (uc/ml)	Table II Column 1 Air (uc/ml)	Table II Column 2 Water (uc/ml)
Antimony (51)-------	Sb 122	S	$2x10^{-7}$	$8x10^{-4}$	$6x10^{-9}$	$3x10^{-5}$
		I	$1x10^{-7}$	$8x10^{-4}$	$5x10^{-9}$	$3x10^{-5}$
	Sb 124	S	$2x10^{-7}$	$7x10^{-4}$	$5x10^{-9}$	$2x10^{-5}$
		I	$2x10^{-8}$	$7x10^{-4}$	$7x10^{-10}$	$2x10^{-5}$
	Sb 125	S	$5x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$3x10^{-8}$	$3x10^{-3}$	$9x10^{-10}$	$1x10^{-4}$
Argon (18)----------	A 37	Sub	$6x10^{-3}$	------	$1x10^{-4}$	------
	A 41	Sub	$2x10^{-6}$	------	$4x10^{-8}$	------
Arsenic (33)--------	As 73	S	$2x10^{-6}$	$1x10^{-2}$	$7x10^{-8}$	$5x10^{-4}$
		I	$4x10^{-7}$	$1x10^{-2}$	$1x10^{-8}$	$5x10^{-4}$
	As 74	S	$3x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$5x10^{-5}$
		I	$1x10^{-7}$	$2x10^{-3}$	$4x10^{-9}$	$5x10^{-5}$
	As 76	S	$1x10^{-7}$	$6x10^{-4}$	$4x10^{-9}$	$2x10^{-5}$
		I	$1x10^{-7}$	$6x10^{-4}$	$3x10^{-9}$	$2x10^{-5}$
	As 77	S	$5x10^{-7}$	$2x10^{-3}$	$2x10^{-8}$	$8x10^{-5}$
		I	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$8x10^{-5}$
Astatine (85)-------	At 211	S	$7x10^{-9}$	$5x10^{-5}$	$2x10^{-10}$	$2x10^{-6}$
		I	$3x10^{-8}$	$2x10^{-3}$	$1x10^{-9}$	$7x10^{-5}$
Barium (56)---------	Ba 131	S	$1x10^{-6}$	$5x10^{-3}$	$4x10^{-8}$	$2x10^{-4}$
		I	$4x10^{-7}$	$5x10^{-3}$	$1x10^{-8}$	$2x10^{-4}$
	Ba 140	S	$1x10^{-7}$	$8x10^{-4}$	$4x10^{-9}$	$3x10^{-5}$
		I	$4x10^{-8}$	$7x10^{-4}$	$1x10^{-9}$	$2x10^{-5}$
Berkelium (97)------	Bk 249	S	$9x10^{-10}$	$2x10^{-2}$	$3x10^{-11}$	$6x10^{-4}$
		I	$1x10^{-7}$	$2x10^{-2}$	$4x10^{-9}$	$6x10^{-4}$
	Bk 250	S	$1x10^{-7}$	$6x10^{-3}$	$5x10^{-9}$	$2x10^{-4}$
		I	$1x10^{-6}$	$6x10^{-3}$	$4x10^{-8}$	$2x10^{-4}$
Beryllium (4)-------	Be 7	S	$6x10^{-6}$	$5x10^{-2}$	$2x10^{-7}$	$2x10^{-3}$
		I	$1x10^{-6}$	$5x10^{-2}$	$4x10^{-8}$	$2x10^{-3}$
Bismuth (83)--------	Bi 206	S	$2x10^{-7}$	$1x10^{-3}$	$6x10^{-9}$	$4x10^{-5}$
		I	$1x10^{-7}$	$1x10^{-3}$	$5x10^{-9}$	$4x10^{-5}$
	Bi 207	S	$2x10^{-7}$	$2x10^{-3}$	$6x10^{-9}$	$6x10^{-5}$
		I	$1x10^{-8}$	$2x10^{-3}$	$5x10^{-10}$	$6x10^{-5}$
	Bi 210	S	$6x10^{-9}$	$1x10^{-3}$	$2x10^{-10}$	$4x10^{-5}$
		I	$6x10^{-9}$	$1x10^{-3}$	$2x10^{-10}$	$4x10^{-5}$
	Bi 212	S	$1x10^{-7}$	$1x10^{-2}$	$3x10^{-9}$	$4x10^{-4}$
		I	$2x10^{-7}$	$1x10^{-2}$	$7x10^{-9}$	$4x10^{-4}$
Bromine (35)--------	Br 82	S	$1x10^{-6}$	$8x10^{-3}$	$4x10^{-8}$	$3x10^{-4}$
		I	$2x10^{-7}$	$1x10^{-3}$	$6x10^{-9}$	$4x10^{-5}$
Cadmium (48)--------	Cd 109	S	$5x10^{-8}$	$5x10^{-3}$	$2x10^{-9}$	$2x10^{-4}$
		I	$7x10^{-8}$	$5x10^{-3}$	$3x10^{-9}$	$2x10^{-4}$
	Cd 115 m	S	$4x10^{-8}$	$7x10^{-4}$	$1x10^{-9}$	$3x10^{-5}$
		I	$4x10^{-8}$	$7x10^{-4}$	$1x10^{-9}$	$3x10^{-5}$
	Cd 115	S	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$3x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$6x10^{-9}$	$4x10^{-5}$
Calcium (20)--------	Ca 45	S	$3x10^{-8}$	$3x10^{-4}$	$1x10^{-9}$	$9x10^{-6}$
		I	$1x10^{-7}$	$5x10^{-3}$	$4x10^{-9}$	$2x10^{-4}$
	Ca 47	S	$2x10^{-7}$	$1x10^{-3}$	$6x10^{-9}$	$5x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$6x10^{-9}$	$3x10^{-5}$
Californium (98)----	Cf 249	S	$2x10^{-12}$	$1x10^{-4}$	$5x10^{-14}$	$4x10^{-6}$
		I	$1x10^{-10}$	$7x10^{-4}$	$3x10^{-14}$	$2x10^{-5}$
	Cf 250	S	$5x10^{-12}$	$4x10^{-4}$	$2x10^{-12}$	$1x10^{-5}$
		I	$1x10^{-10}$	$7x10^{-4}$	$3x10^{-12}$	$3x10^{-5}$
	Cf 251	S	$2x10^{-12}$	$1x10^{-4}$	$6x10^{-14}$	$4x10^{-6}$
		I	$1x10^{-10}$	$8x10^{-4}$	$3x10^{-12}$	$3x10^{-5}$
	Cf 252	S	$6x10^{-12}$	$2x10^{-4}$	$2x10^{-13}$	$7x10^{-6}$
		I	$3x10^{-11}$	$2x10^{-4}$	$1x10^{-12}$	$7x10^{-6}$
	Cf 253	S	$8x10^{-10}$	$4x10^{-3}$	$3x10^{-11}$	$1x10^{-4}$
		I	$8x10^{-10}$	$4x10^{-3}$	$3x10^{-11}$	$1x10^{-4}$
	Cf 254	S	$5x10^{-12}$	$4x10^{-6}$	$2x10^{-13}$	$1x10^{-7}$
		I	$5x10^{-12}$	$4x10^{-6}$	$2x10^{-13}$	$1x10^{-7}$
Carbon (6)----------	C 14 (CO_2)	S	$4x10^{-6}$	$2x10^{-2}$	$1x10^{-7}$	$8x10^{-4}$
		Sub	$5x10^{-5}$	------	$1x10^{-6}$	------
Cerium (58)---------	Ce 141	S	$4x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$9x10^{-5}$
		I	$2x10^{-7}$	$3x10^{-3}$	$5x10^{-9}$	$9x10^{-5}$
	Ce 143	S	$3x10^{-7}$	$1x10^{-3}$	$9x10^{-9}$	$4x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$7x10^{-9}$	$4x10^{-5}$
	Ce 144	S	$1x10^{-8}$	$3x10^{-4}$	$3x10^{-10}$	$1x10^{-5}$
		I	$6x10^{-9}$	$3x10^{-4}$	$2x10^{-10}$	$1x10^{-5}$
Cesium (55)---------	Cs 131	S	$1x10^{-5}$	$7x10^{-2}$	$4x10^{-7}$	$2x10^{-3}$
		I	$3x10^{-6}$	$3x10^{-2}$	$1x10^{-7}$	$9x10^{-4}$
	Cs 134 m	S	$4x10^{-5}$	$2x10^{-1}$	$1x10^{-6}$	$6x10^{-3}$
		I	$6x10^{-6}$	$3x10^{-2}$	$2x10^{-7}$	$1x10^{-3}$
	Cs 134	S	$4x10^{-8}$	$3x10^{-4}$	$1x10^{-9}$	$9x10^{-6}$
		I	$1x10^{-8}$	$1x10^{-3}$	$4x10^{-10}$	$4x10^{-5}$
	Cs 135	S	$5x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$9x10^{-8}$	$7x10^{-3}$	$3x10^{-9}$	$2x10^{-4}$
	Cs 136	S	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$9x10^{-5}$
		I	$2x10^{-7}$	$2x10^{-3}$	$6x10^{-9}$	$6x10^{-5}$
	Cs 137	S	$6x10^{-8}$	$4x10^{-4}$	$2x10^{-9}$	$2x10^{-5}$
		I	$1x10^{-8}$	$1x10^{-3}$	$5x10^{-10}$	$4x10^{-5}$
Chlorine (17)-------	Cl 36	S	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$8x10^{-5}$
		I	$2x10^{-8}$	$2x10^{-3}$	$8x10^{-10}$	$6x10^{-5}$
	Cl 38	S	$3x10^{-6}$	$1x10^{-2}$	$9x10^{-8}$	$4x10^{-4}$
		I	$2x10^{-6}$	$1x10^{-2}$	$7x10^{-8}$	$4x10^{-4}$
Chromium (24)-------	Cr 51	S	$1x10^{-5}$	$5x10^{-2}$	$4x10^{-7}$	$2x10^{-3}$
		I	$2x10^{-6}$	$5x10^{-2}$	$8x10^{-8}$	$2x10^{-3}$
Cobalt (27)---------	Co 57	S	$3x10^{-6}$	$2x10^{-2}$	$1x10^{-7}$	$5x10^{-4}$
		I	$2x10^{-7}$	$1x10^{-2}$	$6x10^{-9}$	$4x10^{-4}$
	Co 58 M	S	$2x10^{-5}$	$8x10^{-2}$	$6x10^{-7}$	$3x10^{-3}$
		I	$9x10^{-6}$	$6x10^{-2}$	$3x10^{-7}$	$2x10^{-3}$
	Co 58	S	$8x10^{-7}$	$4x10^{-3}$	$3x10^{-8}$	$1x10^{-4}$
		I	$5x10^{-8}$	$3x10^{-3}$	$2x10^{-9}$	$9x10^{-5}$
	Co 60	S	$3x10^{-7}$	$1x10^{-3}$	$1x10^{-8}$	$5x10^{-5}$
		I	$9x10^{-9}$	$1x10^{-3}$	$3x10^{-10}$	$5x10^{-5}$
Copper (29)---------	Cu 64	S	$2x10^{-6}$	$1x10^{-2}$	$7x10^{-8}$	$3x10^{-4}$
		I	$1x10^{-6}$	$6x10^{-3}$	$4x10^{-8}$	$2x10^{-4}$
Curium (96)---------	Cm 242	S	$2x10^{-10}$	$7x10^{-4}$	$6x10^{-12}$	$2x10^{-5}$
		I	$2x10^{-10}$	$7x10^{-4}$	$6x10^{-12}$	$2x10^{-5}$
	Cm 243	S	$6x10^{-12}$	$1x10^{-4}$	$2x10^{-13}$	$5x10^{-6}$
		I	$1x10^{-10}$	$7x10^{-4}$	$3x10^{-12}$	$2x10^{-5}$
	Cm 244	S	$9x10^{-12}$	$2x10^{-4}$	$3x10^{-13}$	$7x10^{-6}$
		I	$1x10^{-10}$	$8x10^{-4}$	$3x10^{-12}$	$3x10^{-5}$
	Cm 245	S	$5x10^{-12}$	$1x10^{-4}$	$2x10^{-13}$	$4x10^{-6}$
		I	$1x10^{-10}$	$8x10^{-4}$	$4x10^{-12}$	$3x10^{-5}$
	Cm 246	S	$5x10^{-12}$	$1x10^{-4}$	$2x13^{-13}$	$4x10^{-6}$
		I	$1x10^{-10}$	$8x10^{-4}$	$4x10^{-12}$	$3x10^{-5}$
	Cm 247	S	$5x10^{-12}$	$1x10^{-4}$	$2x10^{-13}$	$4x10^{-6}$
		I	$1x10^{-10}$	$6x10^{-4}$	$4x10^{-12}$	$2x10^{-5}$
	Cm 248	S	$6x10^{-13}$	$1x10^{-5}$	$2x10^{-14}$	$4x10^{-7}$
		I	$1x10^{-11}$	$4x10^{-5}$	$4x10^{-13}$	$1x10^{-6}$
	Cm 249	S	$1x10^{-5}$	$6x10^{-2}$	$4x10^{-7}$	$2x10^{-3}$
		I	$1x10^{-5}$	$6x10^{-2}$	$4x10^{-7}$	$2x10^{-3}$
Dysprosium (66)-----	Dy 165	S	$3x10^{-6}$	$1x10^{-2}$	$9x10^{-8}$	$4x10^{-4}$
		I	$2x10^{-6}$	$1x10^{-2}$	$7x10^{-8}$	$4x10^{-4}$
	Dy 166	S	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$4x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$7x10^{-9}$	$4x10^{-5}$
Einsteinium (99)-----	Es 253	S	$8x10^{-10}$	$7x10^{-4}$	$3x10^{-11}$	$2x10^{-5}$
		I	$6x10^{-10}$	$7x10^{-4}$	$2x10^{-11}$	$2x10^{-5}$
	Es 254 m	S	$5x10^{-9}$	$5x10^{-4}$	$2x10^{-10}$	$2x10^{-5}$
		I	$6x10^{-9}$	$5x10^{-4}$	$2x10^{-10}$	$2x10^{-5}$
	Es 254	S	$2x10^{-11}$	$4x10^{-4}$	$6x10^{-13}$	$1x10^{-5}$
		I	$1x10^{-10}$	$4x10^{-4}$	$4x10^{-12}$	$1x10^{-5}$
	Es 255	S	$5x10^{-10}$	$8x10^{-4}$	$2x10^{-11}$	$3x10^{-5}$
		I	$4x10^{-10}$	$8x10^{-4}$	$1x10^{-11}$	$3x10^{-5}$
Erbium (68)---------	Er 169	S	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$9x10^{-5}$
		I	$4x10^{-7}$	$3x10^{-3}$	$1x10^{-8}$	$9x10^{-5}$
	Er 171	S	$7x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$

Element (atomic number)	Isotope		Table I Column 1 Air (uc/ml)	Table I Column 2 Water (uc/ml)	Table II Column 1 Air (uc/ml)	Table II Column 2 Water (uc/ml)
Europium (63)-------	Eu 152 (T/2=9.2hrs.)	S	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
		I	$3x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
	Eu 152 (T/2=13yrs)	S	$1x10^{-8}$	$2x10^{-3}$	$4x10^{-10}$	$8x10^{-5}$
		I	$2x10^{-8}$	$2x10^{-3}$	$6x10^{-10}$	$8x10^{-5}$
	Eu 154	S	$4x10^{-9}$	$6x10^{-4}$	$1x10^{-10}$	$2x10^{-5}$
		I	$7x10^{-9}$	$6x10^{-4}$	$2x10^{-10}$	$2x10^{-5}$
	Eu 155	S	$9x10^{-8}$	$6x10^{-3}$	$3x10^{-9}$	$2x10^{-4}$
		I	$7x10^{-8}$	$6x10^{-3}$	$3x10^{-9}$	$2x10^{-4}$
Fermium (100)-------	Fm 254	S	$6x10^{-8}$	$4x10^{-3}$	$2x10^{-9}$	$1x10^{-4}$
		I	$7x10^{-8}$	$4x10^{-3}$	$2x10^{-9}$	$1x10^{-4}$
	Fm 255	S	$2x10^{-8}$	$1x10^{-3}$	$6x10^{-10}$	$3x10^{-5}$
		I	$1x10^{-8}$	$1x10^{-3}$	$4x10^{-10}$	$3x10^{-5}$
	Fm 256	S	$3x10^{-9}$	$3x10^{-5}$	$1x10^{-10}$	$9x10^{-7}$
		I	$2x10^{-9}$	$3x10^{-5}$	$6x10^{-11}$	$9x10^{-7}$
Fluorine (9)--------	F 18	S	$5x10^{-6}$	$2x10^{-2}$	$2x10^{-7}$	$8x10^{-4}$
		I	$3x10^{-6}$	$1x10^{-2}$	$9x10^{-8}$	$5x10^{-4}$
Gadolinium (64)-----	Gd 153	S	$2x10^{-7}$	$6x10^{-3}$	$8x10^{-9}$	$2x10^{-4}$
		I	$9x10^{-8}$	$6x10^{-3}$	$3x10^{-9}$	$2x10^{-4}$
	Gd 159	S	$5x10^{-7}$	$2x10^{-3}$	$2x10^{-8}$	$8x10^{-5}$
		I	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$8x10^{-5}$
Gallium (31)--------	Ga 72	S	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$4x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$6x10^{-9}$	$4x10^{-5}$
Germanium (32)------	Ge 71	S	$1x10^{-5}$	$5x10^{-2}$	$4x10^{-7}$	$2x10^{-3}$
		I	$6x10^{-6}$	$5x10^{-2}$	$2x10^{-7}$	$2x10^{-3}$
Gold (79)----------	Au 196	S	$1x10^{-6}$	$5x10^{-3}$	$4x10^{-8}$	$2x10^{-4}$
		I	$6x10^{-7}$	$4x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
	Au 198	S	$3x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$5x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$5x10^{-5}$
	Au 199	S	$1x10^{-6}$	$5x10^{-3}$	$4x10^{-8}$	$2x10^{-4}$
		I	$8x10^{-7}$	$4x10^{-3}$	$3x10^{-8}$	$2x10^{-4}$
Hafnium (72)--------	Hf 181	S	$4x10^{-8}$	$2x10^{-3}$	$1x10^{-9}$	$7x10^{-5}$
		I	$7x10^{-8}$	$2x10^{-3}$	$3x10^{-9}$	$7x10^{-5}$
Holmium (67)--------	Ho 166	S	$2x10^{-7}$	$9x10^{-4}$	$7x10^{-9}$	$3x10^{-5}$
		I	$2x10^{-7}$	$9x10^{-4}$	$6x10^{-9}$	$3x10^{-5}$
Hydrogen (1)--------	H 3	S	$5x10^{-6}$	$1x10^{-1}$	$2x10^{-7}$	$3x10^{-3}$
		I	$5x10^{-6}$	$1x10^{-1}$	$2x10^{-7}$	$3x10^{-3}$
		Sub	$2x10^{-3}$	------	$4x10^{-5}$	------
Indium (49)---------	In 113 m	S	$8x10^{-6}$	$4x10^{-2}$	$3x10^{-7}$	$1x10^{-3}$
		I	$7x10^{-6}$	$4x10^{-2}$	$2x10^{-7}$	$1x10^{-3}$
	In 114 m	S	$1x10^{-7}$	$5x10^{-4}$	$4x10^{-9}$	$2x10^{-5}$
		I	$2x10^{-8}$	$5x10^{-4}$	$7x10^{-10}$	$2x10^{-5}$
	In 115 m	S	$2x10^{-6}$	$1x10^{-2}$	$8x10^{-8}$	$4x10^{-4}$
		I	$2x10^{-6}$	$1x10^{-2}$	$6x10^{-8}$	$4x10^{-4}$
	In 115	S	$2x10^{-7}$	$3x10^{-3}$	$9x10^{-9}$	$9x10^{-5}$
		I	$3x10^{-8}$	$3x10^{-3}$	$1x10^{-9}$	$9x10^{-5}$
Iodine (53)---------	I 125	S	$5x10^{-9}$	$4x10^{-5}$	$8x10^{-11}$	$2x10^{-7}$
		I	$2x10^{-7}$	$6x10^{-3}$	$6x10^{-9}$	$2x10^{-4}$
	I 126	S	$8x10^{-9}$	$5x10^{-5}$	$9x10^{-11}$	$3x10^{-7}$
		I	$3x10^{-7}$	$3x10^{-3}$	$1x10^{-8}$	$9x10^{-5}$
	I 129	S	$2x10^{-9}$	$1x10^{-5}$	$2x10^{-11}$	$6x10^{-8}$
		I	$7x10^{-8}$	$6x10^{-3}$	$2x10^{-9}$	$2x10^{-4}$
	I 131	S	$9x10^{-9}$	$6x10^{-5}$	$1x10^{-10}$	$3x10^{-7}$
		I	$3x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
	I 132	S	$2x10^{-7}$	$2x10^{-3}$	$3x10^{-9}$	$8x10^{-6}$
		I	$9x10^{-7}$	$5x10^{-3}$	$3x10^{-8}$	$2x10^{-4}$
	I 133	S	$3x10^{-8}$	$2x10^{-4}$	$4x10^{-10}$	$1x10^{-6}$
		I	$2x10^{-7}$	$1x10^{-3}$	$7x10^{-9}$	$4x10^{-5}$
	I 134	S	$5x10^{-7}$	$4x10^{-3}$	$6x10^{-9}$	$2x10^{-5}$
		I	$3x10^{-6}$	$2x10^{-2}$	$1x10^{-7}$	$6x10^{-4}$
	I 135	S	$1x10^{-7}$	$7x10^{-4}$	$1x10^{-9}$	$4x10^{-6}$
		I	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$7x10^{-5}$
Iridium (77)--------	Ir 190	S	$1x10^{-6}$	$6x10^{-3}$	$4x10^{-8}$	$2x10^{-4}$
		I	$4x10^{-7}$	$5x10^{-3}$	$1x10^{-8}$	$2x10^{-4}$
	Ir 192	S	$1x10^{-7}$	$1x10^{-3}$	$4x10^{-9}$	$4x10^{-5}$
		I	$3x10^{-8}$	$1x10^{-3}$	$9x10^{-10}$	$4x10^{-5}$
	Ir 194	S	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$3x10^{-5}$
		I	$2x10^{-7}$	$9x10^{-4}$	$5x10^{-9}$	$3x10^{-5}$
Iron (26)-----------	Fe 55	S	$9x10^{-7}$	$2x10^{-2}$	$3x10^{-8}$	$8x10^{-4}$
		I	$1x10^{-6}$	$7x10^{-2}$	$3x10^{-8}$	$2x10^{-3}$
	Fe 59	S	$1x10^{-7}$	$2x10^{-3}$	$5x10^{-9}$	$6x10^{-5}$
		I	$5x10^{-8}$	$2x10^{-3}$	$2x10^{-9}$	$5x10^{-5}$
Krypton (36)--------	Kr 85 m	Sub	$6x10^{-6}$	-------	$1x10^{-7}$	-------
	Kr 85	Sub	$1x10^{-5}$	-------	$3x10^{-7}$	-------
	Kr 87	Sub	$1x10^{-6}$	-------	$2x10^{-8}$	-------
	Kr 88	Sub	$1x10^{-6}$	-------	$2x10^{-8}$	-------
Lanthanum (57)------	La 140	S	$2x10^{-7}$	$7x10^{-4}$	$5x10^{-9}$	$2x10^{-5}$
		I	$1x10^{-7}$	$7x10^{-4}$	$4x10^{-9}$	$2x10^{-5}$
Lead (82)-----------	Pb 203	S	$3x10^{-6}$	$1x10^{-2}$	$9x10^{-8}$	$4x10^{-4}$
		I	$2x10^{-6}$	$1x10^{-2}$	$6x10^{-8}$	$4x10^{-4}$
	Pb 210	S	$1x10^{-10}$	$4x10^{-6}$	$4x10^{-12}$	$1x10^{-7}$
		I	$2x10^{-10}$	$5x10^{-3}$	$8x10^{-12}$	$2x10^{-4}$
	Pb 212	S	$2x10^{-8}$	$6x10^{-4}$	$6x10^{-10}$	$2x10^{-5}$
		I	$2x10^{-8}$	$5x10^{-4}$	$7x10^{-10}$	$2x10^{-5}$
Lutetium (71)-------	Lu 177	S	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$5x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
Manganese (25)------	Mn 52	S	$2x10^{-7}$	$1x10^{-3}$	$7x10^{-9}$	$3x10^{-5}$
		I	$1x10^{-7}$	$9x10^{-4}$	$5x10^{-9}$	$3x10^{-5}$
	Mn 54	S	$4x10^{-7}$	$4x10^{-3}$	$1x10^{-8}$	$1x10^{-4}$
		I	$4x10^{-8}$	$3x10^{-3}$	$1x10^{-9}$	$1x10^{-4}$
	Mn 56	S	$8x10^{-7}$	$4x10^{-3}$	$3x10^{-8}$	$1x10^{-4}$
		I	$5x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
Mercury (80)--------	Hg 197 m	S	$7x10^{-7}$	$6x10^{-3}$	$3x10^{-8}$	$2x10^{-4}$
		I	$8x10^{-7}$	$5x10^{-3}$	$3x10^{-8}$	$2x10^{-4}$
	Hg 197	S	$1x10^{-6}$	$9x10^{-3}$	$4x10^{-8}$	$3x10^{-4}$
		I	$3x10^{-6}$	$1x10^{-2}$	$9x10^{-8}$	$5x10^{-4}$
	Hg 203	S	$7x10^{-8}$	$5x10^{-4}$	$2x10^{-9}$	$2x10^{-5}$
		I	$1x10^{-7}$	$3x10^{-3}$	$4x10^{-9}$	$1x10^{-4}$
Molybdenum (42)-----	Mo 99	S	$7x10^{-7}$	$5x10^{-3}$	$3x10^{-8}$	$2x10^{-4}$
		I	$2x10^{-7}$	$1x10^{-3}$	$7x10^{-9}$	$4x10^{-5}$
Neodymium (60)------	Nd 144	S	$8x10^{-11}$	$2x10^{-3}$	$3x10^{-12}$	$7x10^{-5}$
		I	$3x10^{-10}$	$2x10^{-3}$	$1x10^{-11}$	$8x10^{-5}$
	Nd 147	S	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
		I	$2x10^{-7}$	$2x10^{-3}$	$8x10^{-9}$	$6x10^{-5}$
	Nd 149	S	$2x10^{-6}$	$8x10^{-3}$	$6x10^{-8}$	$3x10^{-4}$
		I	$1x10^{-6}$	$8x10^{-3}$	$5x10^{-8}$	$3x10^{-4}$
Neptunium (93)------	Np 237	S	$4x10^{-12}$	$9x10^{-5}$	$1x10^{-13}$	$3x10^{-6}$
		I	$1x10^{-10}$	$9x10^{-4}$	$4x10^{-12}$	$3x10^{-5}$
	Np 239	S	$8x10^{-7}$	$4x10^{-3}$	$3x10^{-8}$	$1x10^{-4}$
		I	$7x10^{-7}$	$4x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
Nickel (28)---------	Ni 59	S	$5x10^{-7}$	$6x10^{-3}$	$2x10^{-8}$	$2x10^{-4}$
		I	$8x10^{-7}$	$6x10^{-2}$	$3x10^{-8}$	$2x10^{-3}$
	Ni 63	S	$6x10^{-8}$	$8x10^{-4}$	$2x10^{-9}$	$3x10^{-5}$
		I	$3x10^{-7}$	$2x10^{-2}$	$1x10^{-8}$	$7x10^{-4}$
	Ni 65	S	$9x10^{-7}$	$4x10^{-3}$	$3x10^{-8}$	$1x10^{-4}$
		I	$5x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
Niobium(Columbium) (41)	Nb 93 m	S	$1x10^{-7}$	$1x10^{-2}$	$4x10^{-9}$	$4x10^{-4}$
		I	$2x10^{-7}$	$1x10^{-2}$	$5x10^{-9}$	$4x10^{-4}$
	Nb 95	S	$5x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$1x10^{-7}$	$3x10^{-3}$	$3x10^{-9}$	$1x10^{-4}$
	Nb 97	S	$6x10^{-6}$	$3x10^{-2}$	$2x10^{-7}$	$9x10^{-4}$
		I	$5x10^{-6}$	$3x10^{-2}$	$2x10^{-7}$	$9x10^{-4}$
Osmium (76)---------	Os 185	S	$5x10^{-7}$	$2x10^{-3}$	$2x10^{-8}$	$7x10^{-5}$
		I	$5x10^{-8}$	$2x10^{-3}$	$2x10^{-9}$	$7x10^{-5}$
	Os 191 m	S	$2x10^{-5}$	$7x10^{-2}$	$6x10^{-7}$	$3x10^{-3}$
		I	$9x10^{-6}$	$7x10^{-2}$	$3x10^{-7}$	$2x10^{-3}$
	Os 191	S	$1x10^{-6}$	$5x10^{-3}$	$4x10^{-8}$	$2x10^{-4}$
		I	$4x10^{-7}$	$5x10^{-3}$	$1x10^{-8}$	$2x10^{-4}$
	Os 193	S	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
		I	$3x10^{-7}$	$2x10^{-3}$	$9x10^{-9}$	$5x10^{-5}$
Palladium (46)------	Pd 103	S	$1x10^{-6}$	$1x10^{-2}$	$5x10^{-8}$	$3x10^{-4}$
		I	$7x10^{-7}$	$8x10^{-3}$	$3x10^{-8}$	$3x10^{-4}$
	Pd 109	S	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$9x10^{-5}$
		I	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$7x10^{-5}$

Element (atomic number)	Isotope		Table I Column 1 Air (uc/ml)	Table I Column 2 Water (uc/ml)	Table II Column 1 Air (uc/ml)	Table II Column 2 Water (uc/ml)
Phosphorus (15)-----	P 32	S	$7x10^{-8}$	$5x10^{-4}$	$2x10^{-9}$	$2x10^{-5}$
		I	$8x10^{-8}$	$7x10^{-4}$	$3x10^{-9}$	$2x10^{-5}$
Platinum (78)-------	Pt 191	S	$8x10^{-7}$	$4x10^{-3}$	$3x10^{-8}$	$1x10^{-4}$
		I	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
	Pt 193 m	S	$1x10^{-6}$	$3x10^{-2}$	$4x10^{-8}$	$9x10^{-4}$
		I	$3x10^{-7}$	$5x10^{-2}$	$1x10^{-8}$	$2x10^{-3}$
	Pt 197m	S	$6x10^{-6}$	$3x10^{-2}$	$2x10^{-7}$	$1x10^{-3}$
		I	$5x10^{-6}$	$3x10^{-2}$	$2x10^{-7}$	$9x10^{-4}$
	Pt 197	S	$8x10^{-7}$	$4x10^{-3}$	$3x10^{-8}$	$1x10^{-4}$
		I	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
Plutonium (94)------	Pu 238	S	$2x10^{-12}$	$1x10^{-4}$	$7x10^{-14}$	$5x10^{-6}$
		I	$3x10^{-11}$	$8x10^{-4}$	$1x10^{-12}$	$3x10^{-5}$
	Pu 239	S	$2x10^{-12}$	$1x10^{-4}$	$6x10^{-14}$	$5x10^{-6}$
		I	$4x10^{-11}$	$8x10^{-4}$	$1x10^{-12}$	$3x10^{-5}$
	Pu 240	S	$2x10^{-12}$	$1x10^{-4}$	$6x10^{-14}$	$5x10^{-6}$
		I	$4x10^{-11}$	$8x10^{-4}$	$1x10^{-12}$	$3x10^{-5}$
	Pu 241	S	$9x10^{-11}$	$7x10^{-3}$	$3x10^{-12}$	$2x10^{-4}$
		I	$4x10^{-8}$	$4x10^{-2}$	$1x10^{-9}$	$1x10^{-3}$
	Pu 242	S	$2x10^{-12}$	$1x10^{-4}$	$6x10^{-14}$	$5x10^{-6}$
		I	$4x10^{-11}$	$9x10^{-4}$	$1x10^{-12}$	$3x10^{-5}$
	Pu 243	S	$2x10^{-6}$	$1x10^{-2}$	$6x10^{-8}$	$3x10^{-4}$
		I	$2x10^{-6}$	$1x10^{-2}$	$8x10^{-8}$	$3x10^{-4}$
	Pu 244	S	$2x10^{-12}$	$1x10^{-4}$	$6x10^{-14}$	$4x10^{-6}$
		I	$3x10^{-11}$	$3x10^{-4}$	$1x10^{-12}$	$1x10^{-5}$
Polonium (84)------	Po 210	S	$5x10^{-10}$	$2x10^{-5}$	$2x10^{-11}$	$7x10^{-7}$
		I	$2x10^{-10}$	$8x10^{-4}$	$7x10^{-12}$	$3x10^{-5}$
Potassium (19)-----	K 42	S	$2x10^{-6}$	$9x10^{-3}$	$7x10^{-8}$	$3x10^{-4}$
		I	$1x10^{-7}$	$6x10^{-4}$	$4x10^{-9}$	$2x10^{-5}$
Praseodymium (59)--	Pr 142	S	$2x10^{-7}$	$9x10^{-4}$	$7x10^{-9}$	$3x10^{-5}$
		I	$2x10^{-7}$	$9x10^{-4}$	$5x10^{-9}$	$3x10^{-5}$
	Pr 143	S	$3x10^{-7}$	$1x10^{-3}$	$1x10^{-8}$	$5x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$6x10^{-9}$	$5x10^{-5}$
Promethium (61)----	Pm 147	S	$6x10^{-8}$	$6x10^{-3}$	$2x10^{-9}$	$2x10^{-4}$
		I	$1x10^{-7}$	$6x10^{-3}$	$3x10^{-9}$	$2x10^{-4}$
	Pm 149	S	$3x10^{-7}$	$1x10^{-3}$	$1x10^{-8}$	$4x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$4x10^{-5}$
Protactinum (91)----Pa	230	S	$2x10^{-9}$	$7x10^{-3}$	$6x10^{-11}$	$2x10^{-4}$
		I	$8x10^{-10}$	$7x10^{-3}$	$3x10^{-11}$	$2x10^{-4}$
	Pa 231	S	$1x10^{-12}$	$3x10^{-5}$	$4x10^{-14}$	$9x10^{-7}$
		I	$1x10^{-10}$	$8x10^{-4}$	$4x10^{-12}$	$2x10^{-5}$
	Pa 233	S	$6x10^{-7}$	$4x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$2x10^{-7}$	$3x10^{-3}$	$6x10^{-9}$	$1x10^{-4}$
Radium (88)---------	Ra 223	S	$2x10^{-9}$	$2x10^{-5}$	$6x10^{-11}$	$7x10^{-7}$
		I	$2x10^{-10}$	$1x10^{-4}$	$8x10^{-12}$	$4x10^{-6}$
	Ra 224	S	$5x10^{-9}$	$7x10^{-5}$	$2x10^{-10}$	$2x10^{-6}$
		I	$7x10^{-10}$	$2x10^{-4}$	$2x10^{-11}$	$5x10^{-6}$
	Ra 226	S	$3x10^{-11}$	$4x10^{-7}$	$3x10^{-12}$	$3x10^{-8}$
		I	$5x10^{-11}$	$9x10^{-4}$	$2x10^{-12}$	$3x10^{-5}$
	Ra 228	S	$7x10^{-11}$	$8x10^{-7}$	$2x10^{-12}$	$3x10^{-8}$
		I	$4x10^{-11}$	$7x10^{-4}$	$1x10^{-12}$	$3x10^{-5}$
Radon (86)----------	Rn 220	S	$3x10^{-7}$	------	$1x10^{-8}$	------
		I	------	------	------	------
	Rn 222	S	$1x10^{-7}$	------	$3x10^{-9}$	------
Rhenium (75)--------	Re 183	S	$3x10^{-6}$	$2x10^{-2}$	$9x10^{-8}$	$6x10^{-4}$
		I	$2x10^{-7}$	$8x10^{-3}$	$5x10^{-9}$	$3x10^{-4}$
	Re 186	S	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$9x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$5x10^{-5}$
	Re 187	S	$9x10^{-6}$	$7x10^{-2}$	$3x10^{-7}$	$3x10^{-3}$
		I	$5x10^{-7}$	$4x10^{-2}$	$2x10^{-8}$	$2x10^{-3}$
	Re 188	S	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
		I	$2x10^{-7}$	$9x10^{-4}$	$6x10^{-9}$	$3x10^{-5}$
Rhodium (45)--------	Rh 103 m	S	$8x10^{-5}$	$4x10^{-1}$	$3x10^{-6}$	$1x10^{-2}$
		I	$6x10^{-5}$	$3x10^{-1}$	$2x10^{-6}$	$1x10^{-2}$
	Rh 105	S	$8x10^{-7}$	$4x10^{-3}$	$3x10^{-8}$	$1x10^{-4}$
		I	$5x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
Rubidium (37)-------	Rb 86	S	$3x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$7x10^{-5}$
		I	$7x10^{-8}$	$7x10^{-4}$	$2x10^{-9}$	$2x10^{-5}$
	Rb 87	S	$5x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$7x10^{-8}$	$5x10^{-3}$	$2x10^{-9}$	$2x10^{-4}$
Ruthenium (44)------	Ru 97	S	$2x10^{-6}$	$1x10^{-2}$	$8x10^{-8}$	$4x10^{-4}$
		I	$2x10^{-6}$	$1x10^{-2}$	$6x10^{-8}$	$3x10^{-4}$
	Ru 103	S	$5x10^{-7}$	$2x10^{-3}$	$2x10^{-8}$	$8x10^{-5}$
		I	$8x10^{-8}$	$2x10^{-3}$	$3x10^{-9}$	$8x10^{-5}$
	Ru 105	S	$7x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$5x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
	Ru 106	S	$8x10^{-8}$	$4x10^{-4}$	$3x10^{-9}$	$1x10^{-5}$
		I	$6x10^{-9}$	$3x10^{-4}$	$2x10^{-10}$	$1x10^{-5}$
Samarium (62)-------	Sm 147	S	$7x10^{-11}$	$2x10^{-3}$	$2x10^{-12}$	$6x10^{-5}$
		I	$3x10^{-10}$	$2x10^{-3}$	$9x10^{-12}$	$7x10^{-5}$
	Sm 151	S	$6x10^{-8}$	$1x10^{-2}$	$2x10^{-9}$	$4x10^{-4}$
		I	$1x10^{-7}$	$1x10^{-2}$	$5x10^{-9}$	$4x10^{-4}$
	Sm 153	S	$5x10^{-7}$	$2x10^{-3}$	$2x10^{-8}$	$8x10^{-5}$
		I	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$8x10^{-5}$
Scandium (21)-------	Sc 46	S	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$4x10^{-5}$
		I	$2x10^{-8}$	$1x10^{-3}$	$8x10^{-10}$	$4x10^{-5}$
	Sc 47	S	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$9x10^{-5}$
		I	$5x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$9x10^{-5}$
	Sc 48	S	$2x10^{-7}$	$8x10^{-4}$	$6x10^{-9}$	$3x10^{-5}$
		I	$1x10^{-7}$	$8x10^{-4}$	$5x10^{-9}$	$3x10^{-5}$
Selenium (34)-------	Se 75	S	$1x10^{-6}$	$9x10^{-3}$	$4x10^{-8}$	$3x10^{-4}$
		I	$1x10^{-7}$	$8x10^{-3}$	$4x10^{-9}$	$3x10^{-4}$
Silicon (14)--------	Si 31	S	$6x10^{-6}$	$3x10^{-2}$	$2x10^{-7}$	$9x10^{-4}$
		I	$1x10^{-6}$	$6x10^{-3}$	$3x10^{-8}$	$2x10^{-4}$
Silver (47)---------	Ag 105	S	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$8x10^{-8}$	$3x10^{-3}$	$3x10^{-9}$	$1x10^{-4}$
	Ag 110 m	S	$2x10^{-7}$	$9x10^{-4}$	$7x10^{-9}$	$3x10^{-5}$
		I	$1x10^{-8}$	$9x10^{-4}$	$3x10^{-10}$	$3x10^{-5}$
	Ag 111	S	$3x10^{-7}$	$1x10^{-3}$	$1x10^{-8}$	$4x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$4x10^{-5}$
Sodium (11)---------	Na 22	S	$2x10^{-7}$	$1x10^{-3}$	$6x10^{-9}$	$4x10^{-5}$
		I	$9x10^{-9}$	$9x10^{-4}$	$3x10^{-10}$	$3x10^{-5}$
	Na 24	S	$1x10^{-6}$	$6x10^{-3}$	$4x10^{-8}$	$2x10^{-4}$
		I	$1x10^{-7}$	$8x10^{-4}$	$5x10^{-9}$	$3x10^{-5}$
Strontium (38)------	Sr 85 m	S	$4x10^{-5}$	$2x10^{-1}$	$1x10^{-6}$	$7x10^{-3}$
		I	$3x10^{-5}$	$2x10^{-1}$	$1x10^{-6}$	$7x10^{-3}$
	Sr 85	S	$2x10^{-7}$	$3x10^{-3}$	$8x10^{-9}$	$1x10^{-4}$
		I	$1x10^{-7}$	$5x10^{-3}$	$4x10^{-9}$	$2x10^{-4}$
	Sr 89	S	$3x10^{-8}$	$3x10^{-4}$	$3x10^{-10}$	$3x10^{-6}$
		I	$4x10^{-8}$	$8x10^{-4}$	$1x10^{-9}$	$3x10^{-7}$
	Sr 90	S	$1x10^{-9}$	$1x10^{-5}$	$3x10^{-11}$	$3x10^{-7}$
		I	$5x10^{-9}$	$1x10^{-3}$	$2x10^{-10}$	$4x10^{-5}$
	Sr 91	S	$4x10^{-7}$	$2x10^{-3}$	$2x10^{-8}$	$7x10^{-5}$
		I	$3x10^{-7}$	$1x10^{-3}$	$9x10^{-9}$	$5x10^{-5}$
	Sr 92	S	$4x10^{-7}$	$2x10^{-3}$	$2x10^{-8}$	$7x10^{-5}$
		I	$3x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
Sulfur (16)---------	S 35	S	$3x10^{-7}$	$2x10^{-3}$	$9x10^{-9}$	$6x10^{-5}$
		I	$3x10^{-7}$	$8x10^{-3}$	$9x10^{-9}$	$3x10^{-4}$
Tantalum (73)-------	Ta 182	S	$4x10^{-8}$	$1x10^{-3}$	$1x10^{-9}$	$4x10^{-5}$
		I	$2x10^{-8}$	$1x10^{-3}$	$7x10^{-10}$	$4x10^{-5}$
Technetium (43)-----Tc	96m	S	$8x10^{-5}$	$4x10^{-1}$	$3x10^{-6}$	$1x10^{-2}$
		I	$3x10^{-5}$	$3x10^{-1}$	$1x10^{-6}$	$1x10^{-2}$
	Tc 96	S	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$5x10^{-5}$
	Tc 97m	S	$2x10^{-6}$	$1x10^{-2}$	$8x10^{-8}$	$4x10^{-4}$
		I	$2x10^{-7}$	$5x10^{-3}$	$5x10^{-9}$	$2z10^{-4}$
	Tc 97	S	$1x10^{-5}$	$5x10^{-2}$	$4x10^{-7}$	$2x10^{-3}$
		I	$3x10^{-7}$	$2x10^{-2}$	$1x10^{-8}$	$8x10^{-4}$
	Tc 99m	S	$4x10^{-5}$	$2x10^{-1}$	$1x10^{-6}$	$6x10^{-3}$
		I	$1x10^{-5}$	$8x10^{-2}$	$5x10^{-7}$	$3x10^{-3}$
	Tc 99	S	$2x10^{-6}$	$1x10^{-2}$	$7x10^{-8}$	$3x10^{-4}$
		I	$6x10^{-8}$	$5x10^{-3}$	$2x10^{-9}$	$2x10^{-4}$

Element (atomic number)	Isotope		Table I Column 1 Air (uc/ml)	Table I Column 2 Water (uc/ml)	Table II Column 1 Air (uc/ml)	Table II Column 2 Water (uc/ml)
Tellurium (52)------	Te 125 m	S	$4x10^{-7}$	$5x10^{-3}$	$1x10^{-8}$	$2x10^{-4}$
		I	$1x10^{-7}$	$3x10^{-3}$	$4x10^{-9}$	$1x10^{-4}$
	Te 127 m	S	$1x10^{-7}$	$2x10^{-3}$	$5x10^{-9}$	$6x10^{-5}$
		I	$4x10^{-8}$	$2x10^{-3}$	$1x10^{-9}$	$5x10^{-5}$
	Te 127	S	$2x10^{-6}$	$8x10^{-3}$	$6x10^{-8}$	$3x10^{-4}$
		I	$9x10^{-7}$	$5x10^{-3}$	$3x10^{-8}$	$2x10^{-4}$
	Te 129 m	S	$8x10^{-8}$	$1x10^{-3}$	$3x10^{-9}$	$3x10^{-5}$
		I	$3x10^{-8}$	$6x10^{-4}$	$1x10^{-9}$	$2x10^{-5}$
	Te 129	S	$5x10^{-6}$	$2x10^{-2}$	$2x10^{-7}$	$8x10^{-4}$
		I	$4x10^{-6}$	$2x10^{-2}$	$1x10^{-7}$	$8x10^{-4}$
	Te 131 m	S	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$6x10^{-9}$	$4x10^{-5}$
	Te 132	S	$2x10^{-7}$	$9x10^{-4}$	$7x10^{-9}$	$3x10^{-5}$
		I	$1x10^{-7}$	$6x10^{-4}$	$4x10^{-9}$	$2x10^{-5}$
Terbium (65)--------	Tb 160	S	$1x10^{-7}$	$1x10^{-3}$	$3x10^{-9}$	$4x10^{-5}$
		I	$3x10^{-8}$	$1x10^{-3}$	$1x10^{-9}$	$4x10^{-5}$
Thallium (81)-------	Tl 200	S	$3x10^{-6}$	$1x10^{-2}$	$9x10^{-8}$	$4x10^{-4}$
		I	$1x10^{-6}$	$7x10^{-3}$	$4x10^{-8}$	$2x10^{-4}$
	Tl 201	S	$2x10^{-6}$	$9x10^{-3}$	$7x10^{-8}$	$3x10^{-4}$
		I	$9x10^{-7}$	$5x10^{-3}$	$3x10^{-8}$	$2x10^{-4}$
	Tl 202	S	$8x10^{-7}$	$4x10^{-3}$	$3x10^{-8}$	$1x10^{-4}$
		I	$2x10^{-7}$	$2x10^{-3}$	$8x10^{-9}$	$7x10^{-5}$
	Tl 204	S	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$3x10^{-8}$	$2x10^{-3}$	$9x10^{-10}$	$6x10^{-5}$
Thorium (90)--------	Th 227	S	$3x10^{-10}$	$5x10^{-4}$	$1x10^{-11}$	$2x10^{-5}$
		I	$2x10^{-10}$	$5x10^{-4}$	$6x10^{-12}$	$2x10^{-5}$
	Th 228	S	$9x10^{-12}$	$2x10^{-4}$	$3x10^{-13}$	$7x10^{-6}$
		I	$6x10^{-12}$	$4x10^{-4}$	$2x10^{-13}$	$1x10^{-5}$
	Th 230	S	$2x10^{-12}$	$5x10^{-5}$	$8x10^{-14}$	$2x10^{-6}$
		I	$1x10^{-11}$	$9x10^{-4}$	$3x10^{-13}$	$3x10^{-5}$
	Th 231	S	$1x10^{-6}$	$7x10^{-3}$	$5x10^{-8}$	$2x10^{-4}$
		I	$1x10^{-6}$	$7x10^{-3}$	$4x10^{-8}$	$2x10^{-4}$
	Th 232	S	$3x10^{-11}$	$5x10^{-5}$	$1x10^{-12}$	$2x10^{-6}$
		I	$3x10^{-11}$	$1x10^{-3}$	$1x10^{-12}$	$4x10^{-5}$
	Th natural	S	$3x10^{-11}$	$3x10^{-5}$	$1x10^{-12}$	$1x10^{-6}$
		I	$3x10^{-11}$	$3x10^{-4}$	$1x10^{-12}$	$1x10^{-5}$
	Th 234	S	$6x10^{-8}$	$5x10^{-4}$	$2x10^{-9}$	$2x10^{-5}$
		I	$3x10^{-8}$	$5x10^{-4}$	$1x10^{-9}$	$2x10^{-5}$
Thulium (69)--------	Tm 170	S	$4x10^{-8}$	$1x10^{-3}$	$1x10^{-9}$	$5x10^{-5}$
		I	$3x10^{-8}$	$1x10^{-3}$	$1x10^{-9}$	$5x10^{-5}$
	Tm 171	S	$1x10^{-7}$	$1x10^{-2}$	$4x10^{-9}$	$5x10^{-4}$
		I	$2x10^{-7}$	$1x10^{-2}$	$8x10^{-9}$	$5x10^{-4}$
Tin (50)----------	Sn 113	S	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$9x10^{-5}$
		I	$5x10^{-8}$	$2x10^{-3}$	$2x10^{-9}$	$8x10^{-5}$
	Sn 125	S	$1x10^{-7}$	$5x10^{-4}$	$4x10^{-9}$	$2x10^{-5}$
		I	$8x10^{-8}$	$5x10^{-4}$	$3x10^{-9}$	$2x10^{-5}$
Tungsten (Wolfram)--W	181	S	$2x10^{-6}$	$1x10^{-2}$	$8x10^{-8}$	$4x10^{-4}$
		I	$1x10^{-7}$	$1x10^{-2}$	$4x10^{-9}$	$3x10^{-4}$
	W 185	S	$8x10^{-7}$	$4x10^{-3}$	$3x10^{-8}$	$1x10^{-4}$
		I	$1x10^{-7}$	$3x10^{-3}$	$4x10^{-9}$	$1x10^{-4}$
	W 187	S	$4x10^{-7}$	$2x10^{-3}$	$2x10^{-8}$	$7x10^{-5}$
		I	$3x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
Uranium (92)--------	U 230	S	$3x10^{-10}$	$1x10^{-4}$	$1x10^{-11}$	$5x10^{-6}$
		I	$1x10^{-10}$	$1x10^{-4}$	$4x10^{-12}$	$5x10^{-6}$
	U 232	S	$1x10^{-10}$	$8x10^{-4}$	$3x10^{-12}$	$3x10^{-5}$
		I	$3x10^{-11}$	$8x10^{-4}$	$9x10^{-13}$	$3x10^{-5}$
	U 233	S	$5x10^{-10}$	$9x10^{-4}$	$2x10^{-11}$	$3x10^{-5}$
		I	$1x10^{-10}$	$9x10^{-4}$	$4x10^{-12}$	$3x10^{-5}$
	U 234	S	$6x10^{-10}$	$9x10^{-4}$	$2x10^{-11}$	$3x10^{-5}$
		I	$1x10^{-10}$	$9x10^{-4}$	$4x10^{-12}$	$3x10^{-5}$
	U 235	S	$5x10^{-10}$	$8x10^{-4}$	$2x10^{-11}$	$3x10^{-5}$
		I	$1x10^{-10}$	$8x10^{-4}$	$4x10^{-12}$	$3x10^{-5}$
	U 236	S	$6x10^{-10}$	$1x10^{-3}$	$2x10^{-11}$	$3x10^{-5}$
		I	$1x10^{-10}$	$1x10^{-3}$	$4x10^{-12}$	$3x10^{-5}$
	U 238	S	$7x10^{-11}$	$1x10^{-3}$	$3x10^{-12}$	$4x10^{-5}$
		I	$1x10^{-10}$	$1x10^{-3}$	$5x10^{-12}$	$4x10^{-5}$
	U 240	S	$2x10^{-7}$	$1x10^{-3}$	$8x10^{-9}$	$3x10^{-5}$
		I	$2x10^{-7}$	$1x10^{-3}$	$6x10^{-9}$	$3x10^{-5}$
	U natural	S	$7x10^{-11}$	$5x10^{-4}$	$3x10^{-12}$	$2x10^{-5}$
		I	$6x10^{-11}$	$5x10^{-4}$	$2x10^{-12}$	$2x10^{-5}$
Vanadium (23)------	V 48	S	$2x10^{-7}$	$9x10^{-4}$	$6x10^{-9}$	$3x10^{-5}$
		I	$6x10^{-8}$	$8x10^{-4}$	$2x10^{-9}$	$3x10^{-5}$
Xenon (54)----------	Xe 131m	Sub	$2x10^{-5}$	-------	$4x10^{-7}$	-------
	Xe 133m	Sub	$1x10^{-5}$	-------	$3x10^{-7}$	-------
	Xe 133	Sub	$1x10^{-5}$	-------	$3x10^{-7}$	-------
	Xe 135	Sub	$4x10^{-6}$	-------	$1x10^{-7}$	-------
Ytterbium (70)------	Yb 175	S	$7x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
		I	$6x10^{-7}$	$3x10^{-3}$	$2x10^{-8}$	$1x10^{-4}$
Yttrium (39)--------	Y 90	S	$1x10^{-7}$	$6x10^{-4}$	$4x10^{-9}$	$2x10^{-5}$
		I	$1x10^{-7}$	$6x10^{-4}$	$3x10^{-9}$	$2x10^{-5}$
	Y 91 m	S	$2x10^{-5}$	$1x10^{-1}$	$8x10^{-7}$	$3x10^{-3}$
		I	$2x10^{-5}$	$1x10^{-1}$	$6x10^{-7}$	$3x10^{-3}$
	Y 91	S	$4x10^{-8}$	$8x10^{-4}$	$1x10^{-9}$	$3x10^{-5}$
		I	$3x10^{-8}$	$8x10^{-4}$	$1x10^{-9}$	$3x10^{-5}$
	Y 92	S	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
		I	$3x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
	Y 93	S	$2x10^{-7}$	$8x10^{-4}$	$6x10^{-9}$	$3x10^{-5}$
		I	$1x10^{-7}$	$8x10^{-4}$	$5x10^{-9}$	$3x10^{-5}$
Zinc (30)-----------	Zn 65	S	$1x10^{-7}$	$3x10^{-3}$	$4x10^{-9}$	$1x10^{-4}$
		I	$6x10^{-8}$	$5x10^{-3}$	$2x10^{-9}$	$2x10^{-4}$
	Zn 69m	S	$4x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$7x10^{-5}$
		I	$3x10^{-7}$	$2x10^{-3}$	$1x10^{-8}$	$6x10^{-5}$
	Zn 69	S	$7x10^{-6}$	$5x10^{-2}$	$2x10^{-7}$	$2x10^{-3}$
		I	$9x10^{-6}$	$5x10^{-2}$	$3x10^{-7}$	$2x10^{-3}$
Zirconium (40)------	Zr 93	S	$1x10^{-7}$	$2x10^{-2}$	$4x10^{-9}$	$8x10^{-4}$
		I	$3x10^{-7}$	$2x10^{-2}$	$1x10^{-8}$	$8x10^{-4}$
	Zr 95	S	$1x10^{-7}$	$2x10^{-3}$	$4x10^{-9}$	$6x10^{-5}$
		I	$3x10^{-8}$	$2x10^{-3}$	$1x10^{-9}$	$6x10^{-5}$
	Zr 97	S	$1x10^{-7}$	$5x10^{-4}$	$4x10^{-9}$	$2x10^{-5}$
		I	$9x10^{-8}$	$5x10^{-4}$	$3x10^{-9}$	$2x10^{-5}$
Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than 2 hours.		Sub	$1x10^{-6}$	-------	$3x10^{-8}$	-------
Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than 2 hours.			$3x10^{-9}$	$9x10^{-5}$	$1x10^{-10}$	$3x10^{-6}$
Any single radionuclide not listed above, which decays by alpha emission or spontaneous fission.			$6x10^{-13}$	$4x10^{-7}$	$2x10^{-14}$	$3x10^{-8}$

Section 3. Footnotes to Table. In any case where there is a mixture in air or water of more than one radionuclide, the limiting values for purposes of this regulation should be determined as follows:

(1) If the identity and concentration of each radionuclide in the mixture are known, the limiting values should be derived as follows: Determine, for each radionuclide in the mixture, the ratio between the quantity present in the mixture and

the limit otherwise established in this regulation for the specific radionuclide when not in a mixture. The sum of such ratios for all the radionuclides in the mixture may not exceed "1" (i.e., "unity").

Example: If radionuclides a, b, and c, are present in concentrations Ca, Cb, and Cc, and if the applicable MPC's are MPCa, and MPCb, and MPCc respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{Ca}{MPCa} + \frac{Cb}{MPCb} + \frac{Cc}{MPCc} = 1$$

(2) If either the identity or the concentration of any radionuclide in the mixture is not known, the limiting values for purposes of this regulation shall be:

(a) For purposes of Table I, Col. 1 - $6x10^{-13}$
(b) For purposes of Table I, Col. 2 - $4x10^{-7}$
(c) For purposes of Table II, Col. 1 - $2x10^{-14}$
(d) For purposes of Table II, Col. 2 - $3x10^{-6}$

(3) If any of the conditions specified below are met, the corresponding values specified below may be used in lieu of those specified in subsection (2) above.

(a) If the identity of each radionuclide in the mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the concentration limit for the mixture is the limit specified in this regulation for the radionuclide in the mixture having the lowest concentration limit; or,

(b) If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in this regulation are present in the mixture, the concentration limit for the mixture is the lowest concentration limit specified in this regulation for any radionuclide which is not known to be absent from the mixture; or as specified in the following chart:

Element (atomic number) and isotope	Table I Column 1 Air (uc/ml)	Table I Column 2 Water (uc/ml)	Table II Column 1 Air (uc/ml)	Table II Column 2 Water (uc/ml)
If it is known that (I 129, Table II only), Ra 226, and Ra 228 are not present	-------	$3x10^{-6}$	-------	$1x10^{-7}$
If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 241, and Bk 249 are not present	$3x10^{-9}$	-------	$1x10^{-10}$	-------
If it is known that alpha-emitters and Pb 210, Ac 227, Ra 228, and Pu 241 are not present	$3x10^{-10}$	-------	$1x10^{-11}$	-------
If it is known that alpha-emitters and Ac 227 are not present	$3x10^{-11}$	-------	$1x10^{-12}$	-------
If it is known that Ac 227, Th 230, Pa 231, Pu 238, Pu 239, Pu 240, Pu 242, Pu 244, Cm 248, Cf 249, and Cf 251 are not present	$3x10^{-12}$	-------	$1x10^{-13}$	-------
If it is known that Sr 90, I 125, I 126, I 129, I 131, (I 133, Table II only), Pb 210, Po 210, At 211, Ra 223, Ra 224, Ra 226, Ac 227, Ra 228, Th 230, Pa 231, Th 232, Th-nat, Cm 248, Cf 254, and Fm 256 are not present	-------	$9x10^{-5}$	-------	$3x10^{-6}$
If it is known that Sr 90, I 125, I 126, I 129, (I 131, I 133, Table II only), Pb 210, Po 210, Ra 223, Ra 226, Ra 228, Pa 231, Th-nat, Cm 248, Cf 254, and Fm 256 are not present	-------	$6x10^{-5}$	-------	$2x10^{-6}$
If it is known that Sr 90, I 129, (I 125, I 126, I 131, Table II only), Pb 210, Ra 226, Ra 228, Cm 248, and Cf 254 are not present	-------	$2x10^{-5}$	-------	$2x10^{-7}$

(4) If the mixture of radionuclides consists of uranium and its daughter products in ore dust prior to chemical processing of the uranium ore, the values specified below may be used in lieu of those determined in accordance with subsection (1) above, or those specified in subsections (2) and (3) above.

(a) For purposes of Table I, 1×10^{-10} uc/ml gross alpha activity; or 2.5×10^{-11} uc/ml natural uranium; or 75 micrograms per cubic meter of air natural uranium.

(b) For purposes of Table II, Column 1, 3×10^{-12} uc/ml gross alpha activity; or 8×10^{-13} uc/ml natural uranium; or 3 micrograms per cubic meter of air natural uranium.

(5) For purposes of this note, a radionuclide may be considered as not present in a mixture if;

(a) The ratio of the concentration of that radionuclide in the mixture (C_a) to the concentration limit for that radionuclide specified in Table II of this regulation (MPC_a) does not exceed 1/10, (i.e., $\frac{C_a}{MPC_a} \leq \frac{1}{10}$) and

(b) The sum of such ratios for all radionuclides considered as not present in the mixture does not exceed 1/4 (i.e., $\frac{C_a}{MPC_a} + \frac{C_b}{MPC_b} + \cdots \leq 1/4$).

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HARMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:030)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide for quantity requirements for posting and disposal of radioactive material.

Section 1. Applicability. This regulation applies to persons licensed pursuant to the department's radiation regulations.

Section 2. Table. The following table provides for the quantity requirements for posting and disposal of radioactive material:

QUANTITY BASES FOR POSTING AND DISPOSAL REQUIREMENTS

Material	Microcuries	Material	Microcuries
Americium 241	0.01	Osmium 193	100
Antimony 122	100	Palladium 103	100
Antimony 124	10	Palladium 109	100
Antimony 125	10	Phosporus 32	10
Arsenic 73	100	Platinum 191	100
Arsenic 74	10	Platinum 193m	100
Arsenic 76	10	Platinum 193	100
Arsenic 77	100	Platinum 197m	100
Barium 131	10	Platinum 197	100
Barium 140	10	Plutonium 239	0.01
Bismuth 210	1	Polonium 210	0.1
Bromine 82	10	Potassium 42	10
Cadmium 109	10	Praseodymium 142	100
Cadmium 115m	10	Praseodymium 143	100
Cadmium 115	100	Promethium 147	10
Calcium 45	10	Promethium 149	10
Calcium 47	10	Radium 226	0.01
Carbon 14	100	Rhenium 186	100
Cerium 141	100	Rhenium 188	100
Cerium 143	100	Rhodium 103m	100
Cerium 144	1	Rhodium 105	100
Cesium 131	1,000	Rubidium 86	10
Cesium 134m	100	Rubidium 87	10
Cesium 134	1	Ruthenium 97	100
Cesium 135	10	Ruthenium 103	10
Cesium 136	10	Ruthenium 105	10
Cesium 137	10	Ruthenium 106	1
Chlorine 36	10	Samarium 151	10
Chlorine 38	10	Samarium 153	100
Chromium 51	1,000	Scandium 46	10
Cobalt 58m	10	Scandium 47	100
Cobalt 58	10	Scandium 48	10
Cobalt 60	1	Selenium 75	10
Copper 64	100	Silicon 31	100
Dysprosium 165	10	Silver 105	10
Dysprosium 166	100	Silver 110m	1
Erbium 169	100	Silver 111	100
Erbium 171	100	Sodium 24	10
Europium 152 9.2 h	100	Strontium 85	10
Europium 152 13 yr	1	Strontium 89	1
Europium 154	1	Strontium 90	0.1
Europium 155	10	Strontium 91	10
Fluorine 18	1,000	Strontium 92	10
Gadolinium 153	10	Sulphur 35	100
Gadolinium 159	100	Tantalum 182	10
Gallium 72	10	Technetium 96	10
Germanium 71	100	Technetium 97m	100
Gold 198	100	Technetium 97	100
Gold 199	100	Technetium 99m	100
Hafnium 181	10	Technetium 99	10
Holmium 166	100	Tellurium 125m	10
Hydrogen 3	1,000	Tellurium 127m	10
Indium 113m	100	Tellurium 127	100
Indium 114m	10	Tellurium 129m	10
Indium 115m	100	Tellurium 129	100
Indium 115	10	Tellurium 131m	10
Iodine 125	1	Tellurium 132	10
Iodine 126	1	Terbium 160	10
Iodine 129	0.1	Thallium 200	100
Iodine 131	1	Thallium 201	100
Iodine 132	10	Thallium 202	100
Iodine 133	1	Thallium 204	10
Iodine 134	10	Thorium (natural)	50
Iodine 135	10	Thulium 170	10
Iridium 192	10	Thulium 171	10
Iridium 194	100	Tin 113	10
Iron 55	100	Tin 125	10
Iron 59	10	Tungsten 181	10
Krypton 85	100	Tungsten 185	10

Krypton 87	10
Lanthanum 140	10
Lutetium 177	100
Manganese 52	10
Manganese 54	10
Manganese 56	10
Mercury 197m	100
Mercury 197	100
Mercury 203	10
Molybdenum 99	100
Neodymium 147	100
Neodymium 149	100
Nickel 59	100
Nickel 63	10
Nickel 65	100
Niobium 93m	10
Niobium 95	10
Niobium 97	10
Osmium 185	10
Osmium 191m	100
Osmium 191	100
Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition	0.01

Tungsten 187	100
Uranium (natural)	50
Uranium 233	0.01
Uranium 234—Uranium 235	0.01
Vanadium 48	10
Xenon 131m	1,000
Xenon 133	100
Xenon 135	100
Ytterbium 175	100
Yttrium 90	10
Yttrium 91	10
Yttrium 92	100
Yttrium 93	100
Zinc 65	10
Zinc 69m	100
Zinc 69	1,000
Zirconium 93	10
Zirconium 95	10
Zirconium 97	10
Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition	0.01

Section 3. Footnotes to Table. For purposes of these regulations where there is involved a combination of isotopes in known amounts the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity").

Example: For purposes of these regulations if a particular batch contains 20,000 uc of Au—198 and 50,000 uc of C—14, it may also include not more than 300 uc of I—131. This limit was determined as follows:

$$\frac{20{,}000 \text{ uc Au—198}}{100{,}000 \text{ uc}} + \frac{50{,}000 \text{ uc C—14}}{100{,}000 \text{ uc}} + \frac{300 \text{ uc I—131}}{1{,}000 \text{ uc}} = 1$$

The denominator in each of the above ratios was obtained by multiplying the figure in the table by 1,000.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:035)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide a listing of the transport group in which radionuclides are classified for use in the transport of radioactive materials; tests for special form licensed material; and procedures for picking up, receiving and opening packages.

Section 1. Applicability. This regulation applies to all persons engaged in the packaging and transportation of radioactive material.

Section 2. Procedures for Picking Up, Receiving, and Opening Packages; Table. (1) Each licensee or registrant who expects to receive a package containing quantities of radioactive material in excess of the Type A quantities specified in subsection (2) of this Section shall:

(a) If the package is to be delivered to the licensee's or registrant's facility by the carrier, make arrangements to receive the package when it is offered for delivery by the carrier; or

(b) If the package is to be picked up by the licensee or registrant at the carrier's terminal, make arrangements to receive notification from the carrier of the arrival of the package, at the time of arrival.

(c) Each licensee or registrant who picks up a package of radioactive material from a carrier's terminal shall pick up the package expeditiously upon receipt of notification from the carrier of its arrival.

(2) Each licensee or registrant, upon receipt of a package of radioactive material, shall monitor the external surfaces of the package for radioactive contamination caused by leakage of the radioactive contents, except:

(a) Packages containing no more than the exempt quantity specified in the table in this subsection;

(b) Packages containing no more than ten (10) millicuries of radioactive material consisting solely of tritium, carbon—14, sulfur—35, or iodine—125;

(c) Packages containing only radioactive material as gases or in special form;

(d) Packages containing only radioactive material in other than liquid form (including Mo—99/Tc—99m generators) and not exceeding the Type A quantity limit specified in the table in this subsection; and

(e) Packages containing only radionuclides with half—lives of less than thirty (30) days and a total quantity of no more than 100 millicuries. The monitoring shall be performed as soon as practicable after receipt, but no later than three (3) hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or eighteen (18) hours if received after normal working hours.

(f) If removable radioactive contamination in excess of 0.01 microcuries (22,000 disintegrations per minute) per 100 square centimeters of package surface is found on the external surfaces of the package, the licensee shall immediately notify the final delivering carrier and, by telephone and telegraph, the department.

(g) Table of Exempt and Type A Quantities.

Transport Group	Exempt Quantity Limit (in millicuries)	Type A Quantity Limit (in curies)
I	.01	0.001
II	0.1	0.050
III	1	3
IV	1	20
V	1	20
VI	1	1,000
VII	25,000	1,000
Special form	1	20

(3) Each licensee or registrant, upon receipt of a package containing quantities of radioactive material in excess of the Type A quantities specified in subsection (2) of this section, other than those transported by exclusive use vehicle, shall monitor the radiation levels external to the package. The package shall be monitored as soon as practicable after receipt, but no later than three (3) hours after the package is received at the licensee's facility if received during the licensee's normal working hours, or eighteen (18) hours if received after normal working hours.

(4) If radiation levels are found on the external surface of the package in excess of 200 millirem per hour, or at three (3) feet from the external surface of the package in excess of ten (10) millirem per hour, the licensee or registrant shall immediately notify, by telephone and telegraph, the final delivering carrier and the department.

(5) Each licensee or registrant shall establish and maintain procedures for safely opening packages in which radioactive material is received, and shall assure that such procedures are followed and that due consideration is given to special instructions for the type of package being opened.

Section 3. Transport Grouping of Radionuclides. The following list classifies radionuclides for the proper packaging and transporting of radioactive material in Kentucky.

Element[1/]	Radionuclide[2/]	Group
Actinium(89)	Ac-277	I
	Ac-228	I
Americium(95)	Am-241	I
	Am-243	I
Antimony(51)	Sb-122	IV
	Sb-124	III
	Sb-125	III
Argon(18)	Ar-37	VI
	Ar-41	II
	Ar-41(uncompressed)[3/]	V
Arsenic(33)	As-73	IV
	As-74	IV
	As-76	IV
	As-77	IV
Astatine(85)	At-211	III
Barium(56)	Ba-131	IV
	Ba-133	II
	Ba-140	III
Berkelium(97)	Bk-249	I
Beryllium(4)	Be-7	IV
Bismuth(83)	Bi-206	IV
	Bi-207	III
	Bi-210	II
	Bi-212	III
Bromine(35)	Br-82	IV

Element[1]	Radionuclide[2]	Group
Cadmium(48)	Cd-109	IV
	Cd-115m	III
	Cd-115	IV
Calcium(20)	Ca-45	IV
	Ca-47	IV
Californium(98)	Cf-249	I
	Cf-250	I
	Cf-252	I
Carbon(6)	C-14	IV
Cerium(58)	Ce-141	IV
	Ce-143	IV
	Ce-144	III
Cesium(55)	Cs-131	IV
	Cs-134m	III
	Cs-134	III
	Cs-135	IV
	Cs-136	IV
	Cs-137	III
Chlorine(17)	Cl-36	III
	Cl-38	IV
Chromium(24)	Cr-51	IV
Cobalt(27)	Co-56	III
	Co-57	IV
	Co-58m	IV
	Co-58	IV
	Co-60	III
Copper(29)	Cu-64	IV
Curium(96)	Cm-242	I
	Cm-243	I
	Cm-244	I
	Cm-245	I
	Cm-246	I
Dysprosium(66)	Dy-154	III
	Dy-165	IV
	Dy-166	IV
Erbium(68)	Er-169	IV
	Er-171	IV
Europium(63)	Eu-150	III
	Eu-152m	IV
	Eu-152	III
	Eu-154	II
	Eu-155	IV
Fluorine(9)	F-18	IV
Gadolinium(64)	Gd-153	IV
	Gd-159	IV
Gallium(31)	Ga-67	III
	Ga-72	IV
Germanium(32)	Ge-71	IV
Gold(79)	Au-193	III
	Au-194	III
	Au-195	III
	Au-196	IV
	Au-198	IV
	Au-199	IV
Hafnium(72)	Hf-181	IV
Holmium(67)	Ho-166	IV
Hydrogen(1)	H-3(see tritium)	
Indium(49)	In-113m	IV
	In-114m	III
	In-115m	IV
	In-115	IV
Iodine(53)	I-124	III
	I-125	III
	I-126	III
	I-129	III
	I-131	III
	I-132	IV
	I-133	III
	I-134	IV
	I-135	IV
Iridium(77)	Ir-190	IV
	Ir-192	III
	Ir-194	IV
Iron(26)	Fe-55	IV
	Fe-59	IV
Krypton(36)	Kr-85m	III
	Kr-85m(uncompressed).[3]	V
	Kr-85	III
	Kr-85(uncompressed).[3]	VI
	Kr-87	II
	Kr-87(uncompressed).[3]	V
Lanthanum(57)	La-140	IV
Lead(82)	Pb-203	IV
	Pb-210	II
	Pb-212	II
Lutetium(71)	Lu-172	III
	Lu-177	IV
Magnesium(12)	Mg-28	III
Manganese(25)	Mn-52	IV
	Mn-54	IV
	Mn-56	IV
Mercury(80)	Hg-197m	IV
	Hg-197	IV
	Hg-203	IV

Element[1]	Radionuclide[2]	Group
Mixed fission products(MFP)		II
Molybdenum(42)	Mo-99	IV
Neodymium(60)	Nd-147	IV
	Nd-149	IV
Neptunium(93)	Np-237	I
	Np-239	I
Nickel(28)	Ni-56	III
	Ni-59	IV
	Ni-63	IV
	Ni-65	IV
Niobium(41)	Nb-93m	IV
	Nb-95	IV
	Nb-97	IV
Osmium(76)	Os-185	IV
	Os-191m	IV
	Os-191	IV
	Os-193	IV
Palladium(46)	Pd-103	V
	Pd-109	IV
Phosphorus(15)	P-32	IV
Platinum(78)	Pt-191	IV
	Pt-193	IV
	Pt-193m	IV
	Pt-197m	IV
	Pt-197	IV
Plutonium(94)	Pu-238(F)	I
	Pu-239(F)	I
	Pu-240	I
	Pu-241(F)	I
	Pu-242	I
Polonium(84)	Po-210	I
Potassium(19)	K-42	IV
	K-43	III
Praseodymium(59)	Pr-142	IV
	Pr-143	IV
Promethium(61)	Pm-147	IV
	Pm-149	IV
Protactinium(91)	Pa-230	I
	Pa-231	I
	Pa-233	II
Radium(88)	Ra-223	II
	Ra-224	II
	Ra-226	I
	Ra-228	I
Radon(86)	Rn-220	IV
	Rn-222	II
Rhenium(75)	Re-183	IV
	Re-186	IV
	Re-187	IV
	Re-188	IV
	Re-Natural	IV
Rhodium(45)	Rh-103m	IV
	Rh-105	IV
Rubidium(37)	Rb-86	IV
	Rb-87	IV
	Rb-Natural	IV
Ruthenium(44)	Ru-97	IV
	Ru-103	IV
	Ru-105	IV
	Ru-106	III
Samarium(62)	Sm-145	III
	Sm-147	III
	Sm-151	IV
	Sm-153	IV
Scandium(21)	Sc-46	III
	Sc-47	IV
	Sc-48	IV
Selenium(34)	Se-75	IV
Silicon(14)	Si-31	IV
Silver(47)	Ag-105	IV
	Ag-110m	III
	Ag-111	IV
Sodium(11)	Na-22	III
	Na-24	IV
Strontium(38)	Sr-85m	IV
	Sr-85	IV
	Sr-89	III
	Sr-90	II
	Sr-91	III
	Sr-92	IV
Sulfur(16)	S-35	IV
Tantalum(73)	Ta-182	III
Technetium(43)	Tc-96m	IV
	Tc-96	IV
	Tc-97m	IV
	Tc-97	IV
	Tc-99m	IV
	Tc-99	IV
Tellurium(52)	Te-125m	IV
	Te-127m	IV
	Te-127	IV
	Te-129m	III
	Te-129	IV
	Te-131m	III
	Te-132	IV
Terbium(65)	Tb-160	III

Element[1]	Radionuclide[2]	Group
Thallium(81)	Tl-200	IV
	Tl-201	IV
	Tl-202	IV
	Tl-204	III
Thorium(90)	Th-227	II
	Th-228	I
	Th-230	I
	Th-231	I
	Th-232	III
	Th-234	II
	Th-Natural	III
Thulium(69)	Tm-168	III
	Tm-170	III
	Tm-171	IV
Tin(50)	Sn-113	IV
	Sn-117m	III
	Sn-121	III
	Sn-125	IV
Tritium(1)	H-3	IV
	H-3(as a gas, as luminous paint, or adsorbed on solid material).	VII
Tungsten(74)	W-181	IV
	W-185	IV
	W-187	IV
Uranium(92)	U-230	II
	U-232	I
	U-233(F)	II
	U-234	II
	U-235(F)	III
	U-236	II
	U-238	III
	U-Natural	III
	U-Enriched(F)	III
	U-Depleted	III
Vanadium(23)	V-48	IV
	V-49	III
Xenon(54)	Xe-125	III
	Xe-131m	III
	Xe-131m (uncompressed).[3]	V
	Xe-133	III
	Xe-133 (uncompressed).[3]	VI
	Xe-135	II
	Xe-135 (uncompressed).[3]	V
Ytterbium(70)	Yb-175	IV
Yttrium(39)	Y-88	III
	Y-90	IV
	Y-91m	III
	Y-91	III
	Y-92	IV
	Y-93	IV
Zinc(30)	Zn-65	IV
	Zn-69m	IV
	Zn-69	IV
Zirconium(40)	Zr-93	IV
	Zr-95	III
	Zr-97	IV

[1] Atomic number shown in parentheses.

[2] Atomic mass number shown after the element symbol.

[3] Uncompressed means at a pressure not exceeding one atmosphere.

m Metastable state.

(a) Any radionuclide not specifically listed in one of the groups of this regulation shall be assigned to one of the groups in accordance with the following table:

Radionuclide	Radioactive half-life: 0 to 1000 days	1000 days to 10 E 6* years	Over 10 E 6* years
Atomic number 1-81	Group III	Group II	Group III
Atomic number 82 and over	Group I	Group I	Group III

* "E" represents an exponent. For example, 10 E 6 means 10 times ten to the sixth power.

(b) For mixtures of radionuclides, the following shall apply:

1. If the identity and respective activity of each radionuclide are known, the permissible activity of each radionuclide shall be such that the sum, for all groups present, of the ratio between the total activity for each group to the permissible activity for each group will not be greater than unity.
2. If the groups of the radionuclides are known but the amount in each group cannot be reasonably determined, the mixture shall be assigned to the most restrictive group present.
3. If the identity of all or some of the radionuclides cannot be reasonably determined, each of those unidentified radionuclides shall be considered as belonging to the most restrictive group which cannot be positively excluded.
4. Mixtures consisting of a single radioactive decay chain where the radionuclides are in the naturally occurring proportions shall be considered as consisting of a single radionuclide. The group and activity shall be that of the first member present in the chain, except that if a radionuclide "X" has a half-life longer than that of that first member and an activity greater than that of any other member, including the first, at any time during transportation, the transport group of the nuclide "X" and the activity of the mixture shall be the maximum activity of that nuclide "X" during transportation.

Section 4. Tests for Special Form Licensed Material. The following tests shall apply for packaging of special form licensed material for transportation.

(1) Free Drop — A free drop through a distance of thirty (30) feet onto a flat essentially unyielding horizontal surface, striking the surface in such a position as to suffer maximum damage.

(2) Percussion — Impact of the flat circular end of a one (1) inch diameter steel rod weighing three (3) pounds, dropped through a distance of forty (40) inches. The capsule or material shall be placed on a sheet of lead, of hardness number 3.5 to 4.5 on the Vickers scale, and not more than one (1) inch thick, supported by a smooth essentially unyielding surface.

(3) Heating — Heating in air to a temperature of 1,475 degrees F. and remaining at that temperature for a period of ten (10) minutes.

(4) Immersion — Immersion for twenty-four (24) hours in water at room temperature. The water shall be at pH 6-pH 8, with a maximum conductivity of ten (10) micromhos per centimeter.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:34 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:040)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide general provisions for the issuance of radioactive material licenses to possess, use, and transfer radioactive material.

Section 1. Applicability. The provisions of this regulation apply to the licensing of all persons who possess, use, or transfer radioactive material within Kentucky.

Section 2. License Requirement. No person shall receive, possess, use, transfer, own, or acquire radioactive material except as authorized in a specific or general license issued pursuant to this regulation or as otherwise provided in this regulation. Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public may be obtained only from the United States Atomic Energy Commission, Washington, D. C. 20545.

Section 3. Types of Licenses. (1) Licenses for radioactive material are of two (2) types: general and specific.

(2) General licenses provided in this regulation are effective without the filing of applications with the department or the issuance of licensing documents to particular persons.

(3) Specific licenses are issued to named persons upon applications filed pursuant to this regulation.

Section 4. Filing of Application for Specific Licenses. (1) Applications for specific licenses shall be filed on a form prescribed by the department.

(2) The department may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the department to determine whether the application should be granted or denied or whether a license should be modified or revoked. Pre-licensing visits may be made to the applicant's facility for the purpose of obtaining additional information furnished in the original application.

(3) Each application shall be signed by the applicant or licensee or a person duly authorized to act for and on his behalf.

(4) An application for a license may include a request for a license authorizing one or more activities.

(5) In his application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the department, provided such references are clear and specific.

(6) Applications and documents submitted to the department may be made available for public inspection except that the department may withhold, upon request, any document or part thereof from public inspection if disclosure of its contents is not required in the public interest and would adversely affect the interest of a person concerned.

Section 5. General Requirements for the Issuance of Specific Licenses. A license application shall be approved if the department determines that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to protect health and minimize danger to life and property; and

(2) The applicant's proposed equipment, facilities, and procedures are adequate to protect health and minimize danger to life and property; and

(3) The issuance of the license will not be inimical to the health and safety of the public; and

(4) The applicant satisfies any applicable special requirements in this regulation.

Section 6. Issuance of Specific Licenses. (1) Upon a determination that an application meets the requirements of the Act and the regulations of the department, the department shall issue a specific license authorizing the proposed activity in such form and containing such conditions and limitations as it deems appropriate or necessary.

(2) The department may incorporate in any license at the time of issuance, or thereafter by appropriate rule, regulation, or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use, and transfer of radioactive material subject to this regulation as it deems appropriate or necessary in order to:

(a) Minimize danger to public health and safety or property;

(b) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be appropriate or necessary;

(c) Prevent loss or theft of licensed material.

Section 7. Specific Terms and Conditions of Licenses. (1) Each license issued pursuant to this regulation shall be subject to all the provisions of the Act, now or hereafter in effect, and to all rules, regulations, and orders of the department.

(2) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Act.

(3) Each person licensed by the department pursuant to these regulations shall confine his use and possession of the material(s) licensed to the locations and purposes authorized in the license.

(4) Each specific licensee authorized under these regulations to distribute certain devices to generally licensed persons:

(a) Shall report to the department all transfers of such devices to persons generally licensed under these regulations. Such report shall indentify each general licensee by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device. The report shall be submitted within thirty (30) days after the end of each calendar quarter in which such a device is transferred to generally licensed persons; and

(b) Shall furnish to each general licensee to whom he transfers such device a copy of the general license contained in these regulations.

Section 8. Expiration of Licenses. Except as provided in Section 9(2) of this regulation, each specific license shall expire at the end of the day, in the month and year stated therein.

Section 9. Renewal of License. (1) Applications for renewal of specific licenses shall be filed in accordance with these regulations.

(2) In any case in which a licensee, not less than thirty (30) days prior to expiration of his existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, such existing license shall not expire until the application has been finally determined by the department, or the time for seeking judicial review has elapsed.

Section 10. Amendment of Licenses at Request of Licensee. Applications for amendment of a license shall be filed in accordance with these regulations and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment.

Section 11. Department Action on Applications to Renew or Amend. In considering an application by a licensee to renew or amend his license, the department shall apply the applicable criteria set forth in these regulations.

Section 12. Inalienability of Licenses. No license issued or granted under these regulations and no right to possess or utilize radioactive material granted by any license issued pursuant to these regulations shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the department shall, after securing full information, find that the transfer is in accordance with the provisions of these regulations and gives its consent in writing.

Section 13. Transfer of Material. (1) No licensee shall transfer radioactive material except as authorized pursuant to this regulation.

(2) Any licensee may transfer radioactive material subject to the acceptance of the transferee:

(a) To the Department;

(b) To the U.S. Atomic Energy Commission;

(c) To any person exempt from the regulations as specified in this regulation to the extent permitted under such exemption;

(d) To any person authorized to receive such material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the department, the U.S. Atomic Energy Commission, or any agreement state, or to any person otherwise authorized to receive such material by the federal government or any agency thereof, the department, or any agreement state; or

(e) As otherwise authorized by the department in writing.

(3) Before transferring radioactive material to a specific licensee of the department, U.S. Atomic Energy Commission or an agreement state or to a general licensee who is required to register with the department, U.S. Atomic Energy Commission or with an agreement state prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.

(4) The following methods for the verification required by this regulation are acceptable:

(a) The transferor may have in his possession, and read, a current copy of the transferee's specific license or registration certificate;

(b) The transferor may have in his possession a written certificate by the transferee that he is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date;

(c) For emergency shipments, the transferor may accept oral certification by the transferee that he is authorized by license or registration certificate to receive the type, form, and quantity of byproduct material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date; provided, that the oral certification is confirmed in writing within ten (10) days;

(d) The transferor may obtain other sources of information compiled by a reporting service from official records of the department, the U.S. Atomic Energy Commission, or the licensing agency of an agreement state as to the identity of licensees and the scope and expiration dates of licenses and registration; or

(e) When none of the methods of verification described in subsections (4)(a) to (d) of this section are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the department, U.S. Atomic Energy Commission, or the licensing agency of an agreement state that the transferee is licensed to receive the radioactive material.

(5) Preparation for shipments and transport of radioactive materials shall be in accordance with the provisions of these regulations.

Section 14. Modification, Revocation, and Termination of Licenses. (1) The terms and conditions of all licenses shall be subject to amendment, revisions, or modifications or the license may be suspended or revoked by reason of amendments to the Act, or by reason of rules, regulations, and orders issued by the department.

(2) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection, or other means which would warrant the department to

refuse to grant a license on an original application, or for violation of, or failure to observe any of, the terms and conditions of the Act, or the license, or of any rules, regulation, or order of the department.

(3) Except in cases of willful violation or those in which the public health, interest, or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

(4) The department may terminate a specific license upon request submitted by the licensee to the Department in writing.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:045)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide exemptions for certain uses of radioactive materials and specific devices containing radioactive materials.

Section 1. Applicability. This regulation exempts certain uses of radioactive materials and devices containing radioactive material from the provisions of these regulations.

Section 2. Exemption of Source Material. (1) Any person is exempt from this regulation to the extent that such person receives, possesses, uses, or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than 1/20 of 1 percent (0.05 percent) of the mixture, compound, solution, or alloy.

(2) Any person is exempt from this regulation to the extent that such person receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material; provided that, except as authorized in a specific license, such person shall not refine or possess such ore. This exemption does not apply to the mining of ore containing source material.

(3) Any person is exempt from this regulation to the extent that such person receives, possesses, uses, or transfers:

(a) Any quantities of thorium contained in:
1. Incandescent gas mantles;
2. Vacuum tubes;
3. Welding rods;
4. Electric lamps for illuminating purposes provided that each lamp does not contain more than fifty (50) milligrams of thorium;
5. Germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting provided that each lamp does not contain more than two (2) grams of thorium; or
6. Rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these.

(b) Source material contained in the following products:
1. Glazed ceramic tableware, provided that the glaze contains not more than twenty (20) percent by weight source material;
2. Glassware, glass enamel and glass enamel frit containing not more than ten (10) percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass, glass enamel, or ceramic used in construction;

(c) Piezoelectric ceramic containing not more than two (2) percent by weight source material;

(d) Photographic film, negatives, and prints containing uranium or thorium;

(e) Any finished product or part fabricated of, or containing, tungsten or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed four (4) percent by weight and that the exemption contained in this paragraph shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any such product or part;

(f) Uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of such counterweights; provided that:
1. The counterweights are manufactured in accordance with a specific license issued by the department, the U. S. Atomic Energy Commission, or any agreement state authorizing distribution by the licensee pursuant to this subparagraph or equivalent regulations of the AEC or any agreement state;
2. Each counterweight has been impressed with following legend clearly legible through any plating or other covering: "DEPLETED URANIUM";
3. Each counterweight is durably and legibly labelled or marked with identification of the manufacturer, and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED", and
4. The exemption contained in this subsection shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of such counterweights other than repair or restoration of any plating or other covering.

(g) Uranium used as shielding constituting part of any shipping container which is conspicuously and legible impressed with the legend "CAUTION - RADIOACTIVE SHIELDING - URANIUM" and which meets the specifications for containers for radioactive materials prescribed by Section 178.250, Specification 55, Part 178, of the regulations published by the U. S. Department of Transportation (49 C.F.R. 178.250).

(h) Thorium contained in finished optical lenses, provided that each lens does not contain more than thirty (30) percent by weight of thorium. The exemption contained in this subsection shall not be deemed to authorize either:
1. The shaping, grinding, or polishing of such lens or manufacturing processes other than the assembly of such lens into optical systems and devices without any alteration of the lens; or
2. The receipt, possession, use, or transfer of thorium contained in contact lenses, or in spectacles, or in eye-pieces in binoculars or other optical instruments.

(i) Uranium contained in detector heads for use in fire detection units, provided that each detector head contains not more than 0.005 microcurie of uranium.

(j) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:
1. The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and
2. The thorium content in the nickel-thoria alloy does not exceed four (4) percent by weight.

(4) The exemptions in Section 2 of this regulation do not authorize the manufacture, processing or production of any of the products described herein.

Section 3. Exemption of Radioactive Materials Other Than Source Material. (1) Exempt Concentrations.

(a) Except as provided in paragraph (b) of this subsection, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns, or acquires products or materials containing radioactive material in concentrations not in excess of those listed in these regulations.

(b) No person may introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under paragraph (a) of this subsection or equivalent regulations of the U. S. Atomic Energy Commission or any agreement state, except in accordance with a license issued pursuant to these regulations.

(2) Certain Items Containing Radioactive Material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, any person is exempt from these regulations to the extent that he receives, possesses, uses, transfers, owns, or acquires the following products:

(a) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:
1. Twenty-five (25) millicuries of tritium per timepiece;
2. Five (5) millicuries of tritium per hand; or
3. Fifteen (15) millicuries of tritium per dial (bezels when used shall be considered as part of the dial).
4. One hundred (100) microcuries of promethium 147 per watch or 200 microcuries of promethium 147 per any other timepiece;
5. Twenty (20) microcuries of promethium 147 per watch hand or 40 microcuries of promethium 147 per other timepiece hand;
6. Sixty (60) microcuries of promethium 147 per watch dial or 120 microcuries of promethium 147 per other timepiece dial (bezels when used shall be considered as part of the dial);
7. The levels of radiation from hands and dials containing promethium 147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:
a. For wrist watches, 0.1 millirad per hour at ten (10) centimeters from any surface;
b. For pocket watches, 0.1 millirad per hour at one (1) centimeter from any surface;
c. For any other timepiece, 0.2 millirad per hour at

ten (10) centimeters from any surface.

(b) Lock illuminators containing not more than fifteen (15) millicuries of tritium or not more than two (2) millicuries of promethium 147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium 147 will not exceed one (1) millirad per hour at one (1) centimeter from any surface when measured through fifty (50) milligrams per square centimeter of absorber.

(c) Balances of precision containing not more than one (1) millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part;

(d) Automobile shift quadrants containing not more than twenty-five (25) millicuries of tritium;

(e) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas.

(f) Thermostat dials and pointers containing not more than twenty-five (25) millicuries of tritium per thermostat.

(g) Electron tubes; provided, that each tube does not contain more than one (1) of the following specified quantities of radioactive material:

1. 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;
2. One (1) microcurie of cobalt 60;
3. Five (5) microcuries of nickel 63;
4. Thirty (30) microcuries of krypton 85;
5. Five (5) microcuries of cesium 137;
6. Thirty (30) microcuries of promethium 147;

And provided further, that the level of radiation due to radioactive material contained in each electron tube does not exceed one (1) millirad per hour at one (1) centimeter from any surface when measured through seven (7) milligrams per square centimeter of absorber. For purposes of this subparagraph, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

(h) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of radioactive material not exceeding the applicable quantity set forth in these regulations.

(3) Resins containing Scandium 46 and designed for sand consolidation in oil wells. Any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns, or acquires synthetic plastic resins containing scandium 46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the U. S. Atomic Energy Commission, or shall have been manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued by the department or any agreement state to the manufacturer of such resins pursuant to licensing requirements equivalent to those in Section 32.16 and 32.17 of 10 CFR Part 32 of the regulations of the Atomic Energy Commission. This exemption does not authorize the manufacture of any resins containing scandium 46.

(4) Gas and Aerosol Detectors Containing Radioactive Material. Except for persons who manufacture, process, or produce gas and aerosol detectors containing radioactive material, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards provided:

(a) Detectors containing byproduct material shall have been manufactured, imported, or transferred in accordance with a specific license issued by the U. S. Atomic Energy Commission pursuant to Section 32.26 of 10 CFR, Part 32 which license authorizes the transfer of the detectors to persons who are exempt from regulatory requirements; or

(b) Detectors containing other than byproduct, source, or special nuclear material shall have been manufactured or transferred in accordance with a specific license issued by the department or any agreement state pursuant to licensing requirements equivalent to those set forth in Section 32.36 of 10 CFR, Part 32, which license authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.

(5) Self-luminous Products Containing Tritium, Krypton 85, or Promethium 147. Except for persons who manufacture, process, or produce self-luminous products containing tritium, krypton 85, or promethium 147, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns, or acquires tritium, krypton 85, or promethium 147 in self-luminous products manufactured, processed, produced, imported, or transferred in accordance with a specific license issued by the U. S. Atomic Energy Commission pursuant to Section 32.22 of 10 CFR, Part 32, which license authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in this subsection does not apply to tritium, krypton 85, or promethium 147, used in products for frivolous purposes or in toys or adornments.

(6) Exempt Quantities.

(a) Except as provided in paragraphs (c) and (d) of this subsection, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns, or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in these regulations.

(b) Any person who possesses radioactive material received or acquired under the general license formerly provided in RH-8, Section 3(a)(2) of the Kentucky State Board of Health "RH" Regulations, effective October, 1968, are exempt from the requirements for a license set forth in this regulation to the extent that such person possesses, uses, transfers or owns such radioactive material.

(c) Paragraphs (a) and (b) of this subsection do not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

(d) No person may, for purposes of commercial distribution, transfer radioactive materials in the individual quantities set forth in these regulations knowing or having reason to believe that such quantities of radioactive materials will be transferred to persons exempt under this subsection or equivalent regulations of the U. S. Atomic Energy Commission or any agreement state, except in accordance with a specific license issued by the U. S. Atomic Energy Commission pursuant to Section 32.18 of CFR 32, which license states that the byproduct materials may be transferred by the licensee to persons exempt under this paragraph or the equivalent regulations of the U. S. Atomic Energy Commission or any agreement state.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:050)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide for the general licensing of certain uses of radioactive materials and specific devices containing radioactive material.

Section 1. Applicability. The provisions of this regulation apply to persons who manufacture or use radioactive material under a general license as provided under this regulation.

Section 2. General Licenses — Source Material. (1) A general license is hereby issued authorizing the possession, use and transfer of not more than fifteen (15) pounds of source material at any time by persons in the categories listed below provided that no such person shall, pursuant to this general license, receive more than a total of 150 pounds of source material in any one calendar year:

(a) Pharmacists using the source material solely for the compounding of medicinals;

(b) Physicians using the source material for medicinal purposes;

(c) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs; and

(d) Commercial and industrial firms, and research, education, and medical institutions for research, development, educational, or commercial purposes.

(2) Persons who receive, possess, use or transfer source material pursuant to the general license issued in subsection (1) of this Section are exempt from the provisions of these regulations to the extent that such receipt, possession, use, or transfer is within the terms of such general license; provided, however, that this exemption shall not be deemed to apply to any person who is also in possession of source material under a specific license issued pursuant to this regulation.

(3) A general license is hereby issued authorizing the receipt of title of source material without regard to quantity. The general license under this subsection does not authorize any person to receive, possess, use, or transfer source material.

Section 3. General Licenses — Radioactive Material Other Than Source Material. (1) A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in a device or equipment which is listed in Section 6 of this regulation and has been manufactured, tested and labeled by the manufacturer in accordance with a specific license or equivalent licensing document, issued by the Department, the U. S. Atomic Energy Commission, or any agreement state, and authorizing distribution under the general license of this subsection or its equivalent.

(2) The general license provided in subsection (1) of this Section is subject to all applicable provisions of these regulations including provisions relating to the labeling of containers.

(3) (a) A general license is hereby issued to own, receive, acquire, possess, and use radioactive material when contained in devices designed and manufactured for the purpose of detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere, when such devices are manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued to the supplier pursuant to these regulations, or its equivalent, by the department, the U. S. Atomic Energy Commission, or any agreement state, the authorizing distribution under the general license of this subparagraph or its equivalent; provided, that:

1. Such devices are labeled in accordance with the provisions of the specific license or equivalent licensing document which authorizes the distribution of the devices. (Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in Section 121.3001 of the Code of Federal Regulations, Title 21.);
2. Such devices bear a label containing the following or a substantially similar statement which contains the information called for in the following statement: "The receipt, possession, use and transfer of this device, Model _____, Serial No. _____, are subject to a general license or equivalent authorization, and the regulations of the U. S. Atomic Energy Commission or of a state with which the Atomic Energy Commission has entered into an Agreement for the exercise of regulatory authority. Removal of this label is prohibited. CAUTION — RADIOACTIVE MATERIAL __(Name of Supplier)__" The model, serial number and name of supplier may be omitted from this label provided they are elsewhere specified in labeling affixed to the device.
3. Such devices are installed on the premises of the general licensee by a person authorized to install such devices under a specific license or equivalent licensing document issued to the installed by the department, the U. S. Atomic Energy Commission, or any agreement state, if a label affixed to the device at the time of receipt states that installation by a specific licensee is required. The requirement of this paragraph does not apply while devices are held in storage in the original shipping container pending installation by a specific licensee.

(b) Persons who own, receive, acquire, possess, or use a device pursuant to the general license contained in paragraph (a) of this subsection:

1. Shall not transfer, abandon, or dispose of the device, except by transfer to a person duly authorized to receive such device by a specific license or equivalent licensing document issued by the department, the U. S. Atomic Energy Commission, or any agreement state, and shall furnish to the department, within thirty (30) days after any transfer, a report containing the name of the manufacturer of the device, the type of device, the manufacturer's serial number of the device, and the name and address of the person receiving the device;
2. Shall assure that all labels affixed to the device at the time of receipt and bearing the statement, "removal of this label is prohibited" are maintained thereon and shall comply with all instructions contained in such labels;
3. Shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at the time of installation of the device or replacement of the radioactive material on the premises of the general licensee and thereafter at no longer than six (6) month intervals or at such longer intervals not to exceed three (3) years as specified in the label required by subsection (3) (a) 1. of this section; provided, that devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose.
4. Shall have the tests required by subparagraph 3. of this paragraph and all other services involving the radioactive material, its shielding and containment, performed by the supplier or other person duly authorized by a specific license or equivalent licensing document issued by the department, the U. S. Atomic Energy Commission, or any agreement state, to manufacture, install, or service such devices;
5. Shall, within thirty (30) days after the occurrence of a failure of or damage to the shielding of the radioactive material or the on-off mechanism or indicator or upon the detection of 0.005 microcurie or more of removable radioactive material, furnish to the department a report containing the name of the manufacturer of the device, the type of device, the manufacturer's serial number of the device and a brief description of the event and the remedial action taken; and shall maintain records of all tests performed on the devices as required under this section, including the dates and results of the tests and the names of the persons conducting the tests;
6. Shall, upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding or containment of the radioactive material or the on-off mechanism or indicator, immediately suspend operation of the device until it has been repaired by a person holding a specific license or equivalent licensing document issued by the department, the U. S. Atomic Energy Commission, or any agreement state, to manufacture, install, or service such devices, or disposed of by transfer to a person holding a specific license or equivalent licensing document issued by the department, the U. S. Atomic Energy Commission, or any agreement state to receive the radioactive material contained in the device;
7. Shall be exempt from the requirements of these regulations, except that such persons shall comply with the provisions relating to reports of theft or loss of sources of radiation and the provisions relating to notification of incidents.
8. Shall within ten (10) days after the receipt of the device notify the department of the type of device and the name and address of the supplier.

(4) (a) A general license is hereby issued to own, receive, acquire, possess, and use tritium or promethium 147 contained in luminous safety devices for use in aircraft, provided;

1. Each device contains not more than 10 curies of tritium or 300 millicuries of promethium 147; and
2. Each device has been manufactured, assembled, or imported in accordance with a specific license issued by the U. S. Atomic Energy Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license or equivalent licensing document issued by the department or any agreement state to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in Section 32.53 of 10 CFR, Part 32 of the regulations of the U. S. Atomic Energy Commission.

(b) Persons who own, receive, acquire, possess, or use luminous safety devices pursuant to the general license in paragraph (a) of this subsection are exempt from the requirements of these regulations except that they shall comply with the provisions relating to reports of theft or loss of sources of radiation and the provisions relating to notification of incidents.

(c) This general license does not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or promethium 147.

(d) This general license does not authorize the ownership, receipt, acquisition, possession or use of promethium 147 contained in instrument dials.

(5) (a) A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use, and transfer, in accordance with the provisions of paragraphs (c) and (d) of this subsection, americium 241 in the form of calibration or reference sources:

1. Any person who holds a specific license issued by the department which authorized him to receive, possess, use, and transfer radioactive material; and,
2. Any person who holds a specific license issued by the Atomic Energy Commission which authorizes him to receive, possess, use, and transfer special nuclear material.

(b) A general license is hereby issued to receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of paragraphs (c) and (d) of this subsection to any person who holds a specific license issued by the department which authorizes him to receive, possess, use, and transfer radioactive material.

(c) The general license in paragraphs (a) and (b) of this subsection apply only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U. S. Atomic Energy Commission pursuant to Section 32.57 of 10 CFR, Part 32 or Section 70.39 of 10 CFR, Part 70 or which may have been manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued to the manufacturer by the department or any agreement state pursuant to licensing requirements equivalent to those contained in Section 32.67 or 10 CFR, Part 32 or Section 70.39 of 10 CFR, Part 70 of the regulations of the U. S.

Atomic Energy Commission.

(d) Persons who own, receive, acquire, possess, use and transfer one or more calibration or reference sources pursuant to these general licenses:

1. Shall not possess at any one time, at any one location of storage or use, more than five (5) microcuries of americium 241 and five (5) microcuries of plutonium in such sources;
2. Shall not receive, possess, use, or transfer such source unless the source, or the storage container, bears a label which includes the following statement or a substantially similar statement which contains the information called for in the following statement: "The receipt, possession, use and transfer of this source, Model _____, Serial No. _____, are subject to a general license or equivalent authorization, and the regulations of the U. S. Atomic Energy Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label. CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS (AMERICIUM 241). (PLUTONIUM)*. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE. (Name of Manufacturer or Importer)" *Showing only the name of the appropriate material.
3. Shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the department or the U. S. Atomic Energy Commission, or an agreement state to receive the source;
4. Shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium 241 or plutonium which might otherwise escape during storage; and;
5. Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(e) These general licenses do not authorize the manufacture of calibration or reference sources containing americium 241 or plutonium.

(6) A general license is hereby issued to own radioactive material without regard to quantity. The general license under this subsection does not authorize the licensee to manufacture, produce, transfer, receive, possess, or use radioactive material.

(7) Ice Detection Devices.

(a) A general license is hereby issued to own, receive, acquire, possess, use, and transfer strontium 90 contained in ice detection devices, provided each device contains not more than 50 microcuries of strontium 90 and each device has been manufactured or imported in accordance with a specific license, issued by the U. S. Atomic Energy Commission or each device has been manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued by the department or any agreement state to the manufacturer of such device pursuant to licensing requirements equivalent to those in Section 32.61 of 10 CFR, Part 32 of the regulations of the U. S. Atomic Energy Commission.

(b) Persons who own, receive, acquire, possess, use, or transfer strontium 90 contained in ice detection devices pursuant to the general license in paragraph (a) of this subsection:

1. Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating, to the device, discontinue use of the device until it has been inspected, tested for leakage, and repaired by a person holding a specific license or equivalent licensing document from the U. S. Atomic Energy Commission or an agreement state to manufacture or service such devices; or shall dispose of the device pursuant to the provisions of this regulation;
2. Shall assure that all labels affixed to the device at the time of receipt, and which bear a statement which prohibits removal of the labels, are maintained thereon;
3. Are exempt from the other requirements of these regulations except that such persons shall comply with the provisions relating to waste disposal, reports of theft or loss of sources of radiation and notification of incidents; and

(c) This general license does not authorize the manufacture, assembly, disassembly or repair of strontium 90 sources in ice detection devices.

Section 4. General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing. (1) A general license is hereby issued to any physician, clinical laboratory, or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of subsections (2), (3), (4), (5) and (6) of this section, the following radioactive materials in pre-packaged units:

(a) Iodine 125, in units not exceeding 10 microcuries each for use in In Vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(b) Iodine 131, in units not exceeding 10 microcuries each for use in In Vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(c) Carbon 14, in units not exceeding 10 microcuries each for use in In Vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(d) Hydrogen 3 (Tritium), in units not exceeding 50 microcuries each for use in In Vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(e) Iron 59, in units not exceeding 20 microcuries each for use in In Vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings, or animals.

(2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (1) of this section until he has filed form KR-251, "registration certificate – in vitro testing" with the department and received from the department a validated copy of form KR-251 with certification number assigned. The physician, clinical laboratory, or hospital shall furnish on form KR-251, the following information and such other information as may be required by that form:

(a) Name and address of the physician, clinical laboratory, or hospital;
(b) The location of use; and,
(c) A statement that the physician, clinical laboratory, or hospital has appropriate radiation measuring instruments to carry out In Vitro clinical or laboratory tests with radioactive materials as authorized under the general license in subsection (1) of this section and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive materials.

(3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (1) of this section shall comply with the following:

(a) The general licensee shall not possess at any one time, pursuant to the general license in subsection (1) of this section at any one location of storage or use, a total amount of Iodine 125, Iodine 131, or Iron 59 in excess of 200 microcuries.
(b) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.
(c) The general licensee shall use the radioactive material only for the uses authorized by subsection (1) of this section.
(d) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the department, the U. S. Atomic Energy Commission, or any agreement state, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

(4) The general licensee shall not receive, acquire, possess, or use radioactive material pursuant to subsection (1) of this section:

(a) Except as pre-packaged units which are labeled in accordance with the provisions of a specific license issued under these regulations or in accordance with the provisions of a specific license issued by the U. S. Atomic Energy Commission, or any agreement state which authorizes the manufacture and distribution of Iodine 125, Iodine 131, Carbon 14, Hydrogen 3 (Tritium), or Iron 59 for distribution to persons generally licensed under Section 6(8) of this regulation or its equivalent;
(b) Unless the following statement, or a substantially similar statement which contains the information called for in the following statement, appears on a label affixed to each pre-packaged unit or appears in a leaflet or brochure which accompanies the package: "This radioactive material may be received, acquired, possessed, and used only by physicians, clinical laboratories or hospitals and only for In Vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Atomic Energy Commission or of a State with which the Commission has entered into an agreement for the exercise or regulatory authority. (Name of Manufacturer)"

(5) The physician, clinical laboratory, or hospital possessing or using radioactive materials under the general license of subsection (1) of this section shall report in writing to the department, any changes in the information furnished by him in the "registration certificate – in vitro testing", form KR-251. The report shall be furnished within thirty (30) days after the effective date of such change.

(6) Any person using radioactive material pursuant to the general license of subsection (1) of this section is exempt from the requirements of the department's regulations relating

to standards for protection against radiation and provision for notices, instructions and reports to workers.

Section 5. General License for Medical Diagnostic Uses. (1) A general license is hereby issued to any physician to receive, possess, transfer, or use for any of the following stated diagnostic uses, in accordance with the provisions of subsections (2), (3), and (4) of this section, the following radioactive materials in capsules, disposal syringes, or other forms of pre-packaged individual doses; and the radioactive material has been manufactured in accordance with a specific license issued pursuant to these regulations by the department, the U. S. Atomic Energy Commission or any agreement state authorizing distribution under the general license granted in this subsection or its equivalent:

(a) Iodine 131 as sodium iodide (Na-131) for measurement of thyroid uptake;
(b) Iodine 131 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;
(c) Iodine 125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;
(d) Cobalt 57 for the measurement of intestinal absorption of cyanocobalamin;
(e) Cobalt 58 for the measurement of intestinal absorption of cyanocobalamin;
(f) Cobalt 60 for the measurement of intestinal absorption of cyanocobalamin;
(g) Chromium 51 as sodium chromate for determination of red blood cell volumes and studies of red blood cell survival time.

(2) Manufacturers of radiopharmaceuticals which are under a general license shall affix a certain identifying label to the container or in the leaflet or brochure which accompanies the radiopharmaceutical as otherwise provided in these regulations.

(3) No physician shall receive, possess, use, or transfer radioactive material pursuant to the general license established by subsection (1) of this section until he has filed form KR-252, "registration certificate - medical use of radioactive material" with the department a validated copy of the form KR-252. The generally licensed physician shall furnish on form KR-252 the following information and such other information as may be required by that form;

(a) Name and address of the generally licensed physician;
(b) A statement that the generally licensed physician is a duly licensed physician authorized to dispense drugs in the practice of medicine in the State of Kentucky and specifying the license number; and,
(c) A statement that the generally licensed physician has appropriate radiation measuring instruments to carry out the diagnostic procedures for which he proposed to use radioactive material under the general license of this section that he is competent in the use of such instruments.

(4) A physician who receives, possesses or uses a pharmaceutical containing radioactive material pursuant to the general license established by subsection (1) of this section shall comply with the following:

(a) He shall not possess at any one time pursuant to the general license in subsection (1) of this section:
1. 200 microcuries of Iodine 131,
2. 200 microcuries of Iodine 125,
3. 5 microcuries of Cobalt 57,
4. 5 microcuries of Cobalt 60 and
5. 5 microcuries of Cobalt 58, and
6. 200 microcuries of Chromium 51.
(b) He shall store the pharmaceutical, until administered, in the original shipping container or a container providing the equivalent radiation protection;
(c) He shall use the pharmaceutical only for the uses authorized by subsection (1) of this section.
(d) He shall not administer the pharmaceutical to a woman with confirmed pregnancy or to a person under eighteen (18) years of age;
(e) He shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the department, the U. S. Atomic Energy Commission or any agreement state, or in any manner other than in the unopened, labeled shipping container as received from the supplier, except by administering it to a patient.

(5) The generally licensed physician possessing or using radioactive material under the general license of subsection (1) of this section shall report in duplicate to the department, any changes in the information furnished by him in the "registration certificate - medical use of radioactive material," form KR-252. The report shall be submitted within thirty (30) days after the effective date of change.

(6) Any person using radioactive material pursuant to the general license of subsection (1) of this section is exempt from the requirements of 902 KAR 100:165.

Section 6. General Licensing of Certain Named Devices. The following devices and equipment incorporating radioactive material, when manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license or equivalent licensing document issued by the department, the U. S. Atomic Energy Commission, or any other agreement state are placed under a general license pursuant to this regulation:

(1) Devices designed for use as static eliminators which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of Polonium 210 per device; and

(2) Devices designated for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of Polonium 210 per device or a total of not more than 50 millicuries of Hydrogen 3 (tritium) per device.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:36 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:055)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide for the issuance of specific licenses for the possession, use and transfer of radioactive materials.

Section 1. Applicability. This regulation establishes requirements for specific licenses to possess, use or transfer radioactive material.

Section 2. Special Requirements for Issuance of Specific Licenses for Radioactive Materials. (1) Human use of radioactive materials in institutions. In addition to the other requirements set forth in these regulations a specific license for human use of radioactive material in institutions shall be issued only if:

(a) The applicant has appointed a medical isotopes committee of at least three (3) members to evaluate all proposals for research, diagnostic, and therapeutic use of radioisotopes within that institution. Membership of the committee should include physicians expert in internal medicine, hematology, therapeutic radiology, and a person experienced in assay of radioisotopes and protection against radiation. Names and qualifications of the committee and of a radiological safety officer shall be submitted to the department; and
(b) The applicant possesses adequate facilities for the clinical care of patients; and
(c) The physician designated on the application as the individual user has substantial experience in the handling and administration of radioisotopes and, where applicable, the clinical management of radioactive patients; and
(d) If the application is for a license to use unspecified quantities or multiple types of radioactive material, the applicant's staff has substantial experience in the use of a variety of radioactive materials for variety of human uses.

(2) Licensing of individual physicians for human use of radioactive materials. In addition to the other requirements set forth in these regulations, a specific license for the human use of radioactive materials shall be issued to an individual physician only if:

(a) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and
(b) The applicant has extensive experience in the handling and administration of radioisotopes and, where applicable, the clinical management of radioactive patients. The physician shall furnish suitable evidence of such experience with his application.

(3) Groups of diagnostic uses. An application for a specified license pursuant to subsections (1) and (2) of this section for any diagnostic use of radioactive material specified in 902 KAR 100:075, relating to groups of diagnostic uses of radioactive material in humans, will be approved for all of the diagnostic uses within the group which includes the use specified in the application if:

(a) The applicant satisfies the requirements of subsections (1) or (2) of this section;
(b) The applicant or the physician designated in the application as the individual user has adequate clinical experience in the performance of diagnostic procedures specified in the appropriate group; and
(c) The applicant's proposed radiation detection instrumentation is adequate for conducting the diagnostic procedures specified in the appropriate group.

(4) Human use of sealed sources. A specific license for human use of sealed sources shall be issued only if the applicant or if the application is made by an institution, the individual user:

(a) Has specialized training in the therapeutic use of the sealed source considered or has experience equivalent to such training; and
(b) Is a physician.

(5) Distribution of devices to persons generally licensed. A specific license to distribute certain devices to persons generally licensed shall be issued only if:
(a) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling, proposed uses, and potential hazards of the device to provide reasonable assurance that:
1. The radioactive material contained in the device will not be lost;
2. No individual will receive a radiation exposure to a major portion of his body in excess of 0.5 rem in a year under ordinary circumstances of use;
3. The device can be safely operated by individuals not having training in radiological protection; and
4. The radioactive material within the device will not be accessible to unauthorized individuals.
(b) In describing the label or labels and contents thereon to be affixed to the device, the applicant shall separately indicate those instructions and precautions which are necessary to assure safe operation of the device. Such instructions and precautions must be contained on labels bearing the statement, "removal of this label is prohibited."
(c) In the event the applicant desires that the device be tested for proper operation of the on-off mechanism and indicator, if any, and for leakage of radioactive material, subsequent to the initial tests required by these regulations at intervals longer than six (6) months but not exceeding three (3) years, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices, and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device. In determining the acceptable interval for test of leakage of radioactive material, the department will consider information on particulars which include, but are not necessarily limited to:
1. Primary containment (source capsule);
2. Protection of primary containment;
3. Method of sealing containment;
4. Containment construction materials;
5. Form of contained radioactive materials;
6. Maximum temperature withstood during prototype tests;
7. Maximum pressure withstood during prototype tests;
8. Maximum quantity of contained radioactive material;
9. Radiotoxicity of contained radioactive material; and
10. Operating experience with identical devices or similarly designed and constructed devices.

(6) Use of sealed sources in industrial radiography. A specific license for use of sealed sources in industrial radiography shall be issued only if:
(a) The applicant will have an adequate program for training radiographers and radiographers' assistants and submits to the department a schedule or description of such program which specifies the:
1. Initial training;
2. Periodic training;
3. On-the-job training;
4. Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with department regulations and licensing requirements, and the operating and emergency procedures of the applicant;
5. Means to be used by the licensee to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant; and
(b) The applicant has established and submits to the department satisfactory written operating and emergency procedures; and
(c) The applicant will have an adequate internal inspection system, or other management control, to assure that license provisions, regulations, and the applicant's operating and emergency procedures are followed by radiographers and radiographers' assistants; and
(d) The applicant submits to the department a description of his overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program; and
(e) The applicant who desires to conduct his own leak tests has established adequate procedures to be followed in leak testing sealed sources for possible leakage and contamination and has submitted to the department for approval a description of such procedures including:
1. Instrumentation to be used,
2. Method of performing test, e.g., points on equipment to be smeared and method taking smear, and
3. Pertinent experience of the person who will perform the test.

(7) Licensing the introduction of radioactive material into products in exempt concentrations. A specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another to be transferred to persons exempt shall be issued only if:
(a) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material and estimated concentrations of the radioactive material in the product or material at the time of transfer by the licensee; and
(b) The applicant provides reasonable assurance that the concentrations of the radioactive material at the time of transfer will not exceed the concentrations in 902 KAR 100:085, relating to concentrations of certain radionuclides, and that reconcentration of the radioactive material in concentrations exceeding those in 902 KAR 100:085, and is not likely, that the product or material is not likely to be inhaled or ingested and that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.
(c) Each person licensed under this subsection shall file an annual report with the department which shall identify the type and quantity of each product or material into which radioactive material has been introduced during the reporting period; name and address of the person who owned or possessed the product or material, into which radioactive material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into each such product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee. If no transfers of radioactive material have been made pursuant to this subsection during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within thirty (30) days thereafter.

(8) Manufacture and distribution of radioactive materials for medical use under a general license. A specific license authorizing the distribution of radioactive material for use by physicians under the general license of these regulations shall be issued only if:
(a) The applicant submits evidence that the radioactive material is to be manufactured, labeled and packaged in accordance with a new drug application which the Commissioner of Food and Drug Administration, has approved, or in accordance with a license for a biologic product issued by the Secretary, Department of Health, Education and Welfare; and,
(b) The following statement, or a substantially similar statement which contains information called for in the following statement, appears on the label affixed to the container or appears in the leaflet or brochure which accompanies the package: "This radioactive drug may be received, possessed, and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or the equivalent of the U.S. Atomic Energy Commission or a state with which the commission has entered into an agreement for the exercise of regulatory authority."

(9) Manufacture and distribution of radioactive materials for certain in vitro clinical or laboratory testing under general license. An application for a specific license to manufacture or distribute radioactive material for use under the general license of this regulation will be approved if:
(a) The applicant satisfies the general requirements of these regulations.
(b) The radioactive material is to be prepared for distribution in pre-packaged units of:
1. Iodine 125 in units not exceeding 10 microcuries each.
2. Iodine 131 in units not exceeding 10 microcuries each.
3. Carbon 14 in units not exceeding 10 microcuries each.
(c) Each pre-packaged unit bears a durable, clearly visible label:
1. Identifying the radioactive contents as to chemical form and radionuclide and indicating that the amount of radioactivity does not exceed 10 microcuries; and
2. Displaying the radiation caution symbol, and the words, "CAUTION, RADIOACTIVE MATERIAL", and "NOT FOR INTERNAL OR EXTERNAL USE IN HUMANS OR ANIMALS."
(d) The following statement, or a substantially similar statement which contains the information called for in the following statement, appears on a label affixed to each pre-packaged unit or appears in a leaflet or brochure which accompanies the package: "This radioactive material may be received, acquired, possessed, and used only by physicians, clinical laboratories, or hospitals and only for in

vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license or the equivalent of the United States Atomic Energy Commission or a state with which the commission has entered into an agreement for the exercise of regulatory authority.

"

_____
Name of Manufacturer

(e) The label affixed to the unit, or the leaflet or brochure which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing such radioactive material.

Section 3. Special Requirements for Specific License of Broad Scope. (1) The different types of broad licenses are set forth below:

(a) A "type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the multicurie range.

(b) A "type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in 902 KAR 100:090, relating to broad license quantities for any authorized purpose. The possession limit for a type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column I of 902 KAR 100:090. If two (2) or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in Column I of 902 KAR 100:090, relating to broad licensed quantities for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(c) A "type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in the 902 KAR 100:090, relating to broad licensed quantities, for any authorized purpose. The possession limit for a type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in Column II of 902 KAR 100:090. If two (2) or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide determine the ratio of the quantity possessed to the applicable quantity specified in Column II of 902 KAR 100:090, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(2) An application for a type A specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in these regulations; and

(b) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and

(c) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to assure safe operations, including:

1. The establishment of a radiation safety committee composed of such persons as a radiological safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive materials;
2. The appointment of a radiological safety officer who is qualified by training and experienced in radiation protection, and who is available for advice and assistance on radiological safety matters; and
3. The establishment of appropriate administrative procedures to assure control of procurement and use of radioactive material; completion of safety evaluation of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and review, approval, and recording by the radiation safety committee of safety evaluation of proposed uses prepared in accordance with this subsection prior to use of the radioactive material.

(3) An application for a type B specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in these regulations.

(b) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to assure safe operations, including:

1. The appointment of a radiological safety officer who is qualified by training experience in radiation protection, and who is available for advice and assistance on radiological safety matters; and
2. The establishment of appropriate administrative procedures to assure control of procurement and use of radioactive material; completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and review, approval and recording by the radiological safety officer of safety evaluations of proposed uses prepared in accordance with this subsection prior to use of the radioactive material.

(4) An application for a type C specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in these regulations; and

(b) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of, individuals who have received:

1. A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and
2. A least forty (40) hours of training and experience in the safe handling of radioactive materials, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used; and

(c) The applicant has established administrative controls and provisions relating to procurement of radioactive material; procedures, record keeping, material control and accounting, and management review necessary to assure safe operations.

(5) Specific licenses of broad scope are subject to the following conditions.

(a) Persons licensed pursuant to these regulations shall not:

1. Conduct tracer studies in the environment involving direct release of radioactive material;
2. Receive, acquire, own, possess, use or transfer devices containing 100,000 curies or more of radioactive material in sealed sources used for irradiation of materials;
3. Conduct activities for which a specific license issued by the department is required; or
4. Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by or application to, a human being.

(b) Each type A specific license of broad scope issued under this section shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.

(c) Each type B specific license of broad scope issued under this section shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiological safety officer.

(d) Each type C specific license of broad scope issued under this section shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of subsection (4) of this section.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:36 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:060)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide requirements and procedures for the testing of sealed radioactive sources for leakage and contamination.

Section 1. Applicability. This regulation establishes leak testing procedures for sealed sources licensed under these regulations.

Section 2. Tests for Leakage and Contamination of Sealed Sources.

(1) Requirements. Each licensee using sealed sources of radioactive material, Nickel 63 foil sources, or plated alpha sources shall have such sources periodically tested for leakage and contamination as prescribed in this section. Records of these tests shall be maintained and made available for inspection by the department.

(2) Method of testing. Tests for leakage and contamination shall be performed only by persons specifically authorized to perform such tests by the department, another agreement state, or the U.S. Atomic Energy Commission. The test sample shall be taken from the surface of the source or from the surface of the device in which the source is stored or mounted and on which one might expect contamination to accumulate. The test sample shall be analyzed for radioactive contamination and the analysis shall be capable of detecting the presence of 0.005 microcurie of radioactivity on the test sample. The results of the test shall be kept in units of microcuries and maintained for inspection by the department.

(3) Interval of testing. Each sealed source of radioactive material or Nickel 63 foil source shall be tested at intervals not to exceed six (6) months except that each source designed for the purpose of emitting alpha particles shall be tested at intervals not exceed three (3) months. In the absence of a certificate from a transferor indicating that a test has been made prior to the transfer, the sealed source shall not be put into use until tested. Notwithstanding the leak test intervals specified herein, the department may authorize extended leak test intervals for specific sources used in certain specific applications.

(4) Leaking or contaminated sources. If the test reveals the presence of 0.05 microcurie or more of leakage or contamination obtained from a teletherapy or a gamma irradiator source or 0.005 microcurie or more of leakage or contamination obtained from any other type source, the licensee shall immediately withdraw the source from use and shall cause it to be decontaminated, repaired, or disposed of in accordance with the department's radiation regulations. A report, describing the equipment involved, the test results and the corrective actions taken shall be filed with: Director, Radiological Health Program, Kentucky Department for Human Resources, 275 East Main Street, Frankfort, Kentucky 40601.

(5) Exemptions. Notwithstanding the requirements of this section, the following sources are exempted from periodic leak testing:

(a) Hydrogen 3 sources;
(b) Sources of radioactive material with a half-life of thirty (30) days or less;
(c) Sealed sources of radioactive material in gaseous form;
(d) Sources of beta or gamma emitting radioactive material with an activity of 100 microcuries or less;
(e) Sources of alpha emitting radioactive material with an activity of 10 microcuries or less;
(f) Nickel 63 foil sources of 100 microcuries or less; and
(g) Plated alpha sources, other than Californium 252 sources, with an activity of 0.1 microcurie or less.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:38 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:065)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide for the reciprocal recognition of radioactive material licenses issued by the U.S. Atomic Energy Commission or another agreement state.

Section 1. Applicability. The provisions of this regulation apply to all persons who possess, use or transfer radioactive material in Kentucky as authorized in a license issued by the U.S. Atomic Energy Commission or another agreement state.

Section 2. Reciprocal Recognition of Licenses. (1) Subject to these regulations, any person who holds a specific license from the U.S. Atomic Energy Commission or any agreement state, and issued by the department having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this state provided that:

(a) The licensing document does not limit the activity authorized by such a document to specified installations or locations; and
(b) The out-of-state licensee notifies the department in writing at least two (2) days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within this state, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the two (2) day period would impose an undue hardship on the out-of-state licensee, he may, upon application to the department, obtain permission to proceed sooner. The department may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in this section; and
(c) The out-of-state licensee complies with all applicable regulations of the department and with all the terms and conditions of his licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the department; and
(d) Provided further that the department may require the out-of-state licensee to supply such other information as the department may reasonably request.
(e) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this section except by transfer to a person:
1. Specifically licensed by the department or by the U.S. Atomic Energy Commission to receive such material, or
2. Exempt from the requirements for a license for such material under these regulations.

(2) Notwithstanding the provisions of subsection (1) of this section any person who holds a specific license or equivalent licensing document issued by the United States Atomic Energy Commission or an agreement state authorizing the holder to manufacture, transfer, install or service a device described in 902 KAR 100:050, Section 3(3)(a), relating to the general licensing of certain uses of radioactive materials and specific devices containing radioactive material within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, and service such a device in this state provided that:

(a) Such person shall satisfy the requirements of these regulations.
(b) The device has been manufactured, labelled, installed and serviced in accordance with applicable provisions of the specified license issued to such person by the United States Atomic Energy Commission or an agreement state; and
(c) Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "removal of this label is prohibited."
(d) The holder of the specific license shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in 902 KAR 100:050, Section 3(3), relating to the general licensing of certain uses of radioactive materials and specific devices containing radioactive material.
(e) The department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to protect health or minimize danger to life or property.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:38 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:070)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regula-

tion is to provide requirements for the intrastate transportation of radioactive material.

Section 1. Applicability. The provisions of this regulation apply to all persons who transport or deliver radioactive materials in Kentucky.

Section 2. Intrastate Transportation of Radioactive Materials. (1) The provisions of this section apply to transportation of radioactive material, or the delivery of radioactive material to a carrier for transportation, which is not subject to the rules and regulations of the U.S. Department of Transportation and other agencies of the United States having jurisdiction.

(2) No licensee shall transport any radioactive material outside of the confines of his plant or other authorized location of use, or deliver any radioactive material to a carrier for transportation unless the licensee complies with the applicable requirements of the regulations, appropriate to the mode of transport, of the U.S. Department of Transportation in 49 CFR Parts 170–189, 14 CFR Part 103 and 46 CFR Part 146 and the U.S. Postal Service in 39 CFR Parts 14 and 15 insofar as such regulations relate to the packaging of radioactive material, marking and labelling of packages, loading and storage of packages, placarding of the transporting vehicle, monitoring requirements and accident reporting.

(3) The licensee or transporting agent shall permit inspection for compliance with the requirements under subsection (2) of this section by authorized personnel of regulatory agencies.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:075)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to classify specific diagnostic procedures using radioactive material into groups.

Section 1. Applicability. This regulation groups specific diagnostic procedures to facilitate the issuance of licenses for the medical use of radioactive material.

Section 2. Groups of Diagnostic Uses of Radioactive Material In Humans. Whenever an applicant has been approved, under the appropriate provisions of these regulations, to perform any one of the diagnostic procedures listed in the following groups, the applicant will be approved to perform all the diognostic procedures within that group.

(1) Group I. Uptake, dilution, and excretion studies (does not include imaging or tumor localization).
- (a) Iodine 131 or Iodine 125 as sodium iodide for thyroid function studies.
- (b) Iodine 131 or Iodine 125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume.
- (c) Iodine 131 or Iodine 125 as labeled rose bengal for liver function studies.
- (d) Iodine 131 or Iodine 125 as labeled fats or fatty acids for fat absorption studies.
- (e) Iodine 131 or Iodine 125 as labeled iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate for kidney function studies.
- (f) Chromium 51 as labeled human serum albumin for gastrointestinal protein loss studies.
- (g) Chromium 51 as sodium chromate for determination of red blood cell volumes and studies of red blood cell survival time.
- (h) Iron 59 as chloride, citrate, or sulfate for iron turnover studies.
- (i) Cobalt 57, Cobalt 58, or Cobalt 60 as labeled cyanocobalamin (vitamin B–12) for intestinal absorption studies.
- (j) Potassium 42 as chloride for potassium space determinations.

(2) Group II. Imaging and tumor localizations.
- (a) Iodine 131 as sodium iodide for thyroid imaging.
- (b) Iodine 131 as iodinated human serum albumin (IHSA) for brain tumor localizations and cardiac imaging.
- (c) Iodine 131 as macroaggregated iodinated human serum albumin for lung imaging.
- (d) Iodine 131 as colloidal (miroaggregated) iodinated human serum albumin for liver imaging.
- (e) Iodine 131 as labeled rose bengal for liver imaging.
- (f) Iodine 131 as iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, or sodium acetrizoate for kidney imaging.
- (g) Iodine 131 as sodium iodipamide for cardiac imaging.
- (h) Chromium 51 as sodium chromate for spleen imaging.
- (i) Gold 198 in colloidal form for liver imaging.
- (j) Mercury 197 as chlormerodrin for kidney and brain imaging.
- (k) Mercury 203 as chlormerodrin for brain imaging.
- (l) Strontium 85 as nitrate or chloride for bone imaging in patients with diagnosed cancer.
- (m) Technetium 99m as pertechnetate for brain imaging.
- (n) Technetium 99m as pertechnetate for thyroid imaging.
- (o) Technetium 99m as pertechnetate for salivary gland and blood pool imaging other then placenta localization.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:40 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:080)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide a list of quantities of specific radionuclides which are exempted from the requirements of these regulations.

Section 1. Applicability. This regulation exempts certain quantities of radionuclides from the requirements of the department's radiation regulations.

Section 2. Table. Except as provided in other applicable provisions of these regulations, any person is exempt from these regulations, to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing radioactive material in quantities not in excess of those listed in the following table:

Radioactive Material	Microcuries	Radioactive Material	Microcuries
Antimony 122	100	Osmium 191m	100
Antimony 124	10	Osmium 191	100
Antimony 125	10	Osmium 193	100
Arsenic 73	100	Oxygen 15	10
Arsenic 74	10	Palladium 103	100
Arsenic 76	10	Palladium 109	100
Arsenic 77	100	Phosphorus 32	10
Barium 131	10	Platinum 191	100
Barium 133	10	Platinum 193m	100
Barium 140	10	Platinum 193	100
Beryllium 7	100	Platinum 197m	100
Bismuth 210	1	Platinum 197	100
Bromine 82	10	Polonium 210	0.1
Cadmium 109	10	Potassium 42	10
Cadmium 115m	10	Potassium 43	10
Cadmium 115	100	Praseodymium 142	100
Calcium 45	10	Praseodymium 143	100
Calcium 47	10	Promethium 147	10
Carbon 11	10	Promethium 149	10
Carbon 14	100	Radon 222	10
Cerium 141	100	Rhenium 186	100
Cerium 143	100	Rhenium 188	100
Cerium 144	1	Rhodium 103m	100
Cesium 129	10	Rhodium 105	100
Cesium 131	1,000	Rubidium 86	10
Cesium 134m	100	Rubidium 87	10
Cesium 134	1	Ruthenium 97	100
Cesium 135	10	Ruthenium 103	10
Cesium 136	10	Ruthenium 105	10
Cesium 137	10	Ruthenium 106	1
Chlorine 36	10	Samarium 151	10
Chlorine 38	10	Samarium 153	100
Chromium 51	1,000	Scandium 46	10
Cobalt 57	100	Scandium 47	100
Cobalt 58m	10	Scandium 48	10
Cobalt 58	10	Selenium 75	10
Cobalt 60	1	Silicon 31	100
Copper 64	100	Silver 105	10
Dysprosium 165	10	Silver 110m	1
Dysprosium 166	100	Silver 111	100
Erbium 169	100	Sodium 22	1

Erbium 171	100
Europium 152(9.2h)	100
Europium 152(13 yr)	1
Europium 154	1
Europium 155	10
Fluorine 18	1,000
Gadolinium 153	10
Gadolinium 159	100
Gallium 67	100
Gallium 72	10
Germanium 71	100
Gold 198	100
Gold 199	100
Hafnium 181	10
Holmium 166	100
Hydrogen 3	1,000
Indium 111	100
Indium 113m	100
Indium 114m	10
Indium 115m	100
Indium 115	10
Iodine 123	100
Iodine 125	1
Iodine 126	1
Iodine 129	0.1
Iodine 131	1
Iodine 132	10
Iodine 133	1
Iodine 134	10
Iodine 135	10
Iridium 192	10
Iridium 194	100
Iron 52	10
Iron 55	100
Iron 59	10
Krypton 85	100
Krypton 87	10
Lanthanum 140	10
Lutetium 177	100
Manganese 52	10
Manganese 54	10
Manganese 56	10
Mercury 197m	100
Mercury 197	100
Mercury 203	10
Molybdenum 99	100
Neodymium 147	100
Neodymium 149	100
Nickel 59	100
Nickel 63	10
Nickel 65	100
Niobium 93m	10
Niobium 95	10
Niobium 97	10
Osmium 185	10
Sodium 24	10
Strontium 85	10
Strontium 87m	10
Strontium 89	1
Strontium 90	0.1
Strontium 91	10
Strontium 92	10
Sulfur 35	100
Tantalum 182	10
Technetium 96	10
Technetium 97m	100
Technetium 97	100
Technetium 99m	100
Technetium 99	10
Tellurium 125m	10
Tellurium 127m	10
Tellurium 127	100
Tellurium 129m	10
Tellurium 129	100
Tellurium 131m	10
Tellurium 132	10
Terbium 160	10
Thallium 200	100
Thallium 201	100
Thallium 202	100
Thallium 204	10
Thulium 170	10
Thulium 171	10
Tin 113	10
Tin 125	10
Tungsten 181	10
Tungsten 185	10
Tungsten 187	100
Vanadium 48	10
Xenon 131m	1,000
Xenon 133	100
Xenon 135	100
Ytterbium 175	100
Yttrium 87	10
Yttrium 90	10
Yttrium 91	10
Yttrium 92	100
Yttrium 93	100
Zinc 65	10
Zinc 69m	100
Zinc 69	1,000
Zirconium 93	10
Zirconium 95	10
Zirconium 97	10
Any radioactive material not listed above other than alpha emitting radioactive material	0.1

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:41 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:085)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide a list of concentrations for specific radionuclides which are exempted from the requirements of these regulations.

Section 1. Applicability. This regulation exempts certain concentrations of radionuclides from the requirements of the department's radiation regulations.

Section 2. Table. Except as provided in other applicable provisions of these regulations, any person is exempt from these regulations, to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing radioactive material in concentrations not in excess of those listed in the following table:

Exempt Concentrations

Element (atomic number)	Isotope	Column I Gas concentration μCi/ml[1]	Column II Liquid and solid concentration μCi/ml[2]
Antimony (51)	Sb 122		$3x10^{-4}$
	Sb 124		$2x10^{-4}$
	Sb 125		$1x10^{-3}$
Argon (18)	A 37	$1x10^{-3}$	
	A 41	$4x10^{-7}$	
Arsenic (33)	As 73		$6x10^{-3}$
	As 74		$5x10^{-4}$
	As 76		$2x10^{-4}$
	As 77		$8x10^{-4}$
Barium (56)	Ba 131		$2x10^{-3}$
	Ba 140		$3x10^{-4}$
Beryllium (4)	Be 7		$2x10^{-2}$
Bismuth (83)	Bi 206		$4x10^{-4}$
Bromine (35)	Br 82	$4x10^{-7}$	$3x10^{-3}$
Cadmium (48)	Cd 109		$2x10^{-3}$
	Cd 115m		$3x10^{-4}$
	Cd 115		$3x10^{-4}$
Calcium (20)	Ca 45		$9x10^{-5}$
	Ca 47		$5x10^{-4}$
Carbon (6)	C 14	$1x10^{-6}$	$8x10^{-3}$
Cerium (58)	Ce 141		$9x10^{-4}$
	Ce 143		$4x10^{-4}$
	Ce 144		$1x10^{-4}$
Cesium (55)	Cs 131		$2x10^{-2}$
	Cs 134m		$6x10^{-2}$
	Cs 134		$9x10^{-5}$
Chlorine (17)	Cl 38	$9x10^{-7}$	$4x10^{-3}$
Chromium (24)	Cr 51		$2x10^{-2}$
Cobalt (27)	Co 57		$5x10^{-3}$
	Co 58		$1x10^{-3}$
	Co 60		$5x10^{-4}$
Copper (29)	Cu 64		$3x10^{-3}$
Dysprosium (66)	Dy 165		$4x10^{-3}$
	Dy 166		$4x10^{-4}$
Erbium (68)	Er 169		$9x10^{-4}$
	Er 171		$1x10^{-3}$
Europium (63)	Eu 152 (T/2=9.2 Hrs)		$6x10^{-4}$
	Eu 155		$2x10^{-3}$
Fluorine (9)	F 18	$2x10^{-6}$	$8x10^{-3}$
Gadolinium (64)	Gd 153		$2x10^{-3}$
	Gd 159		$8x10^{-4}$
Gallium (31)	Ga 72		$4x10^{-4}$
Germanium (32)	Ge 71		$2x10^{-2}$
Gold (79)	Au 196		$2x10^{-3}$
	Au 198		$5x10^{-4}$
	Au 199		$2x10^{-3}$
Hafnium (72)	Hf 181		$7x10^{-4}$
Hydrogen (1)	H 3	$5x10^{-6}$	$3x10^{-2}$
Indium (49)	In 113m		$1x10^{-2}$
	In 114m		$2x10^{-4}$
Iodine (53)	I 126	$3x10^{-9}$	$2x10^{-5}$
	I 131	$3x10^{-9}$	$2x10^{-5}$
	I 132	$8x10^{-8}$	$6x10^{-4}$
	I 133	$1x10^{-8}$	$7x10^{-5}$
	I 134	$2x10^{-7}$	$1x10^{-3}$
Iridium (77)	Ir 190		$2x10^{-3}$
	Ir 192		$4x10^{-4}$
	Ir 194		$3x10^{-4}$
Iron (26)	Fe 55		$8x10^{-3}$
	Fe 59		$6x10^{-4}$
Krypton (36)	Kr 85m	$1x10^{-6}$	
	Kr 85	$3x10^{-6}$	
Lanthanum (57)	La 140		$2x10^{-4}$
Lead (82)	Pb 203		$4x10^{-3}$
Lutetium (71)	Lu 177		$1x10^{-3}$
Manganese (25)	Mn 52		$3x10^{-4}$
	Mn 54		$1x10^{-3}$
	Mn 56		$1x10^{-3}$
Mercury (80)	Hg 197m		$2x10^{-3}$
	Hg 197		$3x10^{-3}$
	Hg 203		$2x10^{-4}$
Molybdenum (42)	Mo 99		$2x10^{-3}$
Neodymium (60)	Nd 149		$3x10^{-3}$
	Nd 147		$6x10^{-4}$
Nickel (28)	Ni 65		$1x10^{-3}$
Niobium (Columbium) (41)	Nb 95		$1x10^{-3}$
	Nb 97		$9x10^{-3}$
Osmium (76)	Os 185		$7x10^{-4}$
	Os 191m		$3x10^{-2}$
	Os 191		$2x10^{-3}$
	Os 193		$6x10^{-4}$
Palladium (46)	Pd 103		$3x10^{-3}$
	Pd 109		$9x10^{-4}$

Exempt Concentrations

Element (atomic number)	Isotope	Column I Gas concentration μCi/ml[1]	Column II Liquid and solid concentration μCi/ml[2]
Phosphorus (15)	P 32		$2x10^{-4}$
Platinum (78)	Pt 191		$1x10^{-3}$
	Pt 193m		$1x10^{-2}$
	Pt 197m		$1x10^{-2}$
	Pt 197		$1x10^{-3}$
Polonium (84)	Po 210	$2x10^{-10}$	$7x10^{-6}$
Potassium (19)	K 42		$3x10^{-3}$
Praseodymium (59)	Pr 142		$3x10^{-4}$
	Pr 143		$5x10^{-4}$
Promethium (61)	Pm 147		$2x10^{-3}$
	Pm 149		$4x10^{-4}$
Radium (88)	Ra 226	$1x10^{-11}$	$1x10^{-7}$
	Ra 228	$2x10^{-11}$	$3x10^{-7}$
Rhenium (75)	Re 183		$6x10^{-3}$
	Re 186		$9x10^{-4}$
	Re 188		$6x10^{-4}$
Rhodium (45)	Rh 103m		$1x10^{-1}$
	Rh 105		$1x10^{-3}$
Rubidium (37)	Rb 86		$7x10^{-4}$
Ruthenium (44)	Ru 97		$4x10^{-3}$
	Ru 103		$8x10^{-4}$
	Ru 105		$1x10^{-3}$
	Ru 106		$1x10^{-4}$
Samarium (62)	Sm 153		$8x10^{-4}$
Scandium (21)	Sc 46		$4x10^{-4}$
	Sc 47		$9x10^{-4}$
	Sc 48		$3x10^{-4}$
Selenium (34)	Se 75		$3x10^{-3}$
Silicon (14)	Si 31		$9x10^{-3}$
Silver (47)	Ag 105		$1x10^{-3}$
	Ag 110m		$3x10^{-4}$
	Ag 111		$4x10^{-4}$
Sodium (11)	Na 24		$2x10^{-3}$
Strontium (38)	Sr 85		$1x10^{-3}$
	Sr 89		$1x10^{-4}$
	Sr 91		$7x10^{-4}$
	Sr 92		$7x10^{-4}$
Sulfur (16)	S 35	$9x10^{-8}$	$6x10^{-4}$
Tantalum (73)	Ta 182		$4x10^{-4}$
Technetium (43)	Tc 96m		$1x10^{-1}$
	Tc 96		$1x10^{-3}$
Tellurium (52)	Te 125m		$2x10^{-3}$
	Te 127m		$6x10^{-4}$
	Te 127		$3x10^{-3}$
	Te 129m		$3x10^{-4}$
	Te 131m		$6x10^{-4}$
	Te 132		$3x10^{-4}$
Terbium (65)	Tb 160		$4x10^{-4}$
Thallium (81)	Tl 200		$4x10^{-3}$
	Tl 201		$3x10^{-3}$
	Tl 202		$1x10^{-3}$
	Tl 204		$1x10^{-3}$
Thulium (69)	Tm 170		$5x10^{-4}$
	Tm 171		$5x10^{-3}$
Tin (50)	Sn 113		$9x10^{-4}$
	Sn 125		$2x10^{-4}$
Tungsten (Wolfram) (74)	W 181		$4x10^{-3}$
	W 187		$7x10^{-4}$
Vanadium (23)	V 48		$3x10^{-4}$
Xenon (54)	Xe 131m	$4x10^{-6}$	
	Xe 133	$3x10^{-6}$	
	Xe 135	$1x10^{-6}$	
Ytterbium (70)	Yb 175		$1x10^{-3}$
Yttrium (39)	Y 90		$2x10^{-4}$
	Y 91m		$3x10^{-2}$
	Y 91		$3x10^{-4}$
	Y 92		$6x10^{-4}$
	Y 93		$3x10^{-4}$
Zinc (30)	Zn 65		$1x10^{-3}$
	Zn 69m		$7x10^{-4}$
	Zn 69		$2x10^{-2}$
Zirconium (40)	Zr 95		$6x10^{-4}$
	Zr 97		$2x10^{-4}$
Beta or gamma emitting radioactive material not listed above with half-life less than 3 years.		$1x10^{-10}$	$1x10^{-6}$

Note 1: Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing the concentrations, the activity stated is that of the parent isotope and takes into account the daughters.

Note 2: When there is involved a combination of isotopes, the limit for the combination should be derived as follows: Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).

Example:

$$\frac{\text{Concentration of Isotope A in Product}}{\text{Exempt concentration of Isotope A}} + \frac{\text{Concentration of Isotope B in Product}}{\text{Exempt concentration of Isotope B}} < 1$$

[1]Values are given only for those material normally used as gases.
[2]uCi/gm for solids.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:41 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:090)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide a list of quantities of radioactive material which can be licensed under a "Type B" or "Type C" specific license of broad scope.

Section 1. Applicability. This regulation applies to all persons who have been approved to use radioactive material under a "Type B" or "Type C" specific license of broad scope.

Section 2. Table. The following lists provide the quantity limits for the issuance of a "Type B" or "Type C" specific license under broad scope as provided in the department's regulation relating to the issuance of specific licenses:

LIMITS FOR BROAD LICENSES

Radioactive Material	Col. I curies	Col. II curies
Antimony-122	1	0.01
Antimony-124	1	0.01
Antimony-125	1	0.01
Arsenic-73	10	0.1
Arsenic-74	1	0.01
Arsenic-76	1	0.01
Arsenic-77	10	0.1
Barium-131	10	0.1
Barium-140	1	0.01
Beryllium-7	10	0.1
Bismuth-210	0.1	0.001
Bromine-82	10	0.1
Cadmium-109	1	0.01
Cadmium-115m	1	0.01
Cadmium-115	10	0.1
Calcium-45	1	0.01
Calcium-47	10	0.1
Carbon-14	100	1.
Cerium-141	10	0.1
Cerium-143	10	0.1
Cerium-144	0.1	0.001
Cesium-131	100	1.
Cesium-134m	100	1.
Cesium-134	0.1	0.001
Cesium-135	1	0.01
Cesium-136	10	0.1
Cesium-137	0.1	0.001
Chlorine-36	1	0.01
Chlorine-38	100	1.
Chromium-51	100	1.
Cobalt-57	10	0.1
Cobalt-58m	100	1.
Cobalt-58	1	0.01
Cobalt-60	0.1	0.001
Copper-64	10	0.1
Dysprosium-165	100	1.
Dysprosium-166	10	0.1
Erbium-169	10	0.1
Erbium-171	10	0.1
Europium-152 (9.2 h)	10	0.1
Europium-152 (13 y)	0.1	0.001
Europium-154	0.1	0.001
Europium-155	1	0.01
Fluorine-18	100	1.
Gadolinium-153	1	0.01
Gadolinium-159	10	0.1
Gallium-72	10	0.1
Germanium-71	100	1.
Gold-198	10	0.1

Gold–199	10	0.1
Hafnium–181	1	0.01
Holmium–166	10	0.1
Hydrogen–3	100	1.
Indium–113m	100	1.
Indium–114m	1	0.01
Indium–115m	100	1.
Indium–115	1	0.01
Iodine–125	0.1	0.001
Iodine–126	0.1	0.001
Iodine–129	0.1	0.001
Iodine–131	0.1	0.001
Iodine–132	10	0.1
Iodine–133	1	0.01
Iodine–134	10	0.1
Iodine–135	1	0.01
Iridium–192	1	0.01
Iridium–194	10	0.1
Iron–55	10	0.1
Iron–59	1	0.01
Krypton–85	100	1.
Krypton–87	10	0.1
Lanthanum–140	1	0.01
Lutetium–177	10	0.1
Manganese–52	1	0.01
Manganese–54	1	0.01
Manganese–56	10	0.1
Mercury–197m	10	0.1
Mercury–197	10	0.1
Mercury–203	1	0.01
Molybdenum–99	10	0.1
Neodymium–147	10	0.1
Neodymium–149	10	0.1
Nickel–59	10	0.1
Nickel–63	1	0.01
Nickel–65	10	0.1
Niobium–93m	1	0.01
Niobium–95	1	0.01
Niobium–97	100	1.
Osmium–185	1	0.01
Osmium–191m	100	1.
Osmium–191	10	0.1
Osmium–193	10	0.1
Palladium–103	10	0.1
Palladium–109	10	0.1
Phosphorus–32	1	0.01
Platinum–191	10	0.1
Platinum–193m	100	1.
Platinum–193	10	0.1
Platinum–197m	100	1.
Platinum–197	10	0.1
Polonium–210	0.01	0.0001
Potassium–42	1	0.01
Praseodymium–142	10	0.1
Praseodymium–143	10	0.1
Promethium–147	1	0.01
Promethium–149	10	0.1
Radium–226	0.01	0.0001
Rhenium–186	10	0.1
Rhenium–188	10	0.1
Rhodium–103m	1,000	10.
Rhodium–105	10	0.1
Rubidium–86	1	0.01
Rubidium–87	1	0.01
Ruthenium–97	100	1.
Ruthenium–103	1	0.01
Ruthenium–105	10	0.1
Ruthenium–106	0.1	0.001
Samarium–151	1	0.01
Samarium–153	10	0.1
Scandium–46	1	0.01
Scandium–47	10	0.1
Scandium–48	1	0.01
Selenium–75	1	0.01
Silicon–31	10	0.1
Silver–105	1	0.01
Silver–110m	0.1	0.001
Silver–111	10	0.1
Sodium–22	0.1	0.001
Sodium–24	1	0.01
Strontium–85m	1,000	10.
Strontium–85	1	0.01
Strontium–89	1	0.01
Strontium–90	0.01	0.0001
Strontium–91	10	0.1
Strontium–92	10	0.1
Sulphur–35	10	0.1
Tantalum–182	1	0.01
Technetium–96	10	0.1
Technetium–97m	10	0.1
Technetium–97	10	0.1
Technetium–99m	100	1.
Technetium–99	1	0.01
Tellurium–125m	1	0.01
Tellurium–127m	1	0.01
Tellurium–127	10	0.1
Tellurium–129m	1	0.01
Tellurium–129	100	1.
Tellurium–131m	10	0.1
Tellurium–132	1	0.01
Terbium–160	1	0.01
Thallium–200	10	0.1
Thallium–201	10	0.1
Thallium–202	10	0.1
Thallium–204	1	0.01
Thulium–170	1	0.01
Thulium–171	1	0.01
Tin–113	1	0.01
Tin–125	1	0.01
Tungsten–181	1	0.01
Tungsten–185	1	0.01
Tungsten–187	10	0.1
Vanadium–48	1	0.01
Xenon–131m	1,000	10.
Xenon–133	100	1.
Xenon–135	100	1.
Ytterbium–175	10	0.1
Yttrium–90	1	0.01
Yttrium–91	1	0.01
Yttrium–92	10	0.1
Yttrium–93	1	0.01
Zinc–65	1	0.01
Zinc–69m	10	0.1
Zinc–69	100	1.
Zirconium–93	1	0.01
Zirconium–95	1	0.01
Zirconium–97	1	0.01
Any radioactive material other than source material, special nuclear material, or alpha emitting radioactive material not listed above.	0.1	0.001

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:42 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:095)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide requirements for the use of sealed radioactive sources in the healing arts and veterinary medicine.

Section 1. Applicability. The provisions of this regulation apply to all licensees who use sealed sources in the healing arts and veterinary medicine. The provisions of this regulation are in addition to, and not in substitution for, other applicable provisions of the department's radiation regulations.

Section 2. Interstitial, Intracavitary and Superficial Applications. (1) Accountability, storage and transit.

(a) Except as otherwise specifically authorized by the department, each licensee shall provide accountability of sealed sources and shall keep a permanent record of the issue and return of all sealed sources. A physical inventory shall be made at least every six (6) months and a written record of the inventory maintained.

(b) When not in use, sealed sources and applicators containing sealed sources shall be kept in a protective enclosure of such material and wall thickness as may be necessary to assure compliance with the provisions of these regulations.

(2) Testing sealed sources for leakage and contamination.

(a) All sealed sources with a half-life greater than thirty (30) days and in any form other than gas shall be tested for leakage and contamination prior to initial use and at intervals not to exceed six (6) months. If there is reason to suspect that a sealed source might have been damaged, or might be leaking, it shall be tested for leakage before further use.

(b) Leak tests shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample or, in the case of radium, the escape of radon at rate of 0.001 microcurie per twenty-four (24) hours. Any test conducted which reveals the presence of 0.005 microcurie or more of removable contamination or, in the case of radium, the escape of radon at the rate of 0.001 microcurie or more for twenty-four (24) hours shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the source from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with applicable provisions of these regulations.

(c) Leak test results shall be recorded in units of microcuries and maintained for inspection by the department.

(3) Radiation Surveys.
(a) The maximum radiation level at a distance of one (1) meter from the patient in whom brachytherapy sources have been inserted shall be determined by measurement or calculation and preferably by both. This radiation level shall be entered on the patient's chart and signs posted as required by subsection (4) of this section.
(b) The radiation levels in the patient's room and the surrounding area shall be determined, recorded in millirem per hour, and records maintained for inspection by the department.
(4) Signs and Records.
(a) Unless otherwise specifically exempted by the provisions of these regulations, the bed, cubical, or room of the hospital brachytherapy patient shall be marked with a sign indicating the presence of brachytherapy sources. This sign shall incorporate the radiation symbol and specify the radionuclide, the activity, date, and the individual(s) to contact for radiation safety instructions.
(b) The following information shall be included in the patient's chart:
1. The radionuclide administered, number of sources, activity in millicuries and time and date of administration;
2. The exposure rate at one meter, the time the determination was made, and by whom;
3. The radiation symbol; and
4. The precautionary instructions necessary to assure that the exposure of individuals does not exceed that permitted under these regulations.

Section 3. Teletherapy. (1) Equipment.
(a) The housing shall be so constructed that, at one (1) meter from the source, the maximum exposure rate does not exceed ten (10) milliroentgens per hour when the beam control mechanism is in the "off" position. The average exposure rate measured at a representative number of points about the housing, each one meter from the source, shall not exceed two (2) milliroentgens per hour.
(b) For teletherapy equipment installed after the effective date of these regulations, leakage radiation measured at one (1) meter from the source when the beam control mechanism is in the "on" position shall not exceed one (1) roentgen per hour or 0.1 percent of the useful beam exposure rate.
(c) Adjustable or removable beam-defining mechanisms or devices shall allow transmission of not more than five (5) percent of the useful beam exposure rate.
(d) The beam control mechanism shall be of a positive design capable of acting in any position of the housing. In addition to an automatic closing device, the mechanism shall be designed so that it can be manually returned to the "off" position with a minimum risk of exposure.
(e) The closing device shall be so designed as to return automatically to the "off" position in the event of any breakdown in interruption of the activating force and shall stay in the "off" position until activated from the control panel.
(f) When any door to the treatment room is opened, the beam control mechanism shall automatically and rapidly restore the unit to the "off" position and cause it to remain there until the unit is reactivated from the control panel.
(g) There shall be at the housing and at the control panel a warning device that plainly indicates whether the beam is "on" or "off."
(h) A written instruction shall be posted at the teletherapy machine control panel. This instruction shall inform the machine operator of the procedure to be followed should he be unable to turn the machine's primary beam of radiation "OFF" with the controls outside the treatment room. These instructions shall caution individuals to avoid exposure to the primary beam of radiation when in the treatment room and shall include specific instructions for:
1. Locating and using the device for manually turning off the teletherapy unit's primary beam of radiation.
2. Removing the patient from the treatment room.
3. Securing the room against unauthorized entry.
4. Notifying the responsible physician or radiation safety officer.
(i) The equipment shall be provided with a locking device to prevent unauthorized use.
(j) The control panel shall be provided with a timer that automatically terminates the exposure after a preset time.
(k) Teletherapy sources shall be tested for leakage and contamination in accordance with procedures described in Section 2(2) of this regulation except that the leak tests shall be capable of detecting 0.05 microcurie of removable contamination, and a source shall be considered to be leaking if the test reveals the presence of 0.05 microcurie or more of removable contamination. The tests for leakage may be made by wiping accessible surfaces of the housing port or beam defining mechanism or device while the source is in the "off" position and measuring these wipes for transferred contamination.
(2) Shielding.
(a) Primary protective barriers shall be provided for any area that the useful beam may strike when using the largest possible diaphragm opening. Such barriers should extend at least one (1) foot beyond the useful beam for any possible orientation.
(b) Secondary protective barriers shall be provided for all occupied areas exposed to leakage and scattered radiation.
(c) Provision shall be made to permit continuous observation of patients during irradiation.
(3) Operation. No individual who is occupationally exposed to radiation shall be in the treatment room during irradiation unless he is the patient. No other individual shall be there except when it is clinically necessary, and such individual shall be adequately protected and shall be positioned so that no part of his body will be struck by the useful beam and so that his body is as far as possible from the edge of the useful beam. The exposure of the individual shall be monitored.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:43 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:100)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide radiation safety requirements for industrial radiographic operations.

Section 1. Applicability. The requirements of this regulation apply to all licensees or registrants who use sources of radiation for industrial radiography. The requirements of this regulation are in addition to, and not in substitution for, other requirements of the Department for Human Resources radiation regulations.

Section 2. Limits on Levels of Radiation for Radiographic Exposure Devices and Storage Containers. Radiographic exposure devices measuring less than four (4) inches from the sealed source storage position to any exterior surface of the device shall have no radiation level in excess of 50 milliroentgens per hour at six (6) inches from any exterior surface of the device. Radiographic exposure devices measuring a minimum of four (4) inches from the sealed source storage position to any exterior surface of the device, and all storage containers for sealed sources or outer containers for radiographic exposure devices shall have no radiation level in excess of 200 milliroentgens per hour at any exterior surface and 10 mR/hr at 1 meter from any exterior surface. The radiation levels specified are with the sealed source in the shielded (i.e., "off") position.

Section 3. Locking of Sources of Radiation. Each source of radiation shall be provided with a lock or outer locked container designed to prevent unauthorized or accidental production of radiation or removal or exposure of a sealed source and shall be kept locked at all times except when under the direct surveillance of a radiographer or radiographer's assistant, or as may be otherwise authorized by these regulations. Each storage container likewise shall be provided with a lock and kept locked when containing sealed sources except when the container is under the direct surveillance of a radiographer or radiographer's assistant.

Section 4. Storage Precautions. Locked radiographic exposure devices, storage containers and other sources of radiation shall be physically secured to prevent tampering or removal by unauthorized personnel.

Section 5. Radiation survey instruments. The licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by these regulations. Each radiation survey instrument shall be calibrated against appropriate energy and radiation fields at intervals not to exceed three (3) months and after each instrument servicing. A record shall be maintained of the latest date of calibration. Instrumentation required by this section shall have a range such that two (2) milliroentgens per hour through one (1) roentgen per hour can be measured.

Section 6. Leak Testing, Repair, Tagging, Opening, Modification, and Replacement of Sealed Sources. (1) The replacement of any sealed source fastened to or contained in a radiographic exposure device, leak testing, repair, tagging,

opening, or any other modification of any sealed source shall be performed only by persons specifically authorized to do so by the Department, the U.S. Atomic Energy Commission, or any agreement state.

(2) Each sealed source shall be tested for leakage and contamination in accordance with these regulations.

(3) A sealed source which is not fastened to or contained in a radiographic exposure device shall have permanently attached to it a durable tag at least one (1) inch square bearing the prescribed radiation caution symbol in conventional colors, magenta or purple on a yellow background, and at least the instructions: "Danger – Radioactive Material – Do Not Handle – Notify Civil Authorities if Found."

Section 7. Quarterly Inventory. Each licensee or registrant shall conduct a quarterly physical inventory to account for all sources of radiation received or possessed by him. The records of the inventories shall be maintained for inspection by the department and shall include the quantities and kinds of radioactive material or rate power, manufacturer, and identifying number of radiation machines, the location of all sources of radiation, and the date of the inventory.

Section 8. Utilization Logs. Each licensee or registrant shall maintain current logs, which shall be kept available for inspection by the department, at the address specified in the license or on the registration, showing for each source of radiation the following information:

(1) A description (or make and model number) of each source of radiation or storage container in which a sealed source is located;

(2) The identity of the radiographer to whom assigned; and

(3) The site where used and dates of use; and

(4) The voltage and current, where applicable, and exposure time for each radiographic exposure employing a source of radiation.

Section 9. Inspection and Maintenance of Radiographic Exposure Devices, Storage Containers, and Other Sources of Radiation. (1) Each licensee or registrant shall conduct a program for inspection and maintenance of radiographic exposure devices, storage containers, and other sources of radiation to assure proper functioning of components important to safety.

(2) Records of such inspection and maintenance shall be kept for inspection by the department.

Section 10. Limitations. (1) No licensee or registrant shall permit any person to act as a radiographer as defined in these regulations until such person:

(a) Has been instructed in the subjects outlined in Section 17 of this regulation and shall have demonstrated understanding thereof;

(b) Has received copies of and demonstrated an understanding of the following:

1. The requirements contained in this regulation;
2. Other applicable provisions of these regulations;
3. The conditions of the license or registration certificate issued by the department; and
4. The licensee's or registrant's approved operating and emergency procedures; and

(c) Has demonstrated competence to use the sources of radiation, related handling tools, and survey instruments which will be employed in his assignment.

(2) No licensee or registrant shall permit any person to act as a radiographer's assistant as defined in this regulation until such person:

(a) Has received copies of and instructions in the licensee's or registrant's approved operating and emergency procedures, and has demonstrated understanding thereof; and,

(b) Has demonstrated competence to use under the personal supervision of the radiographer the sources of radiation, related handling tools, and radiation survey instruments which will be employed in his assignment.

(3) Each licensee or registrant shall maintain records of training and testing which demonstrate that the requirements of subsections (1) and (2) of this section are met.

Section 11. Operating and Emergency Procedures. Each licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

(1) The handling and use of sources of radiation to be employed such that no person is likely to be exposed to radiation doses in excess of the limits established in these regulations;

(2) Methods and occasions for conducting radiation surveys;

(3) Methods for controlling access to radiographic areas;

(4) Methods and occasions for locking and securing sources of radiation;

(5) Personnel monitoring and the use of personnel monitoring equipment;

(6) Transportation to field locations, including packing of sources of radiation in vehicles, posting of vehicles, and control of sources of radiation during transportation;

(7) Minimizing exposure of persons in the event of an accident;

(8) The procedure for notifying proper persons in the event of an accident;

(9) Maintenance of records; and

(10) The inspection and maintenance of radiographic exposure devices, storage containers, and other sources of radiation.

Section 12. Personnel Monitoring Control. (1) No licensee or registrant shall permit any person to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each such person shall wear a film badge and either a pocket dosimeter or pocket chamber. Pocket dosimeters and pocket chambers shall be capable of measuring doses from zero to at least 200 milliroentgens. A film badge shall be assigned to and worn by only one person.

(2) Pocket dosimeters and pocket chambers shall be read and doses recorded daily. A film badge shall be immediately processed if a pocket chamber or pocket dosimeter is discharged beyond its range. The film badge reports received from the film badge processor and records of pocket dosimeter and pocket chamber readings shall be maintained for inspection by the department.

(3) The requirements for use of personnel monitoring as specified in subsections (1) and (2) of this section shall not apply in industrial radiography utilizing sources of machine radiation in cabinet x-ray systems which are equipped with interlocks such that the source of radiation will not produce an exposure radiation field unless all openings are securely closed and which is so shielded that every location on the exterior meets conditions for an uncontrolled area.

(4) Upon application the department may authorize methods of personnel dosimetry other than film badges.

Section 13. Documents Required at Field Radiography Sites. (1) A copy of the operating and emergency procedures shall be present at all locations where industrial radiography is performed.

(2) A current copy of the radioactive materials license shall be present at all locations where industrial radiography is peformed with radioactive materials.

Section 14. Security. During each radiographic operation, the radiographer or radiographer's assistant shall maintain a direct surveillance of the operation to protect against unauthorized entry into a high radiation area, except:

(1) Where the high radiation area is equipped with a control device or an alarm system, or

(2) Where the high radiation area is locked to protect against unauthorized or accidental entry.

Section 15. Posting. Except as otherwise specifically exempted in these regulations, areas in which radiography is being performed shall be conspicuously posted.

Section 16. Special Requirements and Exemptions for Cabinet X-ray Systems. (1) Except as provided by Section 12(3) of this regulation, registrants using cabinet X-ray systems are exempt from the requirements of this regulation.

(2) Cabinet X-ray systems shall meet the requirements of 902 KAR 100:145. relating to cabinet X-ray systems.

Section 17. Minimum Training Requirements for Industrial Radiographers. All industrial radiographers shall receive minimum training in the following areas: (1) Fundamentals of radiation safety.

(a) Characteristics of gamma and X-radiation.
(b) Units of radiation dose (mrem) and quantity of radioactivity (curie).
(c) Hazards of excessive exposure of radiation.
(d) Levels of radiation from sources of radiation.
(e) Methods of controlling radiation dose:
1. Working Time,
2. Working Distances,
3. Shielding.

(2) Radiation detection instrumentation to be used.
(a) Use of radiation survey instruments:
1. Operation,
2. Calibration,
3. Limitations.
(b) Survey techniques.
(c) Use of personnel monitoring equipment:
1. Film badges,
2. Pocket dosimeters,
3. Pocket chambers.

(3) Radiographic equipment to be used:
(a) Remote handling equipment,
(b) Radiographic exposure devices and sealed sources,
(c) Storage containers,
(d) Operation and control of X-ray equipment.

(4) The requirements of pertinent federal and state regulations; and

(5) The licensee's or registrant's written operating and emergency procedures.

Section 18. Radiation Surveys and Survey Records. (1) No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation as described in Section 5 of this regulation is available and used at each site where radiographic exposures are made.

(2) A physical radiation survey shall be made after each radiographic exposure utilizing radiographic exposure devices or sealed sources or radioactive material to determine that the sealed source has been returned to its shielded condition.

(3) A physical radiation survey shall be made to determine that each sealed source is in its shielded condition prior to securing the radiographic exposure device or storage container.

(4) Records shall be kept of surveys and maintained for inspection by the department.

Section 19. Required Administrative Procedures for Industrial Radiography Program. (1) Licensees and registrants

shall have an adequate program for training radiographers and radiographer's assistants and submit to the department a schedule or description of such program which specifies the:

(a) Initial training;
(b) Periodic training;
(c) On-the-job training;
(d) Means to be used by the licensee or registrant to determine the radiographer's knowledge and understanding of and ability to comply with department regulations and licensing requirements, and the licensee's or registrant's operating and emergency procedures; and
(e) Means to be used by the licensee or registrant to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the licensee's or registrant's operating and emergency procedures.

(2) The licensee or registrant shall establish and submit to the department satisfactory written operating and emergency procedures.

(3) The licensee or registrant shall have and submit details of an adequate internal inspection system, or other management control, to assure that license provisions, regulations, and the licensee's or registrant's operating and emergency procedures are followed by radiographers and radiographers' assistants.

(4) The licensee or registrant shall submit to the department a description of his overall organizational structure pertaining to the radiography program, including specified delegations of authority and responsibility for operation of the program.

(5) The licensee who desires to conduct his own leak test shall establish adequate procedures to be followed in leak testing sealed sources for possible leakage and contamination and shall submit to the department a description of such procedures including:

(a) Instrumentation to be used;
(b) Method of performing tests, e.g., points on equipment to be smeared and method of taking smear; and
(c) Pertinent experience of the person who will perform the test.

Section 20. Field X-Ray Radiographic Operations. In addition to the applicable requirements of this regulation, X-ray machines in field operations shall also meet the requirements of 902 KAR 100:105 relating to the use and operation of X-ray machines.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner
LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:43 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:105)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide general requirements for the possession, use, and operation of x-ray systems.

Section 1. Applicability. This regulation applies to all persons who possess, use or operate x-ray systems in Kentucky.

Section 2. General Requirements. (1) No person shall make, sell, lease, transfer, lend, or install x-ray equipment or the accessories used in connection with such equipment unless such accessories and equipment, when properly placed in operation and properly used, will meet the requirements of these regulations. This includes, but is not limited to, the responsibility for the delivery of cones or collimators, filters, adequate timers, and fluoroscopic shutters, where applicable.

(2) The registrant shall be responsible for directing the operation of the x-ray systems which he has registered with the department. He or his agent shall assure that the following provisions are met in the operation of the x-ray systems:

(a) An x-ray system which does not meet the provisions of these regulations shall not be operated for diagnostic or therapeutic purposes unless specific exemption in writing has been granted by the department.
(b) Individuals who will be operating the x-ray equipment shall be adequately instructed in the safe operating procedures and be competent in the safe use of the equipment.
(c) In the vicinity of each x-ray system's control panel a chart shall be provided which specifies for all examinations which are performed by that system a listing of information for each projection within that examination, including but not limited to the following:
1. Patient's anatomical size versus technique factors to be utilized;
2. Type and size of the film or of the film-screen combination to be used;
3. Type of grid to be used, if any;
4. Source to image receptor distance to be used; and
5. Type of gonadal shielding to be used, if any.
(d) Written safety procedures and rules shall be provided by the registrant, to each individual operating x-ray equipment, including any restrictions of the operating technique required for the safe operation of the particular x-ray system. The operator shall be able to demonstrate familiarity with these rules. The registrant shall also make available to each individual operating x-ray equipment a copy of these regulations.
(e) Except for patients who cannot be moved out of the room, only the staff and ancillary personnel required for the medical procedure or training shall be in the room during the radiographic exposure.
1. Other than the patient being examined, all individuals in the radiographic room shall be positioned such that no part of the body not protected by 0.5 mm lead equivalent, will be struck by the useful beam.
2. Staff and ancillary personnel shall be protected from the direct scatter radiation by protective aprons or whole body protective barriers of not less than 0.25 mm lead equivalent.
3. Patients who cannot be removed from the room shall be protected from the direct scatter radiation by whole body protective barriers of 0.25 mm lead equivalent or shall be so positioned that the nearest portion of the body is at least two (2) meters from both the tube head and the nearest edge of the image receptor.
4. When a portion of the body of any staff or ancillary personnel is potentially subjected to stray radiation which could result in that individual receiving one quarter of the maximum permissible dose as defined in these regulations, additional protective devices may be required by the department.
(f) Exposure of an individual for training, demonstration or other similar purposes is prohibited, unless there are also healing arts requirements for such exposure and proper prescription has been provided.
(g) When a patient or film must be provided with auxiliary support during a radiation exposure:
1. Mechanical holding devices shall be used when the technique permits.
2. Written safety procedures, as required by this regulation shall indicate the requirements for selecting a person to hold a patient or film and the procedure the holder of such shall follow.
3. The human holder shall be protected as required by this regulation.
4. No person shall be used routinely to hold film or patients.
5. In those cases where the patient must hold the film, except during intraoral examinations, any portion of the body other than the area of clinical interest struck by the useful beam shall be protected by not less than 0.5 mm lead equivalent material.
6. Gonadal shielding of not less than 0.25 mm when 100 kVp or less is used, 0.5 mm when 100 to 150 kVp is used, and 1.0 mm when greater than 150 kVp is used, shall be used during radiographic procedures in which the gonads are in the direct beam except for cases in which this would interfere with the diagnostic procedure.
(h) Procedures and auxiliary equipment designed to minimize patient and personnel exposure commensurate with the needed diagnostic information shall be utilized. This is interpreted to include but not limited to:
1. The speed of film or screen and film combinations shall be the fastest speed consistent with the diagnostic objective of the examinations.
2. Portable or mobile equipment shall be used only for examinations where it is impractical to transfer the patient to a stationary radiographic installation.
3. Fluoroscopic imaging devices used for optical viewing which are not mechanically linked to the x-ray tube shall not be utilized.
(i) Each image (film, film set, etc.) shall be interpreted by a licensed practitioner, and a permanent record shall be made of the interpretation of the total examination.
(j) Personnel Monitoring. When protective clothing or devices are worn on portions of the body and a monitoring device(s) is required, at least one such device shall be utilized as follows:
1. When an apron is worn, the monitoring device shall be worn at the neck area outside of the apron.
2. If more than one device is used and a record is made of the data, each dose shall be identified with the area where the device was worn on the body.
3. Exposure of a personnel monitoring device to deceptively indicate a dose delivered to an individual is prohibited.
(k) The registrant shall maintain at least the following information for each x-ray system:

1. Technique factors;
2. Tube rating charts and cooling curves;
3. Record of all surveys, calibrations, maintenance, and modifications performed on the x-ray system after the effective date of these regulations, along with the names of persons who performed the service.

(l) Each facility shall maintain the following information as a minimum:

1. For each x-ray examination, appropriate patient identification data which includes name, social security number, age, and sex;
2. Date of x-ray examination;
3. Examination or treatment given by routine or local title as denoted on the technique chart;
4. Any deviation from the standard procedure or technique, including all repeat exposures, as denoted in the technique chart;
5. The x-ray system used, when there is more than one (1) system per facility;
6. Name of individuals who performed the exam.

(m) Radiation Barriers. Each installation shall be provided with such primary barriers and secondary barriers as are necessary to assure compliance with these regulations. This requirement shall be deemed to be met if the thickness of such barriers are equivalent to those as computed in accordance with the National Council of Radiation Protection Report No. 34, "Medical X-Ray and Gamma Ray Protection for Energies Up to 10 MeV (Structural Shielding Design and Evaluation)."

(n) Darkrooms:

1. Darkrooms shall be constructed so that film being processed, handled, or stored will be exposed only to light which has passed through a safelight filter.
2. The radiance and spectral emission of the safelight, bulb and filter combination, shall be such that film shall not be "fogged" above the base fog level when exposed for one (1) minute at a distance of 120 centimeters from the lamp(s). Film manufacturer's recommendations for a safelight and its placement shall be adjudged to meet this criterion.
3. The amount of time that the film remains in the developer solution shall be controlled. Except for automatic processors, at the end of a pre-set time interval, the timing mechanism used for controlling the development time shall produce a visible or audible signal.
4. For manual film processing, a temperature control system shall be available to maintain the temperature of the developing solutions within the range specified by the manufacturer. A means shall be provided to control the temperature of the fixer and the rinse water to within five (5) degrees F of the temperature of the developer solution. Exceptions to the requirements of this paragraph may be authorized by the department on the basis of a written request providing details of the developing procedure to be used, methods of controlling developing condition, and an adequate justification for such exception.

(o) Automatic Processors and Other Closed Processing Systems.

1. Preventive maintenance shall be performed on the unit, except for extended periods of non-use, on a frequency basis which is not less than that schedule recommended by the manufacturer. In the event that no schedule is available from the manufacturer, a maintenance schedule shall be established which will preserve good film quality.
2. After a full cleansing of the processor, a film shall be exposed to a density of approximately one (1), with one half (1/2) of the film protected from exposure. It shall be developed and then kept near the unit and daily at least one (1) test film (exposed under techniques identical with those used for the original test film) shall be compared with the original test film to evaluate the adequacy of the unit's developing capability and base fog level.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:44 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:110)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide for the registration of radiation machines in Kentucky.

Section 1. Applicability. This regulation applies to all radiation machines received, possessed, used, or transferred in the Commonwealth of Kentucky. The provisions of this regulation are in addition to all other applicable radiation regulations.

Section 2. Registration. (1) The owner or person having possession of any radiation machine or accelerator except those specifically exempted in Section 4 of this regulation shall register such within ten (10) days after acquisition. Registration under this section shall be on forms furnished by the department and shall contain the following information and such other information as may be required:

(a) Name and address of the owner or person having administrative control and responsibility for use.
(b) Address where the machine is located and used, except that a central headquarters address may be given for a mobile machine used at various temporary field locations.
(c) A description of the type, model, serial number of the radiation machine and its rated capacity in peak kilovolts and milliamperes.
(d) A designation of the general category of use (dental, medical, industrial, veterinary, research, or other).
(e) Date of application and signature of registrant.

(2) The registrant shall notify the department within ten (10) days of any change which increases the rating of the machine or of any change which renders the information required in subsection (1) of this section no longer accurate. A change of ownership or possession of the machine shall terminate the registration.

(3) Each registrant, or his estate, if deceased, who permanently discontinues the use of or transfers radiation machines at an installation shall notify the department in writing within thirty (30) days of such action. In the event of a transfer, the notification shall include the name and address of the transferee.

(4) No person in any advertisement shall refer to the fact that a radiation machine is registered with the department, and no person shall state or imply that any activity under such registration has been approved by the department.

(5) The registrant shall be subject to all applicable requirements of these regulations.

(6) Whenever any radiation machine is to be brought into this state, the person proposing to bring such machine into the state shall give written notice to the department at least two (2) days before such machine enters the state. The notice shall include the type of radiation machine; the name of the individual in charge; the nature, duration, and scope of use; and the exact location where the radiation machine is to be used. If for a specific case the two (2) day period would impose an undue hardship on the person, he may, upon application to the department, obtain permission to proceed sooner. In addition, the out-of-state person must:

(a) Comply with all applicable regulations of the department; and
(b) Supply the department with such other information as the department may reasonably request.

Section 3. Vendor Obligation. (1) The distributor, retailer or other agent who sells, leases, transfers, or lends radiation machines shall notify the department within thirty (30) days after the end of each calendar quarter of:

(a) The names and addresses of persons who have received these machines; and
(b) The manufacturer, model, and serial number of each machine transferred; and
(c) The date which the machine(s) were sold, leased, transferred, or loaned.

(2) No person shall make, sell, lease, transfer, lend, or install x-ray equipment or the supplies used in connection with such equipment unless such supplies and equipment, when placed in operation and used, will meet the requirements of these regulations.

Section 4. Exemptions. (1) No person shall be required to register due to the ownership or possession of the following:

(a) Electronic equipment that produces radiation incidental to its operation for other purposes provided the radiation exposure rate averaged over an area of 10 square centimeters does not exceed 0.5 mrem per hour at 5 cm from any accessible surface of such equipment. The production, testing, or factory servicing of such equipment shall not be exempt.
(b) Radiation producing machines while in transit or storage incident thereto.

(2) Equipment described in subsection (1) of this section shall not be exempt if it is used or handled in such a manner that any individual might receive a radiation dose exceeding the limits specified in these regulations.

Section 5. Radiation Safety Officer. (1) The registrant or his duly authorized representative shall designate a radiation safety officer or may personally assume the radiation safety responsibility.

(2) The person responsible for radiation safety shall:

(a) Be qualified by training and experience to assume the responsibilities of appraising himself of all hazards and precautions involved in handling the radiation machine(s) for which he is responsible.

(b) Give instructions concerning hazards and safety practices to persons who may be occupationally exposed to radiation.
(c) Provide reasonable assurance that other provisions as required by these regulations are carried out.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:115)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide special requirements for all diagnostic x-ray systems in relation to the healing arts.

Section 1. Applicability. This regulation applies to all persons who possess, use or operate diagnostic x-ray systems in relation to the healing arts.

Section 2. Maintenance Program. For all x-ray components or systems which have been installed and certified under the federal performance standard, there shall be a maintenance program established to assure that such components or systems maintain certification status. The frequency of tests or measurements under this maintenance program shall not exceed one (1) year. Records of tests or measurements performed under the maintenance program shall be maintained by the registrant.

Section 3. Warning Label. The control panel containing the main power switch shall bear the following warning statement or an equivalent statement, legible and accessible to view: "WARNING: This x-ray unit may be dangerous to patient and operator unless safe exposure factors and operating instructions are observed."

Section 4. Battery Charge Indicator. On battery-powered generators, visual means shall be provided on the control panel to indicate whether the battery is in a state of charge adequate for proper operation.

Section 5. Leakage Radiation from the Diagnostic Source Assembly. The leakage radiation from the diagnostic x-ray source assembly measured at a distance of one (1) meter in any direction from the x-ray source shall not exceed 100 milliroentgens in one (1) hour when the x-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than twenty (20) centimeters.

Section 6. Radiation from Components other than the Diagnostic Source Assembly. The radiation emitted by a component other than the diagnostic x-ray source assembly shall not exceed two (2) milliroentgens in one (1) hour at five (5) centimeters from any accessible surface of the component when it is operated in an assembled x-ray system under any conditions for which it was designed. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than twenty (20) centimeters.

Section 7. Beam Quality. (1) The half-value layer (HVL) of the useful beam for a given x-ray tube potential shall not be less than the values shown in the following table:

TABLE OF ACCEPTABLE HALF-VALUE LAYER (HVL)

Design operating range (Kilovolts peak)	Measured potential (Kilovolts peak)	Half-value Layer (Millimeters of aluminum)
Below 50	30	0.3
	40	0.4
	49	0.5
50 to 70	50	1.2
	60	1.3
	70	1.5
Above 70	71	2.1
	80	2.3
	90	2.5
	100	2.7
	110	3.0
	120	3.2
	130	3.5
	140	3.8
	150	4.1

(2) If it is necessary to determine the half-value layer at an exposure tube potential which is not listed in the table above, linear interpolation or extrapolation may be made.
(3) The above HVL criteria will be considered to have been met if it can be demonstrated that the aluminum equivalent of the total filtration in the primary beam is not less than that shown in the following table:

TABLE OF FILTRATION REQUIRED VS. OPERATING VOLTAGE

Operating Voltage (kVp)	Total Filtration (inherent plus added) (millimeters aluminum equivalent)
Below 50	0.5 millimeters
50 – 70	1.5 millimeters
Above 70	2.5 millimeters

(4) Beryllium window tubes shall have a minimum of 0.5 mm aluminum equivalent filtration permanently mounted in the useful beam.
(5) For capacitor energy storage equipment, compliance shall be determined with the maximum quantity of charge per exposure.
(6) The required minimal aluminum equivalent filtration shall include the filtration contributed by all materials which are always present between the focal spot of the tube and the patient. (e.g., a tabletop when the tube is mounted "under the table" and inherent filtration of the tube.)

Section 8. Filtration Controls. For x-ray systems installed after the effective date of these regulations and which have variable kVp and variable filtration for the useful beam, a device shall link the kVp selector with the filter(s) which will prevent an exposure unless the minimum required amount of filtration is in the useful beam for the given kVp which has been selected.

Section 9. Mechanical Support of Tube Head. The tube housing assembly supports shall be adjusted such that the tube housing assembly will remain stable during an exposure unless the tube housing movement is a designed function of the x-ray system.

Section 10. X-Ray Generation Indicator. The control panel shall include a device (usually a milliampere meter) which will give positive indication of the production of x-rays whenever the x-ray tube is energized. The control panel shall include appropriate indicators (labeled control settings or meters) indicating the physical factors, such as kVp, mA, exposure time, used for the exposure.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:120)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide special requirements for radiographic systems in relation to the healing arts, except systems used for dental intraoral or veterinarian radiography.

Section 1. Applicability. This regulation applies to all persons who possess, use or operate radiographic systems in relation to the healing arts, except systems used for dental intraoral or veterinarian radiography.

Section 2. Beam Quality. (1) Except when contraindicated for a particular medical purpose, the total filtration permanently in the useful beam shall be equivalent to at least 2.5 mm aluminum. This requirement may be assumed to have been met if the half-value layer is not less than 2.5 mm aluminum at normal operating voltages.
(2) Permanent structural shielding and protective barriers shall be used as necessary to insure that no person other than

the patient receives a dose equivalent in excess of the limits specified in these regulations.

Section 3. Beam Limitation. The useful beam shall be limited to the area of clinical interest.

Section 4. General Purpose Stationary X-Ray Systems Installed After the Effective Date of These Regulations. (1) There shall be provided a means for stepless adjustment of the size of the x-ray field. The minimum field size at an SID (the distance from the x-ray tube anode to the x-ray film) of 100 centimeters shall be equal to or less than 5 by 5 centimeters.

(2) Visual Definition. Means shall be provided for visually defining the perimeter of the x-ray field. The total misalignment of the edges of the visually defined field with the respective edges of the x-ray field along either the length or width of the visually defined field shall not exceed two (2) percent of the distance from the source to the center of the visually defined field when the surface upon which it appears is perpendicular to the axis of the x-ray beam.

(3) Means shall be provided to indicate when the axis of the x-ray beam is perpendicular to the plane of the image receptor, to align the center of the x-ray field with respect to the center of the image receptor to within two (2) percent of the SID, and to indicate the SID to within two (2) percent.

(4) The beam-limiting device shall numerically indicate the field size in the plane of the image receptor to which it is adjusted.

(5) Indication of field size dimensions and SID's shall be specified in inches or centimeters, and shall be such that aperture adjustments result in x-ray field dimensions in the plane of the image receptor which correspond to those of the image receptor to within two (2) percent of the SID when the beam axis is perpendicular to the plane of the image receptor.

Section 5. Mobile X-Ray Systems. (1) All requirements of Section 4(1) and (2) and Section 8(2)(c) of this section shall apply.

(2) Personnel monitoring shall be required for all individuals operating mobile x-ray equipment.

Section 6. Special Purpose X-Ray Systems. (1) Special purpose x-ray systems shall be provided with means to limit the x-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than two (2) percent of the SID when the axis of the x-ray beam is perpendicular to the plane of the image receptor.

(2) Special purpose x-ray systems shall be provided with means to align the center of the x-ray field with the center of the image receptor to within two (2) percent of the SID.

(3) The requirements of subsections (1) and (2) of this section may be met with a system that meets the requirements for a general purpose x-ray system as specified in Section 4 of this regulation, or when alignment means are also provided, may be met with either:

(a) An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Each such device shall have clear and permanent markings to indicate the image receptor size and SID for which it is designed; or

(b) A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Permanent, clearly legible markings shall indicate the image receptor size and SID for which each aperture is designed and shall indicate which aperture is in position for use.

Section 7. Radiation Exposure Control Devices. (1) Timers. Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, a preset number of pulses, or a preset radiation exposure to the image receptor. Termination of exposure shall cause automatic resetting of the timer to its initial setting or to zero. It shall not be possible to make an exposure when the time is set to a zero or off position if either position is provided.

(2) The exposure switch shall be of the dead-man type.

Section 8. X-Ray Control (Exposure Switch). (1) A control shall be incorporated into each x-ray system such that an exposure can be terminated at any time except for:

(a) Exposure of one-half (1/2) second or less, or

(b) During serial radiography when means shall be provided to permit completion of any single exposure of the series in process.

(2) Each x-ray exposure control shall be located in such a way as to meet the following criteria:

(a) The operator's station at the exposure control shall be behind a protective barrier, either in a separate room, in a protective booth, or behind a shield which will intercept the useful beam and any radiation which has been scattered only once.

(b) A window of lead equivalent glass equal to that required by the adjacent barrier or appropriate viewing system shall be provided so that the operator can see the patient without having to leave the protected area during the exposure.

(c) For mobile and portable x-ray systems:

1. Used for greater than one (1) week in one location (one (1) room or suite), such units shall be considered stationary, and shall meet subsection (2)(a).
2. For mobile and portable x-ray systems in one location less than one (1) week, such systems shall be provided with a method of control which will permit the operator to be at least twelve (12) feet from the tube, patient, and from the useful beam during an exposure.
3. On all machines installed after the effective date of these regulations, the x-ray control shall provide visual indication observable at or from the operator's protected position whenever x-rays are produced. In addition, a signal audible to the operator shall indicate that the exposure has terminated.

Section 9. Automatic Exposure Controls (Phototimers). When an automatic exposure control is provided:

(1) Indication shall be made on the control panel when this mode of operation is selected;

(2) When the x-ray tube potential is equal to or greater than fifty (50) kVp, the minimum exposure time for field emission equipment rated for pulsed operation shall be equal to or less than a time interval equivalent to two (2) pulses;

(3) The minimum exposure time for all equipment other than that specified in subsection (2) of this section shall be equal to or less than 1/60 second or a time interval required to deliver five (5) mAs, whichever is greater;

(4) Either the product of peak x-ray tube potential, current, and exposure time shall be limited to not more than 60 kWs per exposure or the product of x-ray tube current and exposure time shall be limited to not more than 600 mAs per exposure except when the x-ray tube potential is less than 50 kVp in which case the product of x-ray tube current and exposure time shall be limited to not more than 2000 mAs per exposure; and

(5) A visible signal shall indicate when an exposure has been terminated at the limits described in subsection (4) of this section, and manual resetting shall be required before further automatically timed exposures can be made.

Section 10. Timer Accuracy. All timers shall be accurate to within ± 10 percent of the selected value.

Section 11. Source to Skin or Receptor Distance. (1) Limitation. All radiographic systems shall be provided with a durable, securely fastened means to limit the source to skin distance to not less than thirty (30) centimeters. This can be met when the collimator or cone provides the required limits.

(2) Means of determination of receptor distance. All radiographic x-ray systems shall be equipped with a device or reference, other than a collimator light localizer, which shall indicate reference, or measure the selected source to receptor distance to within 2.5 centimeters.

Section 12. Exposure Reproducibility. The exposure produced shall be reproducible to within the following criteria: When all technique factors are held constant, the coefficient of variation shall not exceed 0.10. This shall be deemed to have been met if when four exposures at identical technique factors are made that the value of the average exposure (E) is greater than five times the maximum exposure (Emax) minus the minimum exposure (Emin). E greater than 5(Emax - Emin).

Section 13. Standby Radiation from Capacitor Energy Storage Equipment. Radiation emitted from the x-ray tube when the exposure switch or timer is not activated shall not exceed a rate of two (2) milliroentgens per hour at five (5) centimeters from any accessible surface of the diagnostic source assembly, with the beam-limiting device fully open.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services
ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:125)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide special requirements for fluoroscopic x-ray systems.

Section 1. Applicability. This regulation applies to practitioners of the healing arts who possess, use, or operate fluoroscopic x-ray systems. All fluoroscopic x-ray systems

shall meet the requirements of this regulation, in addition to other applicable provisions of these regulations.

Section 2. Equipment. (1) The tube housing shall be of the diagnostic type.

(2) The total filtration permanently in the useful beam shall not be less than 2.5 mm aluminum equivalent. This requirement may be assumed to have been met if the half-valve layer is not less than 2.5 mm aluminum at normal operating voltages.

(3) Shutters or cones shall be provided to restrict the size of the useful beam to the area of the barrier. For conventional fluoroscopes this requirement is met if, when the adjustable shutter is opened to its fullest extent, an unilluminated margin is left on the fluorescent screen with the screen centered in the beam at a distance of fourteen (14) inches from the panel or table top. The margin requirement does not apply to installations where image intensifiers are used, but a protective shield shall be provided in these installations to intercept the useful beam.

(4) Cones or shutters used to restrict the size of the useful beam shall provide the same degree of attenuation as required of the tube housing.

Section 3. Protective Barrier and Field Size. (1) The fluoroscopic tube shall not produce x-rays unless the primary protective barrier is in position to intercept the entire useful beam.

(2) The entire cross-section of the useful beam shall be intercepted by the primary protective barrier of the fluoroscopic image assembly at any SID (e.g., source to image distance).

(3) Means shall be provided to reduce the x-ray field size to 5 by 5 centimeters or less at the maximum SID.

Section 4. Limitation to the Imaging Surface. (1) The x-ray field produced by nonimage-intensified fluoroscopic equipment shall not extend beyond the entire visible area of the image receptor. This requirement applies to field size during both fluoroscopic procedures and spot filming procedures.

(2) Image Intensification:

(a) On fluoroscopic equipment with manual or automatic shutter controls, the x-ray beam shall not exceed the area of the image receptor, the image phosphor, or 500 square centimeters, whichever is larger, when measured with the fluoroscopic image assembly positioned 35 centimeters from the table top or panel surface.

(b) On fluoroscopic equipment with automatic shutter control, the x-ray beam, when used for spot-filming, shall automatically open to the desired spot film area. While in this mode, it shall not be possible to perform fluoroscopy.

(c) The x-ray beam area shall be restricted by the shutters to the area of and centered on the phosphor when the base of the carriage is at a thirty-five (35) cm distance from the table top or panel surface. The square formed by the shuttered beam shall circumscribe the circled area of the phosphor, but the edge of each shutter must still be visible on the viewing device normally used.

Section 5. Activation of the Fluoroscopic Tube. X-ray production in the fluoroscopic mode shall be controlled by a device which requires continuous pressure by the fluoroscopist for the entire time of any exposure. When recording serial fluoroscopic images, the fluoroscopist shall be able to terminate the x-ray exposure at any time, but meanys may be provided to permit completion of an single exposure of the series in process.

Section 6. Exposure Rate Limits. (1) When the equipment is operated on an adequate power supply as specified by the manufacturer, the exposure shall be reproducible and consistent with clinical requirement.

(2) The exposure rate at the point where the center of the useful beam enters the patient shall not exceed ten (10) roetgens per minute.

(3) Measuring Compliance of Entrance Exposure Rate Limits.

(a) Movable grids and compression devices shall be removed from the useful beam during the measurement.

(b) If the x-ray source is below the table, exposure rate shall be measured one (1) centimeter above the table top or cradle.

(c) If the x-ray source is above the table, the exposure rate shall be measured at thirty (30) centimeters above the table top with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

(d) In a C-arm type of fluoroscope, the exposure rate shall be measured thirty (30) centimeters from the input surface of the fluorscopic imaging assembly.

(4) Periodic Measurement of Entrance Exposure Rate Limits.

(a) Periodic measurements of the exposure rate shall be made. An adequate period for such measurements shall be annually or after any maintenance of the system which might affect the exposure rate.

(b) Results of these measurements shall be posted where any fluorscopist may have ready access to them while using that fluoroscope and in the record required in these regulations. Results of the measurements shall include the maximum possible R/minute, as well as the physical factors used to determine all data; the name of the person performing the measurements; and the date the measurements were performed.

(5) Conditions of Measurement of Entrance Exposure Rate Limits.

(a) The measurement shall be made under the conditions that satisfy the requirements of these regulations.

(b) The kVp shall be the peak kV that the x-ray system is capable of producing.

(c) The high level control, if present, shall not be activated.

(d) The x-ray system(s) that incorporates automatic exposure control (automatic brightness control, etc.) shall have sufficient material (e.g., lead or lead equivalence) placed in the useful beam to produce the maximum milliamperage of the x-ray system.

(e) X-ray system(s) that do not incorporate automatic exposure control shall utilize the maximum milliamperage of the x-ray system. Materials (e.g., an attenuation block) should be placed in the useful beam to protect the imaging system.

Section 7. Barrier Transmitted Radiation Rate Limits. (1) The exposure rate due to transmission through the primary protective barrier with the attenuation block in the useful beam, combined with radiation from the image intensifier, if provided, shall not exceed two (2) milliroetgens per hour at ten (10) centimeters from any accessible surface of the fluorscopic imaging assembly beyond the plane of the image receptor for each roentgen per minute of entrance exposure rate.

(2) Measuring Compliance of Barrier Transmission.

(a) The exposure rate due to transmission through the primary protective barrier combined with radiation from the image intensifier shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than twenty (20) centimeters.

(b) If the source is below the table top, the measurement shall be made with the input surface of the fluoroscopic imaging assembly positioned thirty (30) centimeters above the table top.

(c) If the source is above the table top and the SID is variable, the measurement shall be made with the end of the beam-limiting device or spacer as close to the table top as it can be placed, provided that it shall not be closer than thirty (30) centimeters.

(d) Movable grids and compression devices shall be removed from the useful beam during the measurement.

(e) The attenuation block shall be positioned in the useful beam ten (10) centimeters from the point of measurement of entrance exposure rate and between this point and the input surface of the fluoroscopic imaging assembly.

Section 8. Indication of Potential and Current. During fluoroscopy and cine-fluorography, x-ray tube potential and current shall be continuously indicated.

Section 9. Source to Skin Distance. The source to skin distance shall not be less than: (1) Thirty-eight (38) centimeters on stationary fluoroscopes installed after the effective date of this regulation.

(2) Thirty-five and five-tenths (35.5) centimeters on stationary fluoroscopes which are in operation prior to the effective date of these regulations.

(3) Thirty (30) centimeters on all mobile fluoroscopes.

(4) Twenty (20) centimeters for image intensified fluoroscopes used for specific surgical application. The user's operating manual shall provide precautionary measures to be adhered to during the use of this device.

Section 10. Fluoroscopic Timer. (1) Means shall be provided to preset the cumulative on-time of the fluoroscopic tube. The maximum cumulative time of the timing device shall not exceed five (5) minutes without resetting.

(2) On all fluoroscopic units installed after the effective date of these regulations, the timing device shall be equipped with an audible signal to indicate the completion of any pre-set cumulative on-time. Such signal shall continue to sound until the timing device is reset.

Section 11. Mobile Fluoroscopes. Mobile fluoroscopic equipment shall always be provided with image intensification. It shall be impossible to operate mobile fluoroscopic equipment unless the useful beam is intercepted by the image intensifier. Inherent provisions shall be made so that the machine is not operated at a source to skin distance of less than twelve (12) inches.

Section 12. Control of Scattered Radiation. (1) Fluoroscopic table designs shall be such that no unprotected part of any staff or ancillary person's body shall be exposed to unattenuated scattered radiation which originates from under the table. The attenuation required shall be not less than 0.25 mm lead equivalent.

(2) Equipment configuration design shall be such that no portion of any staff or ancillary person's body, except the extremities, shall be exposed to the unattenuated scattered radiation emanating from above the table top unless that individual:

(a) Is at least 120 cm from the center of the useful beam, or

(b) The radiation has passed through not less than 0.25 mm lead equivalent material (e.g., drapes, Bucky

slot cover-sliding or folding panel, or self-supporting curtains) in addition to any lead equivalency provided by the protective apron.

(c) Exceptions to subsection (2)(a) and (b) of this section may be made in some special procedures where a sterile field will not permit the use of the normal protective barriers. Where the use of prefitted sterilized covers for the barriers is practical, the department shall not permit such exception.

Section 13. Operating Procedures. (1) Fluoroscopic equipment shall be operated only by licensed practitioners of the healing arts.

(2) Protective gloves of at least .25 mm lead equivalent shall be worn by the fluoroscopist during every examination.

(3) The eyes of the fluoroscopist shall be adequately dark-adapted before he uses the fluoroscope.

(4) Extraneous light that interferes with the fluoroscopic examination shall be eliminated.

(5) Hand-held fluoroscope screens shall not be used.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:46 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:130)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide specific requirements for the possession, use or operation of intraoral dental radiographic systems.

Section 1. Applicability. This regulation applies to all persons who possess, use or operate dental radiographic systems for the purpose of performing intraoral dental radiography.

Section 2. Source to Skin Distance. X-ray systems designed for use with an intraoral image receptor shall be provided with means to limit source to skin distance to not less than:

(1) Eighteen (18) centimeters if operable above fifty (50) kilovolts peak; or

(2) Ten (10) centimeters if not operable above fifty (50) kilovolts peak.

Section 3. Field Limitation. Radiographic systems designed for use with an intraoral image receptor shall be provided with means to limit the x-ray beam such that:

(1) If the minimum source to skin distance (SSD) is eighteen (18) centimeters or more, the x-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than seven (7) centimeters; and

(2) If the minimum SSD is less than eighteen (18) centimeters, the x-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than six (6) centimeters.

Section 4. Timers. Means shall be provided to terminate the exposure at a preset time interval, preset product of current and time, a preset number of pulses, or a preset radiation exposure to the image receptor. In addition:

(1) Termination of exposure shall cause automatic resetting of the timer to its initial setting or to zero.

(2) It shall not be possible to make an exposure when the timer is set to zero or off position if either position is provided.

(3) All timers shall be accurate to within plus or minus ten (10) percent of any selected value.

Section 5. X-ray Control (exposure switch). (1) A control, (dead man switch), shall be incorporated into each x-ray system such that an exposure can be terminated at any time, except for exposures of one-half (1/2) second or less.

(2) Each installation shall be provided with a protective barrier for the operator or shall be so arranged that the operator can stand at least six (6) feet from the patient, the tube, and the useful beam.

(3) For stationary x-ray systems, the control switch should be permanently mounted in a protected area (e.g., corridor outside the room) so that the operator can remain in that protected area during the entire exposure.

(4) For units installed after the effective date of these regulations, the x-ray control shall provide visual indication observable at or from the operator's protected position whenever x-rays are produced.

Section 6. Exposure Reproducibility. The x-ray exposure shall be reproducible to within the following criteria: When all technique factors are held constant, the coefficient of variation shall not exceed 0.10. This shall be deemed to have been met if four exposures at identical technique factors are made and the value of the average exposure (E) is greater than five times the maximum exposure (Emax) minus the minimum exposure (Emin). E is greater than 5(Emax - Emin).

Section 7. Operating Controls. (1) Patient and film holding devices shall be used when the techniques permit.

(2) Neither the tube housing nor the position indicating device shall be hand-held during an exposure.

(3) The x-ray system shall be arranged and operated in such a manner that the useful beam at the patient's skin does not exceed the dimensions specified in Section 3 of this regulation.

(4) Dental fluoroscopy without image intensification shall be prohibited.

(5) Each patient undergoing dental radiography after the effective date of these regulations shall be draped with a protective apron of not less than .25 mm lead equivalent to cover the gonadal area.

(6) After the effective date of these regulations, film of a USASI (USA) speed group rating of "D" or faster shall be used.

(7) After the effective date of these regulations, all machines shall have automatic timers.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:47 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:135)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide requirements for the possession, use or operation of therapeutic x-ray systems on humans for therapeutic purposes.

Section 1. Applicability. This regulation applies to physicians who possess, use or operate x-ray systems on humans for therapeutic purposes.

Section 2. Equipment. (1) The protective tube housing shall be of therapeutic type.

(2) Permanent diaphragms or cones used for collimating the useful beam shall afford the same degree of protection as the tube housing. Adjustable or removable beam-defining diaphragms or cones shall transmit not more than five (5) percent of the useful beam at the maximum kilovoltage and with maximum treatment filter.

(3) Filters shall be secured in place to prevent them from dropping out during treatment. The filter slot shall be so constructed that the radiation escaping through it does not exceed one (1) Roentgen per hour at one (1) meter, or if the radiation from the slot is accessible to the patient, thirty (30) Roentgens per hour at five (5) centimeters from the external opening. Each removable filter shall be marked with its thickness and material.

(4) On all machines installed after the effective date of these regulations, a filter identification system shall be used on all therapy machines that use changeable filters. It shall be designed so as to permit easy recognition of any added filter in place. It shall indicate, from the control panel, presence or absence of any filter.

(5) The x-ray tube shall be so mounted that it cannot turn or slide with respect to the housing aperture.

(6) Means shall be provided to immobilize the tube housing during stationary portal treatment.

(7) A device (e.g., an automatic timer, exposure meter or dose meter) shall be provided to terminate the exposure after a preset time interval or preset exposure or dose limit. Means shall be provided for the operator to terminate the exposure at any time.

(8) Equipment utilizing shutters to control the useful beam shall have a shutter position indicator on the control panel.

(9) The control panel shall include a device (usually a milliammeter) which will give positive indication of the production of xOrays whenever the x-ray tube is energized.

Section 3. Structural Shielding. (1) All walls, floors, and ceilings that can be struck by the useful beam shall be provided with primary barriers.

(2) All walls, floors, and ceilings that, because of restrictions in the orientation of the useful beam, cannot be

struck by the useful beam shall be provided with secondary barriers.

(3) With equipment operating at voltages above fifty (50) kVp, the required barriers shall be an integral part of the building.

(4) With equipment operating above 150 kVp, the control panel shall be within a protective booth equipped with an interlocked door, or located outside the treatment room.

(5) Interlocks shall be provided for x-ray therapy equipment capable of operating above 150 kVp so that, when any door of the treatment room is opened, either the machine will shut off automatically or the radiation level within the room will be reduced to an average of not more than two (2) milliroentgens per hour and a maximum of ten (10) milliroentgens per hour at a distance of one (1) meter in any direction from the target. After such shut-off or reduction in output, it shall be possible to restore the machine to full operation only from the control panel.

(6) Windows, mirror systems, or closed-circuit television viewing screens shall be provided to permit continuous observation of the patient during irradiation and shall be so located that the operator can see the patient and the control panel from the same position.

(7) Provision shall be made for oral communication with the patient from the control room.

(8) Treatment rooms to which access is possible through more than one (1) entrance shall be provided with flashing warning lights in a readily observable position near the outside of all access doors, which will indicate when the useful beam is "on."

(9) Provisions shall be made that persons may at all times be able to escape from within the treatment room.

Section 4. Operating Procedures. (1) All new facilities, and existing facilities not previously surveyed, shall have a radiation protection survey made by, or under the direction of, a qualified expert. This shall also be done after any change in the facility which might produce a radiation hazard. The expert shall report his findings in writing to the person in charge of the facility and a copy of this report shall be transmitted to the Department.

(2) The facility shall be operated in compliance with any limitations indicated by the protection survey.

(3) When a patient must be held in position for radiation therapy, mechanical supporting or restraining devices shall be used whenever feasible. If the patient must be held by an individual, that individual shall be adequately protected and he shall be positioned so that no part of his body will be struck by the useful beam and that his body is as far as possible from the edge of the useful beam. The exposure of any individual used for this purpose shall be monitored. A record of such monitoring shall be maintained.

(4) The output of each therapeutic x-ray machine shall be calibrated by, or under the direction of, a qualified expert. The calibration shall be repeated after any change in or replacement of components of the x-ray generating equipment which could cause a change in x-ray output. Check calibrations shall be made at least once a year thereafter. Records of calibration shall be maintained by the registrant.

Section 5. Special Requirements for X-ray Therapy Equipment Operated at Potentials of Sixty kVp and Below. (1) Equipment. All provisions of Section 2 apply except that the leakage radiation five (5) cm from the surface of the tube housing shall not exceed 0.1 Roentgen per hour.

(2) Operating Procedures:

(a) Automatic timers shall be provided which will permit accurate presetting and termination of exposures as short as one (1) second.

(b) In the therapeutic application of apparatus constructed with beryllium or other low-filtration windows, the registrant shall insure that the unfiltered radiation reaches only the part intended and that the useful beam is blocked at all times except when actually being used.

(c) Machines having an output of more than 1,000 Roentgens per minute at any accessible place shall not be left unattended without the power being shut off at the main disconnect switch in addition to the control panel switch.

(d) If the tube must be hand-held during irradiation, the operator shall wear protective gloves and protective apron no less than 0.5 millimeter lead equivalent.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:47 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:140)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide requirements for the possession, use or operation of radiographic x-ray systems for veterinary medicine purposes.

Section 1. Applicability. This regulation applies to all persons who possess, use or operate radiographic x-ray systems for veterinary medicine purposes.

Section 2. Equipment. (1) The protective tube housing shall be of diagnostic type.

(2) Diaphragms or cones shall be provided for collimating the useful beam to the area of clinical interest and shall provide the same degree of protection as is required of the housing.

(3) The total filtration permanently in the useful beam shall not be less than 0.5 millimeters alluminum equivalent for machines operating up to 50 kVp, 1.5 millimeters aluminum equivalent for machines operating between 50-70 kVp, and 2.5 millimeters aluminum equivalent for machines operating above 70 kVp.

(4) A device shall be provided to terminate the exposure after a preset time or exposure.

(5) A dead-man type of exposure switch shall be provided, together with an electrical cord of sufficient length, so that the operator can stand at least six (6) feet from the tube, animal, and useful beam during all x-ray exposures.

Section 3. Structural Shielding. All wall, ceiling, and floor areas shall be equivalent to or provided with applicable protective barriers as required in these regulations.

Section 4. Operating Procedures. (1) The operator shall stand well away from the useful beam and the animal during radiographic exposures.

(2) No individual other than the operator shall be in the x-ray room while exposures are being made unless such individual's assistance is required.

(3) When an animal must be held in position during radiography, mechanical supporting or restraining devices should be used. If the animal must be held by an individual, that individual shall be protected with appropriate shielding devices, such as protective gloves and apron, and he shall be so positioned that no part of his body shall be struck by the useful beam. The exposure of any individual used for this purpose shall be monitored.

Section 5. Therapy Units. (1) Equipment:

(a) The tube housing shall be a therapeutic type.

(b) Permanent beam defining devices shall afford the same degree of protection as the housing. Adjustable or removable beam defining devices shall transmit not more than five (5) percent of the useful beam obtained at the maximum kilo-voltage and with maximum treatment filter.

(c) A suitable exposure control device (e.g., an automatic timer, exposure meter, or dose meter) shall be provided to terminate the exposure after a preset time interval or preset exposure or dose limit. Means shall be provided for the operator to terminate the exposure at any time.

(d) Equipment utilizing shutters to control the useful beam shall have a shutter position indicator visible from the operator's position at the control.

(e) There shall be on the control panel an easily discernible indicator which will give positive information as to whether or not the x-ray tube is energized.

(2) Structural Shielding:

(a) Shielding of the therapy room shall be a permanent part of the building. Portable shields shall not be used as a substitute for structural shielding.

(b) All wall, floor, and ceiling areas that can be struck by the useful beam, plus a border of one (1) foot, shall be primary protective barriers. All wall, floor, and ceiling areas that because of restrictions in the orientation of the useful beam, are not struck by the useful beam shall be secondary barriers.

(c) The radiation levels outside the primary and secondary barriers shall meet the requirements of these regulations.

(d) With equipment capable of operating above 60 kVp, interlocks shall be provided so that when any door of the treatment room is opened, the radiation beam will shut off automatically. After such a shut-off, it shall be possible to restore the machine to full operation only from the control panel.

(e) With equipment capable of operating above 150 kVp, the control station shall be outside the treatment room.

(f) A viewing system used for observing the animal shall be so located that the operator can see the animal and the control panel from the same position.

(g) The therapy room shall be so constructed that persons may at all times be able to escape from within.

(3) Operating procedures:

(a) All machines installed after the effective date of this regulation shall not be operated routinely until an adequate radiation protection survey has been performed. This shall also be done after any change in an existing installation which might affect its radiation safety.

(b) A copy of each survey shall be signed and dated by the surveyor, and kept on file by the individual in charge of the installation.

(c) The installation shall be operated in conformance with recommendations of the protection survey.

(d) No person shall be in the treatment room when the tube is operated at potentials exceeding 150 kVp. At operating potentials of 150 kVp or below, other persons may be in the treatment room for good reason but only if they are adequately protected and their radiation exposure is monitored.

(e) Any machines left unattended shall have the control switch turned off and shall have the power to the control with disconnected.

(4) Special requirements for Contact and Grenz Ray therapy:

(a) Operating procedures:

1. Installation shall comply with subsection (3) of this section.

2. If the tube is hand-held during irradiation, the operator shall wear protective gloves and apron of at least 0.25 mm lead equivalent.

(b) Equipment. For contact therapy, the leakage radiation at two (2) inches from the surface of the tube housing shall not exceed 0.1 R/hr.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:49 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:145)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide requirements for the possession, use or operation of cabinet x-ray systems.

Section 1. Applicability. This regulation applies to all persons who possess, use or operate cabinet x-ray systems. This regulation does not apply to microscopic analytical x-ray systems.

Section 2. For cabinet x-ray systems installed prior to April 10, 1975, such systems shall: (1) Have the radiation machine and all objects exposed thereto, within a permanent enclosure, within which no person is permitted to remain during the generation of x-radiation.

(2) Have adequate interlocks provided so that when any doors or panels to the enclosure are opened, the radiation producing machine will be shut off automatically. After such a shutoff, it shall be possible to restore the machine to full operation only from the control panel outside the room.

(3) If the enclosure is of such a size or is so arranged that the operator cannot readily determine whether the enclosure is unoccupied, there shall be provided:

(a) Audible or visible warning signals within the enclosure which must be activated before irradiation can be started.

(b) Suitable means of exit, so that any person who accidentally may be shut in can leave the enclosure without delay, or effective means within the enclosure for preventing or quickly interrupting the irradiation, and which cannot be reset from outside the enclosure.

(4) Except as provided in subsection (5) of this section, the exposure at any accessible region two (2) inches from the outside surface of the enclosure cannot exceed 0.5 milliroentgen in any one (1) hour.

(5) If the registrant has submitted operating and safety procedures, and the Department has approved such procedures, which can show that an individual will not receive a radiation dose in excess of the limits specified in these regulations, the radiation levels specified in subsection (4) of this section may be exceeded. However, cabinet x-ray systems under this subsection shall not exceed the limits specified below:

(a) The exposure at any accessible and occupied area one (1) foot from the outside surface of the enclosure shall not exceed ten (10) milliroentgens in any one (1) hour.

(b) The exposure at any accessible and normally unoccupied area one (1) foot from the outside surface of the enclosure shall not exceed 100 milliroentgens in any one (1) hour.

(6) Operating procedures:

(a) Before a new installation is placed in routine operation, a radiation protection survey shall be made. This shall also be done after any change in an existing installation which might affect its radiation safety.

(b) A copy of each radiation protection survey shall be signed and dated by the surveyor, and kept on file by the individual in charge of the installation.

(c) The installation shall be operated in conformance with recommendations of the protective survey.

(d) The registrant shall designate a competent employee as the radiation safety officer.

Section 3. For cabinet x-ray systems installed on or after April 10, 1975, such systems shall:

(1) Have the radiation machine and all objects exposed thereto, within a permanent enclosure, within which no person is permitted to remain during the generation of x-radiation.

(2) Be so constructed that radiation emitted from the cabinet x-ray system shall not exceed an exposure of 0.5 milliroentgen in one (1) hour at any point five (5) centimeters outside the external surface.

(3) Have a permanent floor. Any support surface to which a cabinet x-ray system is permanently affixed may be deemed the floor of the system.

(4) Be so constructed that the insertion of any part of the human body through any port of aperture shall not be possible.

(5) Be so constructed that each door of a cabinet x-ray system has a minimum of two (2) safety interlocks. One, but not both of the required interlocks shall be such that door opening results in physical disconnection of the energy supply circuit to the high-voltage generator, and such disconnection shall not be dependent upon any moving part other than the door.

(6) Be so constructed that each access panel shall have at least one (1) safety interlock.

(7) Following interruption of x-ray generation by the functioning of any safety interlock, use of a control provided in accordance with subsection (10)(b) of this section shall be necessary for resumption of x-ray generation.

(8) Be so constructed that failure of any single component of the cabinet x-ray system shall not cause failure of more than one required safety interlock.

(9) Be so constructed that a ground fault shall not result in the generation of x-rays.

(10) For all systems to which this section is applicable, there shall be provided:

(a) A key-actuated control to insure that x-ray generation is not possible with the key removed.

(b) A control or controls to initiate and terminate the generation of x-rays other than by functioning of a safety interlock of the main power control.

(c) Two independent means which indicate when and only when x-rays are being generated, unless the x-ray generation period is less than one-half (1/2) second, in which case the indicators shall be activated for one-half (1/2) second, and which are discernible from any point at which initiation of x-ray generation is possible. Failure of a single component of the cabinet x-ray system shall not cause failure of both indicators to perform their intended function. One, but not both, of the indicators required by this paragraph may be a milliammeter labeled to indicate x-ray tube current. All other indicators shall be legibly labeled "X-RAY ON."

(d) Additional means other than milliammeters which indicate when and only when x-rays are being generated, unless the x-ray generation period is less than one-half (1/2) second in which case the indicators shall be activated for one-half (1/2) second, to insure that at least one (1) indicator is visible from each door, access panel, and port, and is legibly labeled "X-RAY ON ."

(11) For cabinet x-ray systems designed to admit humans, there shall also be provided:

(a) A control within the cabinet for preventing and terminating x-ray generation, which cannot be reset, overriden or bypassed from the outside of the cabinet.

(b) No means by which x-ray generation can be initiated from within the cabinet.

(c) Audible and visible warning signals within the cabinet which are actuated for at least ten (10) seconds immediately prior to the first initiation of x-ray generation after closing any door designed to admit humans. Failure of any single component of the cabinet x-ray system shall not cause failure of both the audible and visible warning signals.

(d) A visible warning signal within the cabinet which remains actuated when and only when x-rays are being generated, unless the x-ray period is less than one-half (1/2) second in which case the indicators shall be activated for one-half (1/2) second.

(e) Signs indicating the meaning of the warning signals provided pursuant to subsection (11)(c) and (d) of this section and containing instructions for the use of the control provided pursuant to subsection (11)(a) of this section. These signs shall be legible, accessible to view, and illuminated when the

main power control is in the "on" position.

(f) The designated operator(s) must have a copy of the manufacturer's operating procedures and maintenance manual for the equipment being used and must have been instructed in the proper techniques of equipment utilization.

(g) Tests for proper operation of interlock and door seal systems shall be conducted and recorded at intervals not to exceed one (1) month.

(12) Have permanently affixed or inscribed on the cabinet X-ray system at the location of any controls which can be used to initiate x-ray generation, a clearly legible and visible label bearing the statement: "CAUTION: X-RAYS PRODUCED WHEN ENERGIZED."

(13) Have permanently affixed or inscribed on the cabinet x-ray system adjacent to each port a clearly legible and visible label bearing the statement: "CAUTION: DO NOT INSERT ANY PART OF THE BODY WHEN SYSTEM IS ENERGIZED--X-RAY HAZARD."

(14) Additional requirements for x-ray baggage inspection systems. X-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals, and at similar facilities, shall be provided with means pursuant to paragraphs (a) and (b) below, to insure operator presence at the control area in a position which permits surveillance of the ports and doors during generation of x-radiation.

(a) During an exposure or preset succession of exposures of one-half (1/2) second or greater duration, the means provided shall enable the operator to terminate the exposure or preset succession of exposures at any time.

(b) During an exposure or preset succession of exposures of less than one-half (1/2) second duration, the means provided may allow completion of the exposure in progress but shall enable the operator to prevent additional exposures.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:49 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:150)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide radiation safety requirements for microscopic analytical x-ray operations.

Section 1. Applicability. The requirements in this regulation apply to the use of microscopic analytical x-ray machines. The provisions of this regulation are in addition to, and not in substitution for, other applicable provisions for these regulations.

Section 2. Equipment. (1) A label bearing essentially the words "CAUTION - RADIATION - THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED" shall be placed near any switch which energizes a tube. All labels shall use the conventional colors (magenta or purple on yellow background) and bear the conventional radiation symbol.

(2) A sign bearing the words "CAUTION - HIGH INTENSITY X-RAY BEAM" shall be placed in the area immediately adjacent to each tube housing. The sign shall be so located that it is clearly visible to any person operating, aligning or adjusting the unit or handling or changing a sample.

(3) Any apparatus utilized in beam alignment procedures shall be designed in such a way that excessive radiation will not strike the operator. Particular attention shall be given to viewing devices, in order to ascertain that lenses and other transparent components attenuate the beam to an acceptable level.

(4) The primary on-off switch for each tube shall include a visual indication of the tube status, in the form of a warning light on the control console and a warning light on the tube housing, wired in parallel. Such lights shall operate at all times when the tube is energized, and shall light at no other times.

(5) An interlock device which prevents entry of limbs, fingers, hands, wrists, etc., into the primary beam or causes the primary beam to be shut off, shall be utilized whenever feasible. When such a device is not feasible, alternate methods shall be provided to minimize the possibility of accidental exposure to the primary beam.

(6) If a shutter mechanism is used to control the primary beam, a shutter status (open or closed) indication shall be provided in the area adjacent to the tube head so that the position of the shutter is readily discernible.

(7) If an interlock device turns off the x-ray beam, it shall not be possible to resume operation without resetting the beam "ON" switch at the control panel.

(8) The tube housing leakage radiation at any accessible point on the surface of the tube housing shall not exceed 25 mR per hour at each maximum specified tube rating. This measurement shall be made with a monitoring instrument appropriate for the energy range generated by the x-ray equipment, and shall be made with beam ports blocked off.

Section 3. Administrative Responsibilities. (1) An individual at each facility shall be designated to be responsible for maintaining radiation safety. This individual, designated the radiation protection supervisor or radiation safety officer, shall be responsible for the following:

(a) Establishing and maintaining operation procedures so that the radiation exposure of each worker is kept as far below the maximum permissible dose as is practical;

(b) Instructing all personnel who work with or near radiation machines, in safety practices;

(c) Maintaining a system of personnel monitoring;

(d) Arranging for establishment of radiation control areas, including placement of appropriate radiation signs and devices;

(e) Providing for radiation safety inspection of radiation machines on a routine basis;

(f) Reviewing modifications to X-ray apparatus, including X-ray tube housing, cameras, diffractometers, shielding, and safety interlocks;

(g) Investigating and reporting to proper authorities any case of excessive exposure to personnel and taking remedial action; and

(h) Being familiar with all applicable regulations for control of ionizing radiation.

(2) No individual shall be permitted to act as an operator of a particular machine until such individual has received an acceptable amount of training in radiation safety as it applies to that machine and is approved by the radiation supervisor or radiation safety officer. Operators shall be responsible for:

(a) Keeping radiation exposure to himself and to others as low as is practical;

(b) Being familiar with safety procedures as they apply to each machine;

(c) Wearing of personnel monitoring devices, if applicable; and

(d) Notifying the radiation protection supervisor or radiation safety officer of known or suspected excessive radiation exposures to himself or others.

Section 4. Operating Procedures. (1) Written emergency procedures pertaining to radiation safety shall be established for each x-ray producing apparatus by the radiation protection supervisor, and posted in a conspicuous location. These shall list the telephone number(s) of the radiation protection supervisor and shall include the following actions to be taken in case of a known, or suspected, accident involving radiation exposure:

(a) Notify radiation protection supervisor, and

(b) Arrange for medical examination. IMPORTANT: Notify examining physician that exposure to low energy x-rays may have occurred.

(2) Personnel shall not expose any part of their body to the primary beam.

(3) Only properly trained maintenance personnel shall be permitted to install, repair, or make other than routine modifications to the x-ray generating apparatus and the tube housing apparatus complex.

(4) Whenever possible, x-ray diffraction and spectrographic equipment shall be placed in a room separate from other work areas.

(5) If, for any reason, it is necessary to temporarily intentionally alter safety devices, such as bypassing interlocks or removing shielding, such action shall be:

(a) Specified in writing and posted near the x-ray tube housing so that other persons will know the existing status of the machine; and

(b) Terminated as soon as possible.

(6) Unused tube head ports shall be secured in the closed position and shall be checked prior to use when the machine has been left unattended.

(7) Personnel film badges or other monitoring devices shall be worn on the finger or wrist, rather than on the body.

(8) Analytical x-ray equipment shall not be left unattended while the tube is energized unless:

(a) An interlock device is provided to prevent accidental entry into the primary beam; and

(b) The stray radiation at any accessible point at a distance of ten (10) inches from the tube housing or its containment, as measured with a monitoring instrument appropriate for the energy range generated, is no greater than 2 mR per hour.

(9) Safety devices shall be tested at intervals not to exceed one (1) month.

(10) Records of personnel monitoring results and safety device tests shall be maintained for inspection by the department.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:49 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:155)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide radiation safety requirements for particle accelerator operations.

Section 1. Applicability. The requirements in this regulation apply to the use of particle accelerators by persons registering such machines under the provisions of these regulations. The requirements of this regulation are in addition to, and not in substitution for, other applicable provisions of these regulations.

Section 2. Equipment. (1) A label bearing essentially the words "CAUTION — RADIATION — THIS MACHINE PRODUCES RADIATION WHEN ENERGIZED" shall be placed near any switch which energizes any portion of the machine. All labels shall use the conventional colors (magenta or purple on yellow background) and bear the conventional radiation symbol.
(2) Any apparatus utilized in beam alignment procedures shall be designed in such a way that excessive radiation will not strike the operator.
(3) Any switch or device which may cause the radiation machine to produce radiation when actuated shall be located on a control panel or console, and shall cause a warning light immediately adjacent to such switch or device to light; this light shall remain lit when, and only when, the associated control circuit is energized.
(4) All locations designated as high radiation areas, and entrances to such locations shall be equipped with easily observable flashing or rotating red or magenta warning lights that operate automatically when, and only when, radiation is being produced or may be being produced.
(5) All entrances into a target room or other high radiation area shall be provided with interlocks designed to terminate radiation production for all possible modes of machine operation.
(6) Only a device on the accelerator control console shall be used to turn the accelerator beam on and off. The safety interlock system shall not be used to turn off the accelerator beam, except in an emergency. If the interlock system does turn off the accelerator, it shall not be possible to resume operation without resetting the accelerator "ON" device at the control console.
(7) All safety interlocks shall not be dependent upon the operation of a single circuit; i.e., they shall be of redundant or fail-safe design.
(8) A scram button or other emergency power cut-off switch shall be located and easily identifiable in all high radiation areas. Such a cut-off switch shall include a manual reset, so that the accelerator cannot be restarted from the accelerator control console without resetting the cut-off switch.
(9) Circuit diagrams of the accelerator and the associated interlock systems shall be kept current and on file at each accelerator facility.
(10) A lock shall be provided on the control panel or console.

Section 3. Administrative Responsibilities. (1) A person at each facility shall be designated to be responsible for maintaining radiation safety. This person, designated the radiation protection supervisor or radiation safety officer, shall be responsible for the following:
(a) Establishing and maintaining operational procedures so that the radiation exposure of each worker is kept as far below the maximum permissible dose as is practical;
(b) Instructing all personnel who work with or near radiation producing machines, in safety practices;
(c) Maintaining a system of personnel monitoring;
(d) Arranging for establishment of radiation control areas, including placement of appropriate radiation warning signs and devices;
(e) Providing for radiation safety inspection of radiation producing machines on a routine basis;
(f) Reviewing modifications to apparatus, shielding, and safety interlocks;
(g) Investigating and reporting to proper authorities any case of excessive exposure to personnel and taking remedial action;
(h) Being familiar with all applicable regulations for the control of ionizing radiation; and
(i) Terminating operations at the facility because of radiation safety considerations.
(2) No individual shall be permitted to act as an operator of an accelerator until such person has:
(a) Received an acceptable amount of training in radiation safety as approved by the radiation protection supervisor;
(b) Demonstrated competence to use the accelerator, related equipment, and radiation survey instruments which will be employed; and
(c) Been approved by the radiation protection supervisor.
(3) Each operator shall be responsible for:
(a) Keeping radiation exposure to himself and to others as low as is practical;
(b) Being familiar with safety procedures as they apply to each machine;
(c) Wearing of personnel monitoring devices, if applicable; and,
(d) Notifying the radiation protection supervisor or radiation safety officer of known or suspected excessive radiation exposures to himself or others.

Section 4. Operating Procedures. (1) Written operating procedures pertaining to radiation safety shall be established for each accelerator facility by the radiation protection supervisor.
(2) Written emergency procedures pertaining to radiation safety shall be established by the radiation protection supervisor, and posted in a conspicuous location. These shall list the telephone number(s) of the radiation protection supervisor and shall include the following actions to be taken in case of a known, or suspected, accident involving radiation exposure:
(a) Notifying radiation protection supervisor; and,
(b) Arrange for medical examination.
(3) Operators and other appropriate personnel shall be familiar with and be given a copy of the written operating and emergency procedures pertaining to radiation safety. Such procedures shall be posted near the accelerator control console.
(4) Particle accelerators shall be secured when not in operation to prevent unauthorized use.
(5) Personnel shall not expose any part of their body to the radiation beam.
(6) If, for any reason, it is necessary to temporarily intentionally alter safety devices, such as bypassing interlocks or removing shielding, such action shall be:
(a) Specified in writing and posted on the control console and at each entrance requiring a safety interlock as required by this regulation so that other persons will know the existing status of the machine; and
(b) Terminated as soon as possible.
(7) Accelerators shall not be left unattended while energized.
(8) Safety devices shall be tested at intervals not to exceed one (1) month.
(9) Records of personnel monitoring results and safety device tests shall be maintained for inspection by the department.
(10) Appropriate portable radiation monitoring equipment shall be available at the accelerator facility, properly maintained and calibrated, and sensitive to those radiations being monitored.
(11) An appropriate radiation monitor shall be used within an accelerator target room and other high radiation areas. This may be:
(a) An area monitor with an easily observable indicator that warns of radiation levels above a predetermined limit in accessible areas; or
(b) A personal radiation monitor of the "chirpie" type carried into the room; or
(c) A portable survey instrument carried into the room.
(12) Personal radiation dosimeters that measure the expected radiations and are of sufficient range to be useful under normal and accident conditions shall be worn by all persons designated by the radiation protection supervisor.
(13) Before a new installation is placed in routine operation, a radiation protection survey shall be made by a qualified expert.
(14) A radiation protection survey shall be performed when changes have been made in shielding, operation, equipment, or occupancy of adjacent areas, and periodically to check for unknown changes and malfunctioning equipment.
(15) Records of all radiation protection surveys, inspections, and maintenance performed on the accelerator and related components shall be kept current and on file at each accelerator facility, and maintained for inspection by the department.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:160)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to provide requirements for the review by the department of x-ray installation construction and modification plans.

Section 1. Applicability. This regulation applies to all persons who construct or modify x-ray installations.

Section 2. Plan Review. Prior to construction or modification of an x-ray facility, the plans and specifications for such construction or modification shall be evaluated by a qualified expert. A report of his evaluation shall be submitted to the department for review and approval. This evaluation report shall become a part of the registrant's permanent record with the department. The plans shall show, as a minimum, the following:

(1) The normal location of the radiation producing equipment's radiation port; the port's travel and traverse limits; general direction(s) of the radiation beam; locations of any windows; the location of the operator's booth; and the location of the equipment's control console.

(2) Structural composition and thickness of all walls, doors, partitions, floor, and ceiling of the room(s) concerned.

(3) Height, floor to floor, of the room(s) concerned.

(4) The type of occupancy of all adjacent areas inclusive of space above and below the room(s) concerned. If there is an exterior wall, the distance to the closest existing occupied area(s) shall be shown.

(5) The make and model of the radiation producing equipment including the maximum energy output. For x-ray machines, state the kilovolt peak potential; for other radiation sources, state the radionuclide, its strength in curies or the roentgens per hour at one (1) meter.

(6) The type of examination(s) or treatment(s) which will be performed with the equipment (e.g., dental, orthodontal, chest, gastrointestinal, fluoroscopic, podiatry, fixed therapy, rotational therapy, or other).

Section 3. Qualified Expert's Report. If the services of a qualified radiation expert have been utilized, a copy of his report shall be submitted with the plans. This report shall show all basic assumptions (i.e., workload, occupancy and use factors, distance, etc.) used to determine the shielding requirements.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: November 18, 1974
RECEIVED BY LRC: December 12, 1974 at 4:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:165)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050 and 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide notices, instructions, and reports for the protection of workers who may be exposed to radiation in their employment.

Section 1. Applicability. The requirements of this regulation apply to all persons working in an environment in which radioactive materials or radiation producing machines are used, possessed, or transferred.

Section 2. Posting of Notices to Workers. (1) Each licensee or registrant shall post current copies of the following documents:

(a) The requirements of this regulation and 902 KAR 100:020, relating to standards for protection against radiation;

(b) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto;

(c) The operating procedures applicable to work under the license or registration; and

(d) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to these regulations, and any response from the licensee or registrant.

(2) If posting of a document specified in subsection (1)(a), (b), or (c) of this section is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

(3) Department form KR-441 "notice to employees" shall be posted by each licensee or registrant whereever individuals work in or frequent any portion of a restricted area.

(4) Documents, notices or forms posted pursuant to this section shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

(5) Department documents posted pursuant to subsection (1)(d) of this section shall be posted within two (2) working days after receipt of the documents from the department; the licensee's or registrant's response, if any, shall be posted within two (2) working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of five (5) working days or until action correcting the violation has been completed, whichever is later.

Section 3. Instructions to Workers. All individuals working in or frequenting any portion of a restricted area shall be kept informed of the storage, transfer, or use of radioactive materials or of radiation in such portions of the restricted area; shall be instructed in the health protection problems associated with exposure to such radioactive materials or radiation, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed; shall be instructed in, and instructed to observe, to the extent within the worker's control, the applicable provisions of department regulations and licenses for the protection of personnel from exposures to radiation or radioactive materials occurring in such areas; shall be instructed of their responsibility to report promptly to the licensee or registrant any condition which may lead to or cause a violation of department regulations and licenses or unnecessary exposure to radiation or radioactive material; shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material and shall be advised as to the radiation exposure reports which workers may request pursuant to Section 4 of this regulation. The extent of these instructions shall be commensurate with potential radiological health protection problems in the restricted area.

Section 4. Notifications and Reports to Individuals. (1) Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in this section. The information reported shall include data and results obtained pursuant to Department regulations, orders, or license conditions, as shown in records maintained by the licensee or registrant pursuant to department regulations. Each notification and report shall: be in writing; include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, the individual's exposure information; and contain the following statement: "This report is furnished to you under the provisions of the Kentucky Department for Human Resources' radiation regulations. You should preserve this report for further reference."

(2) At the request of any worker, each licensee or registrant shall advise such worker annually of the worker's exposure to radiation or radioactive material as shown in records maintained by the licensee or registrant pursuant to these regulations.

(3) At the request of a worker formerly engaged in work controlled by the licensee or the registrant, each licensee or registrant shall furnish to the worker a report of the worker's exposure to radiation or radioactive material. Such report shall be furnished within thirty (30) days from the time request is made, or within thirty (30) days after the exposure of the individual has been determined by the licensee or registrant, whichever is later; shall cover, within the period of time specified in the request, each calendar quarter in which the worker's activities involved exposure to radiation from radioactive materials licensed by, or radiation machines registered with the department; and shall include the dates and locations of work under the license or registration in which the worker participated during this period.

(4) When a licensee or registrant is required to report to the department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a report on his exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the department.

Section 5. Presence of Representatives of Licensees or Registrants and Workers During Inspection. (1) Each licensee or registrant shall afford to the department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to these regulations.

(2) During an inspection, department inspectors may consult privately with workers as specified in Section 6. The licensee or registrant may accompany department inspectors during other phases of an inspection.

(3) If, at the time of inspection, an individual has been authorized by the workers to represent them during department

inspections, the licensee or registrant shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

(4) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in Section 3.

(5) Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

(6) With the approval of the licensee or registrant and the workers' representative an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany department inspectors during the inspection of physical working conditions.

(7) Notwithstanding the other provisions of this section, department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

Section 6. Consultation with Workers During Inspections. (1) Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of department regulations and licenses to the extend the inspectors deem necessary for the conduct of an effective and thorough inspection.

(2) During the course of an inspection any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition which he has reason to believe may have contributed to or caused any violation of the Act, these regulations, or license condition, or any unnecessary exposure of an individual to radiation from licensed radioactive material or a registered radiation machine under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of Section 7(1).

(3) The provisions of subsection (2) of this section shall not be interpreted as authorization to disregard instructions pursuant to Section 3.

Section 7. Requests by Workers for Inspections. (1) Any worker or representative of workers who believes that a violation of the Act, these regulations or license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by giving notice of the alleged violation to the Department for Human Resources, Radiological Health Program. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant by the Department for Human Resources, Radiological Health Program, no later than at the time of inspection except that, upon the request of the worker giving such notice, his name and the name of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the department, except for good cause shown.

(2) If, upon receipt of such notice, the Director, Radiological Health Program, determines that the complaint meets the requirements set forth in subsection (1) of this section, and that there are reasonable grounds to believe that the alleged violation exists or has occurred, he shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists or has occurred. Inspections pursuant to this section need not be limited to matters referred to in the complaint.

(3) No licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under these regulations or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of himself or others of any option afforded by this regulation.

Section 8. Inspections not Warranted; Informal Review. (1) If the Kentucky Department for Human Resources, Radiological Health Program determines, with respect to a complaint under Section 7, that an inspection is not warranted because that a violation exists or has occurred, the Department for Human Resources, Radiological Health Program shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Commissioner, Bureau for Health Services, of the department, who will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the commissioner, who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the commissioner may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the commissioner shall affirm, modify, or reverse the determination of the Radiological Health Program, and furnish the complainant and the licensee or registrant a written notification of his decision and the reason therefore.

(2) If the Radiological Health Program determines that an inspection is not warranted because the requirements of Section 7(1) have not been met, the director of the program shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of Section 7(1).

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capital Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 100:170)

RELATES TO: KRS 152.105 to 152.190
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The purpose of this regulation is to provide for the conduct of proceedings before the department involving the possession, use, and transfer of radioactive materials and radiation producing machines.

Section 1. Applicability. The provisions of this regulation apply to all administrative proceedings involving the use, possession, or transfer of radioactive materials or radiation producing machines within Kentucky.

Section 2. Administrative Examination of License Applications. Applications for the issuance of a license, amendment of a license at the request of the holder, transfer of a license and renewal of a license shall be reviewed by the department. The applicant may be required to submit additional information and may be requested to confer informally regarding the application. The department shall give to others such notice of the filing of applications as is required under the applicable provisions of these regulations and such additional notices as it deems appropriate.

Section 3. Action on License Applications, Hearings. (1) The department shall, upon request of the applicant or intervenor, and may upon its own initiative, direct the holding of a formal hearing prior to taking action on the application. If no prior formal hearing has been held and no notice of proposed action has been served as provided in subsection (2) of this section, the department shall direct the holding of a formal hearing upon receipt of a request therefor from the applicant or intervenor within thirty (30) days after the issuance of a license or other approval or a notice of denial.

(2) In such cases as it deems appropriate, the department may cause to be served upon the applicant a notice of proposed action upon his application and shall cause copies thereof to be served upon intervenors or others entitled to or requesting notification. The notice shall state the terms of the proposed action. If a formal hearing has not been held prior to the issuance of the notice, the department shall direct the holding of a formal hearing upon the request of the applicant or an intervenor received within fifteen (15) days following the service of the notice.

Section 4. Effect of Timely License Renewal Applications. If at least thirty (30) days prior to the expiration of an existing license authorizing any activity of a continuing nature, a licensee files an application for a renewal or for a new license for the activity so authorized, the existing license will not be deemed to have expired until the application has been finally determined.

Section 5. Notice of Violation. (1) Prior to the institution of any proceedings for alleged violation of any provisions of these regulations, the licensee or registrant shall be served with a written notice calling the facts to his attention and requesting a written explanation or statement in reply. Within fifteen (15) days of the receipt of such notice, or such other reasonable period as may be specified in the notice, the licensee or registrant shall send his reply to the department. If the notice relates to conditions or conduct which may be susceptible of correction or to conditions or conduct which may be susceptible of correction or of being brought into full compliance by action of the licensee or registrant, he shall state in his reply the corrective steps taken or to be instituted in achieving correction and preventing further violations, and the date when such correction and full compliance will be achieved.

(2) Where in the opinion of the department the public health, interest, or safety requires, or the failure to be in

compliance is willful, the notice provided in this section may be omitted.

Section 6. Orders. In any case described in Section 5, the department may issue the licensee or registrant a notice to comply with the rules and regulations of the department or any order issued by the department. The order shall appraise the licensee or registrant that he has the right to request a hearing within thirty (30) days by making a written request therefor to the secretary of the department. In the event a request for a hearing is received by the secretary of the department within the time specified, a notice of hearing shall be issued by the department in accordance with Section 5.

Section 7. Emergency Orders. Whenever the department finds that an emergency exists requiring immediate action to protect the public health or welfare, it may, without notice or hearing, issue an order with the approval of the secretary of the department reciting the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. Such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but all applications for hearings to the department shall be afforded a hearing as soon as possible. On the basis of such hearing, the department shall continue such order in effect, revoke it, or modify it.

Section 8. Enforcement of Obedience to Orders. In case of the failure on the part of any person, firm, or corporation to comply with any lawful order of the secretary of the department or with process or in case of the refusal of any witness to testify concerning any matter on which he may be lawfully interrogated, the circuit court or a judge thereof having jurisdiction may, on application of the secretary of the department, compel obedience by proceedings as in contempt cases as provided by KRS 211.230.

Section 9. Recapture, Quarantine, or Seizure of Sources of Radiation. In cases found by the department to be of extreme importance to the health and safety of the public, the department may without prior notice of hearing recapture, quarantine, or seize any licensed or registered sources held by the licensee or registrant, provided that as promptly as possible and not later than ten (10) days from the recapture, quarantine, or seizure the department shall serve upon the licensee or registrant an appropriate order depriving the licensee or registrant use of the licensed or registered sources together with a notice which shall give the licensee or registrant the right to request a formal hearing, concerning the order depriving him of the use of the licensed or registered sources and the restoration of the licensed or registered sources to him.

Section 10. Filing of Papers. Unless otherwise specified, papers required to be filed with the department shall be filed with the Director of Radiological Health, Department for Human Resources, 275 East Main Street, Frankfort, Kentucky, 40601. Papers required to be filed with the department shall be deemed filed upon actual receipt with the department at the place specified accompanied by proof of service upon the parties required to be served as provided in Section 13 of this regulation. Unless otherwise specified, the filing when by mail or telegram shall upon actual receipt be deemed complete as of the date of deposit in the mail or with the telegraph company. Papers may be filed in person at the department's offices, 275 East Main Street, Frankfort, Kentucky.

Section 11. Computation of Time. In computing any period of time prescribed or allowed by any applicable rule or regulation, notice or order, the provisions of KRS 446.030 shall apply.

Section 12. Extension of Time. Extensions of time for filing or performing any act required or allowed to be done, and continuances of any proceeding or hearing, may be granted in the discretion of the department upon application and good cause shown by any party, or upon the initiative of the department or stipulation of all the parties. When a hearing officer has been designated for hearing, the discretion in granting extensions of time and continuances in matters relating to the hearing shall rest with the hearing officer.

Section 13. Subpoenas, Service and Papers. Pursuant to the powers conferred by KRS 211.220, the department may issue subpoenas, subpoenas duces tecum, and all necessary process in proceedings brought before or initiated by the department and such process shall extend to all parts of the Commonwealth. Service of process and proof of service may be made, as provided by KRS 211.220, by registered mail or in the manner prescribed by CR 4.

Section 14. Representation. (1) Except as provided in subsection (2) of this section, any person appearing before the department may do so in person or by a representative. Any person transacting business with the department in a representative capacity may be required to show his authority to act in that capacity.

(2) In a formal hearing, a person may appear in person or be represented by his attorney.

Section 15. Intervention. (1) Any person whose interests may be affected by a proceeding may file a petition to intervene describing his interests, how it may be affected by department action, and the position he is taking in the matter. Service of copies of the motion shall be made upon all parties to the proceeding. The licensee, applicant or registrant upon notice and motion, and other parties by leave, may contest the right of the petitioner to intervene.

(2) As soon as is practicable after filing of a motion for intervention and a hearing of argument, if any, the department or a hearing officer will issue and serve an order either permitting or denying intervention. If the order is a denial of intervention, it shall contain a statement of the grounds. An order permitting intervention may be conditioned upon such terms as the department or hearing officer may direct.

Section 16. Effect of Intervention of Denial Thereof. A person permitted to intervene becomes a party to the proceeding: (1) Where a notice of hearing has been issued or a hearing has begun, the admission thereafter of an intervenor shall not of itself enlarge or alter the issues without amendment as provided in subsection (3) of this section.

(2) An order denying intervention shall be without prejudice to any proposed limited appearance by the petitioner as one who is not a party for the purposes provided in Section 20.

(3) At any time prior to the time fixed for hearing but not later than five (5) days prior, the party concerned may amend the same by filing an amendment and serving it upon the parties. At any time thereafter, amendments may be permitted in the discretion of the hearing officer upon such terms as he shall prescribe.

Section 17. Consolidation. Upon motion and good cause shown or upon its own initiative the department or hearing officer may consolidate two or more proceedings.

Section 18. Authority to Administer Oaths. Any oath or affirmation required by or pursuant to the provisions of these regulations may be administered by any person authorized to administer oaths by the laws of the Commonwealth of Kentucky.

Section 20. Informal Hearing Procedure. The procedure to be followed in informal hearings shall be such as shall best serve the purpose of the hearing. An informal hearing may consist of the submission of written data, views, or arguments with or without oral argument, or may partake of the nature of a conference or may assume some of the aspects of a formal hearing in which the subpoena of witnesses and the production of evidence may be permitted or directed.

Section 21. Formal Hearings. The parties to a formal hearing shall be the department, the licensee, applicant or registrant as the case may be, and any person permitted to intervene.

Section 22. Limited Appearances by Persons not Parties. With the consent of the hearing officer, limited appearances may be entered without request for or grant of permission to intervene by persons who are not parties to a hearing. With the consent of the hearing officer, and on due notice to the parties, such persons may make oral or written statements of their position on the issues involved in the proceeding, but may not otherwise participate in the hearing.

Section 23. Designation of Hearing Officer. The hearings herein provided for may be conducted by the department or the secretary of the department may designate hearing officers who shall have the power and authority to conduct hearings in the name of the department.

Section 24. Function of Hearing Officer. The function of the hearing officer is to schedule and conduct hearings on behalf and in the name of the department on all matters referred for hearing by the department. It is the duty of the hearing officer to cause to be prepared and furnished to the department for decision a complete written transcript of the record of the hearing which contains all evidence introduced at the hearing and all pleas, motions, objections and rulings of the hearing officer.

Section 25. Notice of Hearing. Whenever a hearing is granted, the department shall give timely notice of the hearing to all parties and to other persons, if any, entitled to notice. Such notice shall state the time, place, and nature of the hearing; the legal authority and jurisdiction under which the hearing is to be held; the matters of fact and law asserted or to be considered and a request for an answer. The time and place for hearing will be fixed with due regard for the convenience and necessity of the parties or their representatives.

Section 26. Answer. (1) Within the time allowed by the notice of hearing for filing and serving an answer, the answer of a licensee, applicant or registrant shall fully advise the department and any other parties as to the nature of the defense or other position of the answering party, the issues he proposes to controvert and those he does not controvert, and whether or not he proposes to appear and present evidence. If facts are alleged, the answer shall admit or deny specifically each allegation of fact; or where knowledge is lacking, the answer may so state and the statement shall operate as a denial. Allegations of fact not denied shall be deemed to be admitted. Matters alleged as affirmative defenses or positions shall be separately stated and identified and, in the absence of a reply, shall be deemed to be controverted. The answer of an intervenor shall fully advise the department and

other parties of his position and whether or not he proposes to appear and present evidence.

(2) If a party does not oppose any order or proposed action of the department embodied in or accompanying the notice of hearing or does not wish to appear and give evidence at the hearing, the answer shall so state. In lieu of appearing, the party may if he chooses submit a statement of reasons why the proposed order or sanction should not be issued or should be different than proposed, and the department will attribute such weight as it deems deserving to the written reasons.

Section 27. Reply. In appropriate cases the department may file and serve a reply to the answer or, if the answer affects other parties to the proceeding, the department or the hearing officer may permit such parties to file and serve a reply.

Section 28. Default. Failure of a party to file and serve an answer within the time provided in the notice of hearing or as prescribed herein or to appear at a hearing, shall be deemed to authorize the department in its discretion, as to such party:

(1) To find the facts alleged to be true and to enter such findings or order as may be appropriate, without further notice or hearing; or

(2) To proceed to take proof, without further notice, on the allegations or issues set forth in the specifications of issues.

Section 29. Admissions. After an answer has been filed, any party may file and serve upon the opposing side a written request for the admission of the genuineness and authenticity of any relevant documents described in or attached to the request or for the admission of the truth of any relevant matters of fact stated in the request. Each matter for which an admission is requested shall be deemed admitted unless within the time designated in the request, but not less than ten (10) days after service thereof or such further time as the hearing officer may allow upon motion and notice, the party to whom the request is directed serves upon the requesting party a sworn statement either denying the matters upon which the admission is requested or setting up the reasons why he cannot truthfully admit or deny such matters.

Section 30. Prehearing Conferences. (1) In order to provide opportunity for the settlement of a proceeding or any of the issues therein, or for agreement upon procedural and other matters, there may be held at any time prior to or during a hearing, upon due notice of the time and place given to all parties, such conferences of the parties as, in the discretion of the hearing officer, time, the nature of the proceeding, and the public interest may permit.

(2) Action taken at a prehearing conference may be recorded for appropriate use at the hearing in the form of a written stipulation among the parties reciting the matters upon which there has been an agreement. The stipulation shall be binding upon the parties thereto.

Section 31. Public Hearings. All formal hearings shall be public except in cases involving restricted data.

Section 32. Evidence in Formal Hearings. (1) Every party to the hearing shall have the right to present such oral or documentary evidence and rebuttal evidence and conduct such cross-examination as may be required for a full and true disclosure of the facts. The parties shall be encouraged to present evidence in written form.

(2) The hearing officer shall exclude all irrelevant, immaterial, or unduly repetitious evidence.

(3) Objections to the admission or exclusion of evidence shall state the grounds of objections. The transcript shall include the objections, the grounds and the rulings, but not the argument of the grounds unless ordered by the hearing officer.

(4) Any offer of proof made in connection with an objection taken to the ruling of the hearing officer, excluding or rejecting profferred oral testimony, shall consist of a statement of the substance of the evidence which the party contends would be adduced by such testimony. If the excluded material is documentary or written, a copy of such material shall be marked for identification and shall constitute the offer of proof.

(5) An official record of a governmental agency or an entry in such record, when admissible, may be evidenced by an official publication thereof or by a copy attested as a true copy by the officer having legal custody of the record, or by his deputy, and accompanied by a certificate that such officer has the custody.

Section 33. Briefs. Briefs may be filed within ten (10) days after the close of the hearing provided; however, that the hearing officer may upon written application grant an additional period of time not in excess of sixty (60) days within which briefs may be filed.

Section 34. Findings and Order. The Commissioner for the Bureau for Health Services shall after reviewing the entire record of the hearing make his findings and enter his order. The findings and order shall be in writing and shall contain a statement of findings and conclusions upon all material issues of fact and law and shall be signed by the commissioner for health services of the department. The original thereof shall be filed as a part of the record of the case which shall be retained in the custody of the commissioner for health services unless an appeal is taken therefrom and one certified copy of the findings and order shall be served on all parties to the proceeding.

Section 35. Appeals from Decisions of the Commissioner. Any person who is aggrieved by any ruling, decision or action of the commissioner for health services may appeal to the Secretary of the Department for Human Resources within thirty (30) days after service of said ruling, decision or action by filing with the secretary a written complaint setting out the ruling, decision or action complained of, the reasons that such person is aggrieved and the relief sought by such person as provided by KRS 211.260 and 211.090(1)(b). A copy of such complaint shall also be served by the appealing party upon any other party in interest. No new evidence shall be introduced and the appeal shall be tried upon the record prepared by the department or hearing officer. Additional briefs and oral arguments may be granted by the secretary. The secretary may affirm the findings and order of the commissioner for health services, or may reverse, modify or remand the case for further proceedings. Copies of the secretary's order shall be served upon the parties in interest.

Section 36. Waiver of Procedures. The parties to any hearing may agree to waive any one or more of the procedural steps which would otherwise precede the reaching of a final decision by the department.

Section 37. Public Records--Exceptions. Except as provided below all records shall be deemed public records and shall be open to inspection by the public. The following are not to be considered public records which are available for public inspection:

(1) Documents relating to personnel matters and medical and other personnel information, which, under general governmental personnel practices, are not normally made public.

(2) Intra-agency and inter-agency communications including memoranda reports, correspondence, and staff papers prepared by members of the department personnel, or by any other government agency for use within the department or within the executive branch of the government.

(3) Documents classified as restricted data under the Atomic Energy Act of 1954 or classified under Executive Order of the President of the United States as restricted data.

(4) Correspondence received in confidence by the department relating to an alleged or possible violation of any statute, rule, regulation, order, license or permit.

(5) Any other document involving matters of internal departmental management.

(6) Any other matter required b law to be kept confidential or not available to public inspection.

(7) Names of individuals who have received exposures to radiation.

(8) The department may withhold any document or part thereof from public inspection if disclosure of its contents is not required in the public interest and would adversely affect the interest of a person concerned. Such withholding from public inspection shall not, however, affect the right of persons properly and directly concerned to inspect the document. Persons requesting that documents or information therein be withheld from public disclosure shall make prompt application identifying the material and giving the reasons. Where the applicant is responsible for the preparation of the document, he shall insofar as is possible segregate in a separate paper the information for which the special treatment is requested. The department may honor the request upon a finding that public inspection is not required in the public interest and would adversely affect the interest of the persons concerned. If the request is denied, the applicant will be notified thereof with a statement of the reasons.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

LAUREL TRUE, Secretary

ADOPTED: December 11, 1974
RECEIVED BY LRC: December 12, 1974 at 4:54 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
(904 KAR 2:010)

RELATES TO: KRS 205.200(2), 205.210(1)
PURSUANT TO: KRS 13.082, 205.200(2)
SUPERSEDES: PA-13 and PA-66.5
NECESSITY AND FUNCTION: The Department for Human Resources is required to administer the public assistance programs. KRS 205.200(2) and 205.210(1) require that the secretary establish the standards of need and amount of assistance for the Aid to Families With Dependent Children Program, hereinafter referred to as AFDC, in accordance with federal regulations and Title IV-A of the Social Security Act. This regulation sets forth the standards by which the need for and the amount of an AFDC assistance payment is established.

Section 1. Resource Limitations: An applicant for or recipient of AFDC is permitted to retain:

(1) A homestead, household equipment, motor vehicles and farm equipment without limitation on value;
(2) Equity in non-homestead, income producing property, not to exceed $5,000;
(3) Equity in non-income producing non-homestead property not to exceed $1,000.
(4) Other assets are limited to:
(a) Savings, stocks or bonds: $500 for child living with relative other than parent; $1,000 for one (1) child and one (1) parent; $1,500 for two (2) or more children and one (1) or two (2) parents or one (1) child and two (2) parents.
(b) Cash surrender value of life insurance not to exceed $1,000 for each parent or $500 for each child.

Section 2. Countable Income: In determining eligibility for AFDC and the amount of the assistance payment, all continuing income of persons for whom application is made or assistance received is deducted from the assistance standard except those amounts or from those sources for which a disregard is required by 45 CFR 233.20 as follows:
(1) First thirty dollars ($30) and one-third (1/3) of the remainder of the total combined earned income of all the members of the assistance group, but only following determination of initial eligibility without consideration of this disregard.
(2) Actual work expenses.
(3) Earnings of a child under age fourteen (14).
(4) Earnings of a child in full-time school attendance or in half-time school attendance, if not working full-time.
(5) Work Incentive Program (WIN) and Comprehensive Employment and Training Act Program (CETA) incentive payments.
(6) Reimbursement for training-related expenses made by a manpower agency to clients in institutional and work experience training.
(7) Bonus value of food coupons.
(8) Emergency assistance payments.
(9) Non-Emergency medical transportation payments.
(10) Principal of loans obtained to meet needs not included in the assistance plan, e.g., home repair, farm expansion.
(11) Educational grants, loans, scholarships, including payments for actual educational costs made under the GI Bill, obtained and used under conditions that preclude their use for current living costs and all education grants and loans administered by the U.S. Commissioner of Education.
(12) The amount of statutory benefits, paid to or for a minor child and with the condition that the child be in regular school attendance, which is used for tuition, registration fees, and other school-related expenses.
(13) Highway relocation assistance.
(14) Urban renewal assistance.
(15) Federal disaster assistance and state disaster grants.
(16) Home produce for household consumption.

Section 3. Assistance Standard: The AFDC assistance standard including amounts for food, clothing, shelter, utilities and non-medical transportation from which countable income is deducted in determining eligibility for and the amount of the AFDC assistance payment is as follows:

Number of Eligible Persons	Monthly Standard
1 Child	$ 75
2 Persons	$135
3 Persons	$185
4 Persons	$235
5 Persons	$275
6 Persons	$310
7 or More Persons	$345

The actual cost of child care may be added to the standard if the relative with whom the child lives is in a training program for which no wage or allowance is received.

L. W. TRUE, Secretary

ADOPTED: November 19, 1974
RECEIVED BY LRC: December 13, 1974 at 4:03 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

KAR Codification

(Following is an outline of the codification system which has been developed for the KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE. The entries for regulations received to date are listed below. Other Cabinets, Departments and agencies of state government will be assigned Titles and Chapters as their regulations are received.)

TITLE 1 LEGISLATIVE RESEARCH COMMISSION
Ch. 1 Administrative Regulations
010 Form of administrative regulations; Administrative Register; Codification

TITLE 11 KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Ch. 1 State Student Incentive Grants
010 Criteria for selection; amounts
010E (same as above, filed on Emergency basis)

TITLE 30 DEPARTMENT OF STATE
Ch. 1 Corporations
010 Certificates of good standing
020 Statements, reports and documents; filing requirements

TITLE 31 STATE BOARD OF ELECTIONS
Ch. 1 Absentee Voting
010 When charged with or indicted for a crime

TITLE 40 DEPARTMENT OF LAW
Ch. 1 Attorney General
010 Conditions for furnishing opinions
020 Requests for opinions

TITLE 100 SECRETARY OF CABINET

TITLE 101 DEPARTMENT OF PERSONNEL
Ch. 1 Personal Rules
010 Definitions
020 General provisions
030 Personnel Board procedures
040 Classification plan
050 Compensation plan
060 Applications and examinations
070 Registers
080 Certification and selection of eligibles
090 Types of appointments
100 Probationary period
110 Promotion, transfer, demotion and detail to special duty
120 Separations and disciplinary actions
130 Appeals
140 Service regulations
200 Unclassified service rules

TITLE 102 TEACHERS' RETIREMENT SYSTEM
Ch. 1 General Rules
020 Supplemental payments
030 Substitute Teachers
035 Substitute teaching by retired teachers
045 Transfer to other systems
050 Out-of-State service interest rates
055 Military service credit
060 Refunds
070 Applications for retirement
100 Insurance
120 Voluntary contributions
125 Omitted contributions
130 Additional contributions

TITLE 103 DEPARTMENT OF REVENUE
Ch. 1 General Administration
010 Protests and appeals

Ch. 15 Income Tax - General Administration
040 Statute of limitations; assessments and refunds
050 Filing dates and extensions
060 Estimated tax; amended declarations; short years

Ch. 16 Income tax - Corporations
010 Taxable income - coal royalty
030 Net operating loss deductions of corporations
050 Application of 103 KAR 16:060 through 103 KAR 16:090
060 Income classification - Business and nonbusiness
070 Apportionment - Sales factor
080 Apportionment - Property factor
090 Apportionment - Payroll factor
100 Apportionment and allocation - Telephone and telegraph companies

110 Apportionment and allocation — Pipeline companies
120 Apportionment and allocation — Trucklines — Bus — Airlines
130 Apportionment and allocation — Railroad companies
150 Apportionment and allocation — Loan companies
160 Apportionment and allocation — Construction companies

Ch.17 Income tax — Individual
010 Residence
020 Combined individual returns
030 Filing requirements
040 Military personnel — Filing extension
050 Standard deduction
060 Income subject to taxation; portions
070 Personal tax credits
080 Retirement income
090 Federal income tax deductions and refunds

Ch.18 Income tax — Withholding
010 Employers required to withhold
020 Withholding return adjustment
030 Monthly reporting requirements
040 Annual payment of income tax withholding
050 Withholding statements; Form K-2
060 Miscellaneous payroll period
070 Supplemental wages
080 Two or more employers
090 Payroll records
100 Exemption certificates
110 Withholding methods
120 Security for compliance; bonds

Ch. 19 Income Tax — Miscellaneous
010 Computation of income; estates and trusts
030 Income tax information returns

Ch. 25 Sales and Use Tax — Registration and Collection
050 Factors and agents
060 Temporary and transient vendors
070 Railroad companies; display of retailers' permit
100 Receipts for tax paid to retailers — Use tax

Ch. 26 Sales and Use Tax — Service and Professional Occupations
010 Service enterprises in general
020 Physicians and surgeons
030 Optometrists, Oculists and Opticians
050 Common carriers
060 Painters and finishers
080 Dentists and dental laboratories
090 Veterinarians
100 Towel and linen service

Ch. 27 Sales and Use Tax — Miscellaneous Retailer Occupations
020 Blueprints and photostat copies
030 Brokers, lienors and fiduciaries
040 Finance companies
050 Florists and nurserymen
090 Memorial dealers
120 Photographers, photo finishers and x-ray labs
140 Publishers of newspapers, magazines and periodicals
170 Sales by civic clubs and similar organizations

Ch.28 Sales and Use Tax — Miscellaneous Retail Transactions
020 Layaway sales
040 Redemption of premium or trading stamps
060 Replacement parts
070 Sales of ice
130 Tire retreading and recapping

Ch. 30 Sales and Use Tax — General Exemptions
020 Prescription medicines, prosthetic devices and physical aids
050 Finance and carrying charges
060 Articles taken in trade
070 Freight and delivery charges
080 Deposits on returnable containers
100 Artificial insemination of livestock
150 Fuels used in the manufacture of electricity
160 Natural gas; by-product gases and fuels

Ch. 31 Sales and Use Tax — Administration and Accounting
020 Records
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070 Goods damaged in transit
090 Tax-paid purchases resold
100 Demonstration and display
110 Resale certificates
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Ch. 40 Selective Excise Tax — Alcoholic Beverage
030 Malt beverage tax
090 Consumer tax rates

Ch. 41 Selective Excise Tax — Cigarettes
030 Wholesalers, resident and nonresident
100 Segregation of cigarettes
110 Sample of cigarettes
120 Retention of records
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Ch. 43 Selective Excise Tax — Motor Fuels
080 Assignment
090 Tax refund
200 Display
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TITLE 104 COMMISSION ON HUMAN RIGHTS

Ch. 1 Human Rights
010 Posting and distribution of notices
020 Rules of practice and procedure
030 Employer records and reports
040 Guidelines for employment advertisement
050 Guidelines on discrimination
060 Multiple dwelling reporting

TITLE 200 EXECUTIVE DEPARTMENT FOR FINANCE & ADMINISTRATION

Ch. 1 Public Records
010 Inspecting and copying
010E (same as above, filed on emergency basis)

Ch. 2 Travel Expense and Reimbursement
030 Official work station
030E (same as above, filed on emergency basis)
060 Subsistence expenses
060E (same as above, filed on emergency basis)

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(010 through 110 reserved)
120 Examinations; Subjects, grading, reexamination

Ch. 2 Board of Pharmacy
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020 Examinations
030 Reciprocity — Temporary license
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050 Licenses and permits; Fees
055 License renewal; revival fee
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070 Prescription intermediary services restricted
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090 Reference material and prescription equipment

Ch. 3 Board of Auctioneers
010 Apprenticeship requirements for principal examination
020 Residence requirements for apprentices
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050 Accounting of funds by licensed auctioneers
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Ch. 4 Board of Business Schools
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Ch. 5 Board of Optometric Examiners
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Ch. 6 Board of Licensure for Nursing Home Administrators
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160 Qualifications for examination
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190 Examination committee
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280 Re-examination; dental hygienists
290 Hygienists' official register
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340 Special application; examination
345 Educational requirements; specialties
350 Specialty grade requirement
355 Register; dental specialists
375 Scholarship; administration
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TITLE 301 DEPARTMENT OF FISH AND WILDLIFE RESOURCES

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012 Boating, swimming and water skiing
015 Boats and outboard motors — Size limits
016 Private camps; boat docks, etc.
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REVIEW SUBCOMMITTEE TO MEET JANUARY 8

The next meeting of the Administrative Regulation Review Subcommittee will be at 10 a.m. EST on January 8, 1975 in room 307 at the State Capitol. The meeting is open to the public.

DEADLINE FOR NEXT ISSUE

Deadline for submitting proposed regulations for publication in the February 1, 1975 issue of the Administrative Register is Wednesday, January 15, 1975.