Mabel D. Robertson

Administrative Register of Kentucky

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Hearing Set On Parole Eligibility

A public hearing will be held by the Bureau of Corrections on a proposed regulation fixing the minimum time which must be served for various prison sentences before a prisoner can be considered for parole.

The regulation is 501 KAR 1:010, published in the January 1975 issue [1 Ky.R. 348.]

The public hearing will be at 9 a.m. EST February 5, 1975 on the fifth floor of the State Office Building at Frankfort, Kentucky.

State agencies are reminded that the Administrative Regulations Compiler must be notified immediately if they receive any requests for a public hearing within 30 days of publication of their regulations in the **Administrative Register.**

The Regulations Compiler is Mrs. Mabel D. Robertson, Room 433 in the State Capitol; telephone 502-564-7740.

Reason for the requirement is so that notice of the hearings can be published in the **Register** the following month, thus giving interested persons other than the one requesting the hearing an opportunity to attend.

The notification must be in writing. However, because press time for the **Register** is around the 20th of each month, a telephone call to the Compiler would be helpful in meeting deadlines for the next issue.

The law requires agencies receiving requests for hearings in the 30 days following publication of their regulations to schedule a hearing within the following 30 days.

For example: A hearing can be requested on any of the proposed regulations in this issue up until March 1, 1975. An agency receiving such a request must schedule the hearing between March 1 and April 1, 1975, and promptly notify the Regulations Compiler–hopefully before February 20th.

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: 1 Ky.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.

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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Subcommittee Meets Next On Feb. 5

The Administrative Regulations Review Subcommittee will hold its next meeting on February 5, 1975 at 10 a.m. in Room 307 at the State Capitol.

At its January 8 meeting, the Subcommittee approved for filing 103 regulations, all of which became effective on that date.

Three regulations were returned to the issuing agency and consideration of two others was postponed.

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

Subcommittee Minutes

The Administrative Regulations Review Subcommittee held its seventh meeting on Wednesday, January 8, 1975, at 10:00 a.m. in Room 307 of the State Capitol. Present were:

Members: Senator Michael R. Moloney, Chairman; Representative Richard Lewis.

Guests Appearing Before the Committee: James Perkins, Department for Natural Resources and Environmental Protection; Scottie Smith, Kentucky State AFL-CIO; E. K. Lynch, 111, Student Council President, DeSales High School, and Mack J. Morgan, Jr., Kentucky Retail Federation.

Other Guests: Francis D. Burke, Pikeville, Kentucky Coal Operators and Associates; Phil Fox, Department for Natural Resources and Environmental Protection; Norma J. Jones and Thomas Ebendorf, Commission on Human Rights; Earl M. Cornett, Department of Labor; Charles E. McCoy, Department of Labor; Ray Crider, Kentucky State AFL-CIO; Diane M. Schneider, Department of Labor-OSHA; Ralph Robke, Office of the State Fire Marshal; A. R. Fuller, Kentucky State Board of Business Schools; Cecil F. Dunn, Attorney for the Kentucky State Board of Business Schools; Virgil F. Young, State Board of Education, Joe Hurn, State Board of Business Schools; Earl Williams, Williams and Associates; and Al Sullivan, State Board of Business Schools.

LRC Staff; Phillip R. Patton, Hugh Morris, Mabel Robertson, Paula Lay, Ron Crouch, Linda Biggerstaff and Eva Brent.

Press: William Bradford.

The meeting was called to order by the chairman. On motion by Senator Moloney the minutes of the previous meeting of the subcommittee were approved.

103 KAR 30:100, Department of Revenue, Sales and Use Tax, dealing with artificial insemination of livestock, was returned for the reason that the exemption granted by the regulation would appear to be authorized by the language of KRS 139.480 (4). This

(Continued on Page 446)

Review Subcommittee Minutes

(Continued From Front Page)

statute should be cited as authority for the regulation.

103 KAR 30:150, Department of Revenue, Sales and Use Tax, with respect to fuels used in manufacture of electricity, was returned for the reason that KRS 139.480 (2) exempts only coal used for the manufacture of electricity from the sales and use tax law.

103 KAR 31:070, Department of Revenue, Sales and Use Tax, Administration and Accounting, with respect to goods damaged in transit, was returned for the reason that Subsection 2 of Section 1 of the regulation indicates that the tax to be paid upon goods damaged in transit will be based upon the fair retail value rather than the actual sales price of the goods in their damaged condition.

104 KAR 1:060, Commission on Human Rights, multiple dwelling reporting, filed with amendment attaching form.

803 KAR 1:070, Department of Labor, executive administrative supervisor or professional employees, salesman, consideration by the subcommittee was postponed upon oral request of the Department of Labor.

806 KAR 50:200, Office of State Fire Marshal, mobile homes and recreational vehicles, as amended, was received by the Legislative Research Commission on January 7, 1975. Consideration of the amendment was postponed until the February 5 meeting to permit subcommittee review of the amendment.

The following regulations were approved and ordered filed:

103 KAR 16:100, Department of Revenue, Income Tax, Apportionment and Allocation, Telephone and Telegraph Companies.

103 KAR 16:110, Income Tax, Apportionment and Allocation, Pipeline Companies.

103 KAR 16:120, Income Tax, Apportionment and Allocation, Trucklines, Buses, Airlines.

103 KAR 16:130, Income Tax, Apportionment and Allocation, Railroad Companies.

103 KAR 16:150, Income Tax, Apportionment and Allocation, Loan Companies.

103 KAR 16:160, Income Tax, Apportionment and Allocation, Construction Companies.

103 KAR 17:020, Income Tax, Combined Individual Returns.

103 KAR 17:030, Income Tax, Filing Requirements.

103 KAR 17:040, Income Tax, Military Personnel, Filing Extensions.

103 KAR 17:050, Income Tax, Standard Deduction.

103 KAR 17:070, Income Tax, Personal Tax Credits.

103 KAR 17:080, Income Tax, Retirement Income,

103 KAR 17:090, Income Tax, Federal Tax Deductions and Refunds.

103 KAR 18:020, Income Tax, Withholding Return Adjustment.

103 KAR 18:030, Income Tax Monthly Reporting Requirements.

103 KAR 25:060, Sales and Use Tax, Temporary and Transient Vendors.

103 KAR 25:070, Sales and Use Tax, Railroad Companies.

103 KAR 25:100, Sales and Use Tax, Receipt – Use Tax.

103 KAR 26:050, Sales and Use Tax, Common Carriers.

103 KAR 26:060, Sales and Use Tax, Painters and Finishers.

103 KAR 26:080, Sales and Use Tax, Dentists and Dental Laboratories.

103 KAR 26:090, Sales and Use Tax, Veterinarians.

103 KAR 26:100, Sales and Use Tax, Towel and Linen Service.

103 KAR 27:020, Sales and Use Tax, Blueprint and Photostat Copies.

103 KAR 27:040, Sales and Use Tax, Finance Companies.

103 KAR 27:090, Sales and Use Tax, Memorial Dealers.

103 KAR 27:120, Sales and Use Tax, Photographers, Finishers and X-Ray Labs.

103 KAR 28:020, Sales and Use Tax, Layaway Sales.

103 KAR 28:040, Sales and Use Tax, Redemption of Premium or Trading Stamps.

103 KAR 28:060, Sales and Use Tax, Replacement Parts.

103 KAR 28:070, Sales and Use Tax, Sale of Ice.

103 KAR 28:130, Sales and Use Tax, Tire Recapping.

103 KAR 30:050, Sales and Use Tax, Finance and Carrying Charges.

103 KAR 30:070, Sales and Use Tax, Freight and Delivery Charges.

103 KAR 30:080, Sales and Use Tax, Deposits on Returnable Containers.

103 KAR 30:160, Sales and Use Tax, Natural Gas; Bi-Product–gases and fuels.

103 KAR 31:020, Sales and Use Tax, Records.

103 KAR 31:040, Sales and Use Tax, Repossessions and Bad Debts.

103 KAR 31:050, Sales and Use Tax, Returned Merchandise.

103 KAR 31:060, Sales and Use Tax, Cash Discounts.

103 KAR 31:090, Sales and Use Tax, Tax-Paid Purchases Resold.

103 KAR 31:100, Sales and Use Tax, Demonstration and Display.

103 KAR 31:120, Sales and Use Tax, Exemption Certificates.

103 KAR 31:150, Sales and Use Tax, Successors' Liability.

104 KAR 1:010, Commission on Human Rights, Posting and Distribution of Notices.

104 KAR 1:020, Commission on Human Rights, Rules of Practice and Procedure.

104 KAR 1:030, Commission on Human Rights, Employer Records and Reports.

104 KAR 1:040, Commission on Human Rights, Guidelines for Employment Advertisement.

104 KAR 1:050, Commission on Human Rights, Guidelines on Discrimination.

201 KAR 4:020, Board of Business Schools, Bonding Requirement.

201 KAR 4:040, Board of Business Schools, Inspection Requirements.

201 KAR 4:060, Board of Business Schools, Refund Policy Requirements.

301 KAR 1:082, Fish and Wildlife, Frog Seasons; Limits.

301 KAR 1:085, Fish and Wildlife, Mussel Shell Harvesting.

301 KAR 1:115, Fish and Wildlife, Propagation of Fish, Frogs, Crayfish, etc.

301 KAR 1:130, Fish and Wildlife, Live Bait for Personal Use.

301 KAR 1:150, Fish and Wildlife, Waters Open to Commercial Fishing.

301 KAR 1:155, Fish and Wildlife, Commercial Fishing Requirements.

601 KAR 10:010, Department of Transportation, Motor Vehicle Inspection, Inspection Station Permits.

601 KAR 10:020, Motor Vehicle Inspection, Safety Inspectors–Mechanics.

601 KAR 10:030, Motor Vehicle Inspection, Inspection Reports.

601 KAR 10:040, Motor Vehicle Inspection, Display of Permits and Signs.

601 KAR 10:050, Motor Vehicle Inspection, Inspection and Registration.

601 KAR 10:060, Motor Vehicle Inspection, Extension of Time.

601 KAR 10:070, Motor Vehicle Inspection, Exemptions from Inspections.

601 KAR 10:080, Motor Vehicle Inspection, Private Fleet Permits.

601 KAR 20:010, Vehicle Dealers, Board Meetings.

601 KAR 20:030, Vehicle Dealers, Application–Disposition.

601 KAR 20:040, Vehicle Dealers, Licenses–Issuance or Denial.

601 KAR 20:050, Vehicle Dealers, Supplemental License.

601 KAR 20:070, Vehicle Dealers, Suitable Premises.

601 KAR 20:080, Vehicle Dealers, Change of Business Location.

601 KAR 20:090, Vehicle Dealers, Change of Ownership.

601 KAR 20:110, Vehicle Dealers, Dealer–Salesman.

601 KAR 20:130, Vehicle Dealers, Used Car Dealers, Trade Names.

603 KAR 6:011, Bureau of Highways, Ky 36 (amendment).

603 KAR 6:024, Highways, Ky 70.

603 KAR 6:025, Highways, Ky 85.

603 KAR 6:026, Highways, Ky 181.

603 KAR 6:028, Highways, Ky 59.

603 KAR 6:029, Highways, Ky 111.

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801 KAR 1:005, Registry of Election Finance, Campaign Treasurer.

803 KAR 1:005; Department of Labor, Employe-Employer Relationship.

803 KAR 1:060, Department of Labor, Overtime Pay Requirements, as amended.

803 KAR 1:065, Department of Labor, Hours Worked.

803 KAR 1:075, Department of Labor, Exclusions from Minimum Wage. Overtime.

803 KAR 1:090, Department of Labor, Wages and Hours, Students, Handicapped and Sheltered Workshops.

803 KAR 2:030, Department of Labor, O.S.H.A., Adoption of 29 CFR Part 1926.

902 KAR 50:010 Health Services, Milk Definitions.

902 KAR 50:020, Health Services, Grade A Requirements.

902 KAR 50:030, Health Services, Farm Manufacturing Requirements.

902 KAR 50:040, Health Services, Hauler Requirements.

902 KAR 50:050, Health Services, Manufacturing Plant Requirements.

902 KAR 50:060, Health Services, Frozen Desserts.

902 KAR 50:070, Health Services, Standards of Identity.

902 KAR 50:080, Health Services, Open Dating Requirements.

905 KAR 1:010, Child Welfare, Application for Permission to Place or Receive a Child.

905 KAR 1:030, Child Welfare, Approval and Selection of Adoptive Parents.

905 KAR 1:050, Child Welfare, Approval of Subsidies.

905 KAR 1:070, Child Welfare, Standards for Group Homes.

905 KAR 1:090, Child Welfare, Standards for Institutions and Agencies.

The meeting adjourned at 11:45 a.m. The next scheduled meeting of the subcommittee is Wednesday, February 5, 1975.

Administrative Register of Kentucky

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Emergency Regulation

WENDELL H. FORD, GOVERNOR
Executive Order 74-970
December 23, 1974

EMERGENCY REGULATION
Kentucky Board of Dentistry

WHEREAS, the Kentucky Board of Dentistry must revise the attached administrative regulation in order that licensed dentists may accumulate points to comply with the Continuing Education requirement for a one-year period to coincide with annual license renewal and the regulation must become effective January 1, 1975. For this reason, the Kentucky Board of Dentistry finds it impossible to comply with the normal filing procedures under Chapter 15 of the Kentucky Revised Statutes for administrative regulations.

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 Kentucky Board of Dentistry extist and submit the attached regulation with the Legislative Research Commission. This is done with the intent that the Board 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

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

RELATES TO: KRS 313.080(2)
PURSUANT TO: KRS 313.080, 13.082
EFFECTIVE: January 1, 1975
EXPIRES: May 1, 1975
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
RECEIVED BY LRC: January 1, 1975 at 10:00 a.m.

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 regulation, published originally in the December issue [1 Ky.R. 239], was approved for filing with an amendment by the Administrative Review Regulation Subcommittee at its January 10, 1975 meeting.)

SECRETARY TO THE CABINET
Commission on Human Rights
104 KAR 1:060
(As Amended)

RELATES TO: KRS Chapter 344
PURSUANT TO: KRS 344.250(2), 13.082
AMENDS: 104 KAR 1:060
EFFECTIVE: January 10, 1975
NECESSITY AND FUNCTION: As provided in KRS 344.250, this regulation requires the owner of apartment buildings with twenty-five (25) or more units to keep records and to file annual reports with the commission indicating their racial occupancy and application experience. The information obtained is used by the commission in accordance with KRS 344.190(10) and (11) to provide technical assistance to the real estate industry to facilitate compliance with the fair housing provisions.

Section 1. Definitions. As used in this rule: (1) "Multiple apartment development" means one (1) or more buildings situated at the same general location or operated under one (1) management or with ownership in common; or more than one (1) building situated in various locations within the Commonwealth of Kentucky if they are under the same management or are owned by the same person or persons. It shall include, but not be limited to, an apartment building or buildings, garden apartments, and condominiums.
(2) "Racial designation" means white, black and other.
(3) "Leaseholder" means the party with whom the landlord has contracted for the apartment rental, whether the contracting be orally or in writing. It shall include any subletee or assignee of the contract where notice or approval of subleting or assignment is a condition of the contract.
(4) "Apartment turnover" means a change of leaseholder or purchaser.
(5) "Applicant" means any persons who appear before either the owner, leasor, agent or other principal or operator of a multiple apartment development for the purpose of renting or purchasing an apartment.
(6) Unless the context indicates to the contrary all terms used in this rule have the same meaning as in KRS Chapter 344.

Section 2. Persons required to report. The owner or owners of every multiple apartment development which have twenty-five (25) units or more shall file an annual report with the Kentucky Commission on Human Rights concerning the racial composition of the multiple dwelling and factors affecting the composition. Where there are multiple owners of a development and the development is operated as one (1) unit, a consolidated report may be filed. Managers, agents, or others responsible for management of apartments may file for owners. Reports for condominiums shall be filed by the development manager.

Section 3. Form and contents of report. The report shall be submitted on forms approved by the Kentucky Commission on Human Rights <u>in accordance with Exhibit A;</u> and said forms shall be available at any office of the Kentucky Commission on Human Rights. [The report shall include information concerning:
(1) Racial designation of applications for apartments;
(2) Racial designation of apartment leaseholder or purchasers;
(3) Apartment turnovers;
(4) Apartment recruiting techniques;
(5) Rental rates and apartment sizes; and
(6) Such other information as the Kentucky Commission on Human Rights determines is necessary to effectuate the purposes of KRS Chapter 344.]

Section 4. Filing of reports. One (1) copy of the report shall be filed with the Kentucky Commission on Human Rights by July 1, of each year. The report shall include information for a period of one (1) year prior to the month of filing. The commission may waive submission of all or a part of a report for hardship situations as provided in KRS 344.250(4). The executive director of the commission may in his descretion postpone or waive the filing of any report required under this rule.

Section 5. Maintenance of records. The owner or owners of the multiple apartment development shall be responsible to have maintained at all times the following records:
(1) Racial designation of each applicant for an apartment;
(2) Racial designation of each new apartment leaseholder or purchaser;

(3) Racial designation of each new leaseholder or purchaser;

(4) Apartment rental or sales recruiting techniques employed; and

(5) Such other records as the Kentucky Commission on Human Rights determines is necessary to effectuate the purpose of KRS Chapter 344. Such records shall be kept on file for a period of two (2) years and shall be produced for inspection upon request of the Kentucky Commission on Human Rights during business hours.

Section 6. Violation. If a person fails to make, keep or preserve records or make reports in accordance with this regulation, the circuit court for the county in which such person resides, or has his principal place of business, upon application of this commission in accordance with KRS 344.250(7), may issue an order requiring compliance.

104 KAR 1:060 EXHIBIT A

MULTIPLE DWELLING REPORTING FORM

RETURN ONE (1) COPY ONLY

1. For the period ending July 1, 1974, and to be filed WITHIN 10 DAYS THEREAFTER.
2. Name of Development _____
3. Street Address (es) _____
4. Owner (s) of Development _____
5. Street Address (es) _____
6. Name and full address of the Manager or Management Agent, if different from owner _____

7.

	TOTAL	STUDIO	1-BDRM	2-BDRM	3+ BDRM
a. No. of Units					
b. Minimum rent (monthly					
c. Maximum rent (monthly)					
*d. Circle utilities included		E W G	E W G	E W G	E W G
e. No. of black families					
f. No of white families					
g. No. of "other" families					
h. Total no. of turnovers					
i. Length of lease required					
j. Total no. of black applicants					
k. Total no. of white applicants					
l. Total no. of "other" applicants					
m. Total no. of applicants					

* Circle these utilities, if any, which are included in the rent in each apartment category in the development E-Electricity; W-Water; G-Gas.

*8. List all newspapers or other publications in which advertisements for tenants have been placed within the reporting period. Check the box best describing the frequency of such ads.

Advertising in Newspaper or Other Publication	Regular	Concentrated	Occasionally	Single

* Regular - once a week or more during at least three of the last six months;
Concentrated - a single period of one week or more of advertising during the past six months;
Occasionally - scattered ads a couple of times a month;
Single - one ad running for less than a week.

9. Have you requested referrals of prospective tenants by any organizations or employers? YES ____ NO ____ If you answer "YES" complete the box below. If answer is "NO" disregard the box below.

Name of Organization	Address	Total References	Black References	"Other"

If additional space is needed to answer any of the questions on this form, please use the back of the form and additional sheets of paper. Please sign your name on all additional sheets.

CERTIFICATION: I declare that I have examined this form and to the best of my knowledge believe it is true, correct and complete.

Name of person filing report _____
Address of person filing report _____
Telephone Number of person filing report _____
Date of filing report _____

Signature _____
Title _____

Any person who fails to comply with the requirements of the Multiple Dwelling Reporting Rule may be subject to the provisions of the Kentucky Civil Rights Act, KRS 344.250 (7).

RETURN FORM TO: Kentucky Commission on Human Rights
828 Capital Plaza Tower
Frankfort, Kentucky 40601

PAUL OBERST, Chairman
Kentucky Commission on Human Rights
ADOPTED: November 8, 1974
RECEIVED BY LRC: January 10, 1974 at 12:35 p.m.

(The following regulation, published originally in the August issue [1 Ky.R. 11], has been amended as a result of comments received at a public hearing held on September 6, 1974. The agency's Statement of Affirmative Consideration is a public record on file with the Legislative Research Commission. The amended regulation will be considered by the Administrative Regulation Review Subcommittee at its February 5, 1975 meeting.)

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Division of Water Resources
(401 KAR 4:010)
(Proposed Amendment)

RELATES TO: KRS 151.140 and 151.160
PURSUANT TO: KRS 151.220, 224.033(17), 224.045(6)(b) and 13.082
NECESSITY AND FUNCTION: This regulation is necessary to establish the requirements for permits to withdraw water and the reporting procedure to be used in conjunction with water withdrawal permits issued by the Division of Water Resources.

Section 1. The necessity for water withdrawal permits shall be determined according to the following criteria:

(1) Where the average withdrawal rate is more than ten thousand gallons per day (10,000 gal/day), a permit shall be required except as exempted by KRS 151.140.

(2) Where the withdrawal of water is made at a relatively constant rate each day and the average withdrawal rate is ten thousand gallons per day (10,000 gal/day), or less, no permit shall be required.

(3) Where withdrawals are made on an irregular basis and at an irregular rate, permits may be required where the division determines that the water withdrawn represents a significant portion of the available water supply or that collection of withdrawal data is necessary for water resource planning purposes.

Section 2. (1) Reports of water withdrawn pursuant to permit shall be made as follows:

(a) Withdrawals made at a relatively constant daily rate shall be recorded monthly and reported to the division semiannually on forms supplied by the division.

(b) Where withdrawals are made on an irregular basis and at an irregular rate, the division may specify recording frequency as the circumstances require. Reporting of withdrawal information to the division shall be made semiannually. Recording and reporting shall be done on forms supplied by the division.

(c) Where necessary in the discretion of the division increased reporting or recording frequency may be required.

(2) The permitee shall complete and return the water withdrawal report forms to the division within 30 [15] days after receiving such forms.

JOHN STANLEY HOFFMAN, Secretary
ADOPTED: January 14, 1975
RECEIVED BY LRC: January 15, 1975 at 3:15 p.m.

(The following proposed regulation was published originally in the August issue [1 Ky.R. 11] and, following a public hearing on on September 6, 1974, was amended by the agency and republished in the December issue [1 Ky.R. 211]. The Administrative Regulation Review Subcommittee rejected the amended regulation at its December 11, 1974 meeting. The agency, in an attempt to meet the subcommittee's objections, has again amended its regulation and has resubmitted it. It will be considered by the Subcommittee at its meeting February 5, 1975.)

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Division of Reclamation
(402 KAR 1:010)
(Proposed amendment)

RELATES TO: KRS 350.151
PURSUANT TO: KRS 350.028, 224.033(17), 224.045(6)(b), 13.082
NECESSITY AND FUNCTION: This regulation is necessary to implement KRS 350.151 which was adopted by the 1974 session of the Kentucky General Assembly and places the control of reclamation of the surface effects of underground mines under the jurisdiction of the Kentucky Department for Natural Resources and Environmental Protection.

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

(1) "Underground mining" means any method of penetrating and extracting subsurface coal and removing it to the surface, as opposed to strip mining or auger mining.

(2) "Face-up area" means any surface affected in the process of excavating for the purpose of making entry into a seam of coal to be recovered by underground mining methods.

(3) "Processing area" means that portion of the surface effect which includes tipples, coal storage yards, loading ramps, railroad sidings, washers or other areas other than transportation area as defined below on which coal is stored, handled, processed or refined after being extracted by underground mining methods.

(4) "Refuse area" means any surface affected by deposition of reject material, liquid or solid, resulting from mining coal by any or all methods or processing of such coal.

(5) "Transportation area" means any surface, controlled by the licensee, affected by any means of transporting coal from points of entry to any points on the mine property surface.

(6) "Drainage control area" means that portion of the sur-

face effect which includes any land on which runoff or drainage is controlled, stored or channeled and on which the structures for controlling, storing, channeling or otherwise handling drainage or runoff are located.

(7) "Mine management area" means that portion of the surface effect which includes buildings, parking lots, driveways, equipment storage or repair areas and any other building structure or facility used as part of the underground mining operation not directly related to coal removal, handling, storing, processing, or transporting.

(8) "New operation" means any mine for which surface is disturbed for a face-up area, coal processing area, coal refuse area, transportation area, drainage control area or mine management area subsequent to the effective date of this regulation.

(9) "Existing operation" means any mine for which the surface effect of underground mining activity occurs on or prior to the effective date of this regulation.

(10) "Surface effect" means activity resulting in a disturbance of surface incident to mining coal by any or all methods or processing of such coal.

(11) "Abandoned operation" means any mine from which coal was not removed during the six (6) month period immediately preceding the effective date of this regulation, from which further coal removal is not intended and the surface effects of which are not being used in conjunction with underground mining activity at some other location.

(12) "Licensee" means a person, corporation, partnership or other business entity or agents, representatives, lessees or assigns thereof holding a current deep mine license from the Kentucky Department of Mines and Minerals.

(13) "Approval certificate" means the reclamation plan approval certificate issued by the Division of Reclamation pursuant to this regulation.

Section 2. (1) Construction of a face-up area, processing area, refuse area, transportation area, drainage control area, mine management area or other surface effect of a new operation shall not begin until the licensee has applied for and received a reclamation plan approval certificate from the Division of Reclamation. Application for the approval certificate shall be made on forms supplied by the Division. Each application shall be accompanied by a fee of twenty-five dollars ($25) for each year of the approval certificate's duration payable to the Kentucky State Treasurer. Each approval certificate shall be issued for a period not to exceed five (5) years in the discretion of the Division.

(2) The licensee shall file a reclamation plan for the surface effect with the application for an approval certificate. The reclamation plan shall include, as a minimum, four (4) copies of a United States Geological Survey Topography Map, on a scale of not less than one hundred feet (100') nor more than six hundred feet (600') to the inch, depicting the following:

(a) Face-up areas and indicate, by appropriate symbols, the location of each opening, the dimensions of the bench, the cropline of the seam or deposit of coal to be mined and the areas on which the overburden or spoil will be placed.

(b) Processing areas and indicate, by appropriate symbols, the location of tipple, coal storage yards, loading ramps, railroad sidings, washers and other buildings, structures or facilities to be used in processing the coal to be recovered.

(c) Refuse areas indicated by appropriate symbols.

(d) Mine management areas and indicate, by appropriate symbols the location of buildings, shops, parking lots, storage yards, driveways and such other facilities or structures as will be used in conjunction with the management of the mine.

(e) Constructed drainways and channels, diversion ditches, settling ponds, silt control structures and such other control measures as necessary or appropriate for drainage control for the surface effects.

(f) Transportation areas indicated by appropriate symbols.

Section 3. All existing operations shall file application for a reclamation plan approval certificate and a reclamation plan within sixty (60) days of the effective date of this regulation. The reclamation plan shall include maps of the areas of surface effect as required for a new operation and shall include a schedule for compliance with the reclamation requirements of this regulation. This section shall not apply to an abandoned operation. However, should coal extraction begin on an abandoned operation or its surface effect or portion thereof be constructed on, improved or otherwise used in conjunction with underground mining at some other location subsequent to the effective date of this regulation, the provisions of this regulation relating to existing operations shall apply to all surface effects existing at the time operations are resumed and the provisions of this regulation relating to new operations shall apply to surface effects resulting from or incident to resumption of operations. The maps and reclamation plan, in such case, may be combined into one application and approval certificate.

Section 4. Grading, backfilling and compacting of the surface effect of a mine shall be done as follows:

(1) Where the face-up area of a new operation is located within three hundred feet (300') horizontally and one hundred feet (100') vertically of any stream, [all] overburden moved in order to create the bench, face or other portion of the face-up area shall be deposited in a location and controlled in a manner which will insure that no surface runoff or other drainage from the highwall, face or bench or area on which the overburden is placed will deposit silt or sedimentation in the stream. As a minimum, adequate control measures shall require that the licensee construct silt and water treatment control structures as required by the Division of Reclamation, that entrance and tram track roadways shall be the only nature of surface disturbance within 100 feet horizonally and 10 feet vertically to the stream and that all coal handling and storage areas shall be at some location remote from the face-up area at a distance no less than 100 feet horizonally and 10 feet vertically to the stream [the nearest point of disturbance shall not be less than one hundred feet (100') horizontally and not less than ten feet (10') vertically to the stream, that the licensee construct silt and water treatment control structures as required by the Division of Reclamation, that entrance and tram track roadways shall be the only nature of surface disturbance and that all coal handling and storage areas shall be at some location remote from the face-up area]. Where required by the Division of Reclamation, silt and water treatment control structures shall be designed by and the construction thereof certified by a registered professional engineer.

(2) On new operations, the entire proposed surface disturbance of the face-up area shall be completely scalped of all timber and other debris. This material shall be windrowed immediately below the line where the thirty-seven degrees (37°) outslope intersects the natural slope of the terrain when forty percent (40%) of the total excavation has been calculated to be placed over the outslope. All other excavated material shall be hauled to an approved disposal site.

(3) Fill bench outslopes [Outslopes] of face-up areas for new operations shall be no greater than thirty-seven degrees (37°). That portion of the highwall above the solid rock line shall have backslopes no greater than thirty-three degrees (33°) where the natural terrain is thirty-three degrees (33°) or less. All solid rock highwalls shall be pre-split to a slope of one quarter to one. Where the new operation will be on an area which has been surface mined, outslopes resulting from the surface mining operation shall not be disturbed without prior, written approval of the Division of Reclamation.

(4) On new operations, the bench of the face-up area shall be graded to eliminate [any] holes or depressions in which [any] surface water or other drainage or runoff may accumulate. Drainways shall be constructed where necessary to carry [any] drainage, runoff or surface water across or around the face-up area to eliminate erosion of either the highwall, bench or outslope.

(5) Where necessary to prevent stream sedimentation from surface water, drainage or other runoff from the processing area, new and existing operations shall grade the processing area to eliminate [any] holes or depressions in which surface water, drainage or other runoff may accumulate and provide drainways around the processing area to channel [any] such surface water, drainage or other runoff to an appropriate sediment control structure or facility.

(6) On and after the effective date of this regulation, refuse piles on new operations or existing operations shall be compacted in layers no greater than two feet (2') in height and graded to a slope no greater than twenty-seven degrees (27°) except where hauled to below grade facilities compaction may not be required. The refuse area shall be graded so that there are no holes or depressions in which any surface water, drainage or other runoff may be allowed to accumulate. Where necessary, channels or drainways shall be constructed to collect [any] surface water, drainage or other runoff and direct it to an appropriate sediment control structure or facility.

(7) All portions of any transportation area, except as governed by Section 5 of this regulation, shall be constructed or improved so that dust is controlled and erosion due to drainage or other surface runoff is controlled or eliminated. New operations shall comply during construction and existing operations shall have six (6) months from the effective date of the regulations to bring the transportation area into compliance.

(8) New operations shall have drainage control measures constructed and operating on the face-up area upon completion of the highwall or face, bench and outslope and prior to opening any shafts to be used for or in connection with coal removal. Except where otherwise provided in this regulation, new operations shall have all drainage control measures constructed and operating as soon as any other area or portion of the surface effect is used in conjunction with underground mining activities. Where required by the Division, silt control basins, sediment ponds or settling basins shall be designed structures.

(9) All parking lots, driveways and equipment storage or repair areas which are subject to erosion by surface water or other runoff shall be graded to eliminate [any] holes or depressions which may accumulate water and eliminate [any] ruts caused by vehicular traffic and shall have drainways or channels to carry [any] surface water, drainage or other runoff to an appropriate sediment control facility. Where necessary or desirable such portions of the management area shall be covered with crushed rock or other suitable material [not less than three inches (3") deep].

(10) Final grading of new and existing operations shall blend with the previously reclaimed bench where the new or existing operation is being conducted on an area which has been previously surface mined.

(11) Discharges from any drainage control structure or device shall meet applicable water quality standards.

Section 5. (1) For purposes of this section, a haul or access road shall be a road either constructed or used by the

licensee as part of or incident to the mining operation and shall be considered part of the surface effect from the point at which such road joins a publicly maintained road or highway. New operations shall comply with the standards set out in this section during the construction of haul or access roads and existing operations shall have six (6) months from the effective date of this regulation to bring haul or access roads within required standards.

(2) Haul or access roads shall comply with the following standards, except that existing operations are exempt from those standards relating to percent of grade:

(a) No haul or access road shall be constructed in a stream in the flood plain of any stream [or so close to such stream that material will toe out below the high water mark]. Any channel changes shall be approved by the Division of Water Resources as required by KRS 151.250. When a channel change or a stream crossing is proposed and the [drainage area above the] proposed channel change or stream crossing [structure] is considered by the Division of Reclamation to [be large enough that the proposed structure could] create a potential hazard to either life or property, then a permit from the Division of Water Resources shall be required as per KRS 151.250.

(b) The center line of the proposed road must be flagged or marked with an acceptable substitute at the time the reclamation plan is submitted to the Division and approved prior to construction.

(c) The grading of an access or haul road shall be such that the maximum pitch grade shall not exceed twenty percent (20%) and grades above ten percent (10%) shall not exceed a length of three hundred feet (300') and shall revert to a ten percent (10%) grade or less for a minimum distance of three hundred feet (300') between the beginning and ending of each such incline.

(d) The grade on switch back curves must be reduced to less than the approached grade and shall not be greater than five percent (5%).

(e) Ditch relief cross drains shall be spaced according to grade. All natural drains shall be accommodated with an appropriate sized relief structure at the point where the natural drain intersects the roadway. Appropriate skews shall be introduced to reduce turbulence and other resistance factors. Outlet and inlet ends of structures shall be constructed on original ground when possible. Fill sections shall not be subjected to discharge flows of structures or open channels.

(f) Ditch relief culverts will be installed according to the following table of spacings in terms of percent of road grade:

ROAD GRADE IN PERCENT	SPACING OF CULVERTS IN FEET
2–5	300–500
6–10	200–300
11–15	100–200
16–20	100

(g) Culvert pipe openings shall not be less than one and one half (1 1/2) times the channel end area required to flow through the structure.

(h) Where drainage structures are required for areas greater than one hundred (100) acres [and if the structure is to remain in place during the rainy season] they shall be large enough to convey a twenty–five (25) year storm without creating a head elevation that might inundate adjacent property which has not heretofore been inundated. Consideration will be given to the time of year the crossing is to be constructed, and the length of time it is to be used, but in no event, and under no condition will the normal flow of the stream be affected or the sediment load of the stream be materially increased. If the drainage area above the structure is greater than 300 acres or the structure is [large enough to be] deemed by the Division of Reclamation [engineering staff to be hazardous] to present a potential hazard to either life or property, then a permit from the Division of Water Resources shall be required as set forth in paragraph (a) above.

(i) Cut slopes shall not be steeper than 1:1 (45°) in soils and may be vertical in rock.

(j) All fill and cut slopes shall be seeded during the first planting and/or seeding season after the construction of the road.

(k) If a berm is produced in skimming the road, it shall not be left on the ditch side.

(l) Roads shall not be surfaced with any acid producing material which will produce a runoff of acid, the surface being that part of the road which is normally used by vehicles in motion to and from the defined terminals.

(m) Bridges, culverts, stream crossings, etc., which the operator might elect to use on another project, may not be removed from their existing function prior to bond release without the consent of the Division of Reclamation.

(n) When an access road is to be abandoned and shall no longer be used as a road by the operator, [the landowners, or the state or national forest services,] surface drainage to minimize erosion and vegetative cover shall be provided. Regardless of the future use of the road, adequate surface drainage shall be provided. "Abandoned" means that the operator has ceased to use the road and has provided adequate surface drainage and proper vegetative cover as required by the Division of Reclamation regulations. When the road has been abandoned, the bond may be released. If the road is turned over to another party for their use and adequate surface drainage has been provided, the bond on the road may be released.

(o) All grades referred to in this regulation shall be subject to a tolerance of two percent (2%) except a maximum pitch grade. All measurements referred to in this regulation shall be subject to a tolerance of five percent (5%) of measurement. All angles referred to in this regulation shall be measured from the horizontal and shall be subject to a tolerance of five degrees (5°).

(p) [For conditions of safety through the precarious terrain in which mining access roads are usually constructed,] All [all] road surfaces shall drain to the cutside of the roadway. Where construction through a point or some other topographic condition results in a through cut, then surface drainage shall be to the side of the deepest cut. Haul or access road surfaces shall be elevated at a ratio not to exceed 1/4 inch per foot of road width.

(q) If construction across a hollow should produce an entire fill section, then the side representing the shortest fill slope will be treated as a cut section in carrying out the requirements of any of the above subsection. [Low speed being a consideration in the design of haul or access roads, all surfaces shall be elevated at a ratio not to exceed one–fourth inch (1/4") per foot of road width.]

(r) As long as the bond is in force, all surfaces, ditchlines, cross drains, back slopes, and fill slopes shall be maintained. [A berm of earth with a minimum height of three feet (3') and/or standard steel beam type guard rail shall be constructed the entire length of all side cuts or fill sections where the terrain incline below the shoulder of the road is greater than 10 degrees (10°).]

(s) Anytime the Division of Reclamation personnel should deem an access road in violation of any of the sections of this regulation or if the transporting of minerals from the mine should be causing hazards to travelers on public roads then all hauling from the mining area shall be terminated until proper corrective measures are accomplished. [If construction across a hollow should produce an entire fill section, then the side depicting the shortest fill slope will be treated as a cut section in carrying out the requirements of any of the above section.]

[(t) As long as the bond is in force, maintenance of all surfaces, ditchlines, cross drains, back slopes, and fill slopes shall be perpetual, if such attention is required in order to induce safe and reliable travel to and from the mining area.]

[(u) Access road surfaces shall be completely clear of all snow, ice, and mud while minerals are being transported from the mining area. At anytime the Division of Reclamation personnel should deem an access road unsafe due to any of the articles of this regulation or if the transporting of minerals from the mine should be causing hazards to travelers on public road, due to tracking of mud and/or other debris onto the surface of said public road then all hauling from the mining area shall be stopped until proper corrective measures are imposed.]

Section 6. Vegetation and screening:

(1) Upon completion of the face–up area, new operations shall seed the outslope prior to opening or constructing any entrys to be used for or in connection with coal removal. Existing operations shall have sixty (60) days from the effective date of this regulation to seed the outslope of all face–up areas. Where after seeding, vegetative cover is not established to the satisfaction of the Division, reseeding shall [may] be required. Application of this subsection may be deferred in order to coincide with the growing seasons.

(2) As the use of any refuse area or portion thereof is discontinued all coal waste shall be covered with a minimum of four (4) feet of non–acid [one and one half feet (1 1/2') of earth and all acid] bearing material, the top one and one–half feet of which shall be capable of supporting vegetation [shall be covered with at least three feet (3') of non–acid bearing material and one and one half feet (1 1/2') feet of earth]. The discontinued portion shall also be graded to contours comparable to the surrounding undisturbed terrain and seeded.

(3) All other areas of the surface effect of both new and existing operations shall be seeded whenever and with such frequency as necessary to control erosion. Where considered necessary by the Division of Reclamation, planting may also be required.

(4) Where necessary to assist in the establishment of vegetative cover, mulch, lime or fertilizer or combination thereof may be required by the Division of Reclamation. Where available, existing vegetation which will screen any portion of the operation from adjoining property or from any wild river, park, recreation area, public road, cemetery, or other building or public property shall be left in–place.

(5) At least twenty–four (24) hours prior to commencing any

revegetation activity, the operator shall notify the area supervisor of the Division of Reclamation and have available for inspection invoices as proof of purchase for seed, seedlings, lime and fertilizer and a soil test report.

(6) Roads shall be seeded to legumes and perennial grasses. This may be modified if, in the opinion of the Division, the roadway will not contribute serious off-site damage to the public or adjacent property owners.

(7) When planting is completed the operator shall file a planting report with the Division of Reclamation on a form furnished by the Division.

(8) There shall be established at least a seventy percent (70%) ground cover of perennial vegetation per acre. Where planting is required, there shall be six hundred (600) or more woody plants living per acre, including volunteers, with distribution of stems fairly uniform. Inspection will be made at the end of the first growing season for vegetation bond release. If above requirements are not met, a complete revegetation plan including liming, fertilization and seeding based on new soil tests shall be submitted to and carried out at the direction of the Division.

(9) Plantings and seed-mixtures and combinations must be approved by the Division of Reclamation prior to application.

Section 7. Closing, temporary or permanent:

(1) When the use of a face-up area of a new or existing operation is discontinued by closing either permanently or for a period which will be greater than six (6) months, the bench shall be graded if necessary and seeded. Any exposed coal shall have a minimum of four feet (4') of non-acid bearing material over any pit or seam. The fill shall be graded to slope away from the highwall at an angle not to exceed ten degrees (10°) from the horizontal and in such a manner that no holes or depressions remain to accumulate drainage, runoff or other surface water. Sealing of any drift openings or exposed shafts or tunnels, done to conform with regulations of the Kentucky Department of Mines and Minerals or agency of the United States Government, shall be completed prior to such grading.

(2) Where the use of a processing area, transportation area or management area on either a new or existing operation is discontinued by closing permanently, all structures and buildings thereon, the use of which is or could be associated exclusively with mining, shall be torn down and removed. Where such use is temporarily discontinued, such structures, buildings and facilities shall be kept in a state of good repair as determined by the Division during the period of non-use.

Section 8. Signs to be posted at mining site. An appropriate sign shall be displayed at the points of access to each operation adjacent to the nearest public highway. The sign shall be at least two feet by four feet (2' x 4'), constructed of a wooden or other durable material, and clearly identify the name of the operator and number of his approval certificate. Such sign shall be maintained during the life of the operation. Failure to post such sign shall subject the licensee to penalty as provided by statute.

Section 9. Succession of operators. Where one (1) operator succeeds another at an operation, either by sale, assignment, lease or otherwise, the Division may release the first operator from all liability under this regulation as to that particular operation. However, both operators must have otherwise complied with the requirements of this regulation and the successor operator assumes as part of his obligation under this regulation, all liability for the reclamation of the area of land affected by the former operator.

Section 10. Where necessary or advisable to conduct experimental work or do research for reclamation techniques, the Division may, if consistent with the requirements of KRS Chapter 350, make exceptions to this regulation.

THOMAS O. HARRIS, Secretary

ADOPTED: November 13, 1974
RECEIVED BY LRC: January 15, 1975 at 3:15 p.m.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Administration and Finance
702 KAR 1:020
(Proposed Amendment)

RELATES TO: KRS 157.390(2)(a)
PURSUANT TO: KRS 156.070, 156.130, 156.160 and 13.082
AMENDS: 702 KAR 1:020
NECESSITY AND FUNCTION: To provide approved employment under the minimum foundation program beyond the regular school term for vocational units, supervisory units and units for administrators, directors of pupil personnel, and special instructional services.

Section 1. School districts shall be allotted teachers' salaries for more than 9.25 months by the minimum foundation program for classroom units listed below. Allotments shall be limited to the lesser of: (1) the number of months employed in the position; (2) maximum months under this regulation; or (3) the months approved under a program for lengthened employment.

Section 2. The following positions shall be allotted a maximum of 2.75 months extended employment:

(1) Superintendent
(2) Assistant superintendent
(3) Finance officer and school business administrator
(4) Principal who administers a school with twenty-five (25) or more full-time equivalent teachers under his supervision
(5) Supervisor of instruction
(6) Director of pupil personnel in districts with fifty (50) or more basic classroom units allotted
(7) Local director of vocational education
(8) Teachers of vocational education in:
  (a) Agribusiness
  (b) Business and office
  (c) Marketing and distributive education
  (d) Health occupations
  (e) Home economics
  (f) Public service education
  (g) Special vocational programs
  (h) Trade and industrial.

Section 3. The following position shall be allotted a maximum of two (2) months extended employment:

(1) Principal who administers a school with from 12.0 to 24.9 full-time equivalent teachers under his supervision.

Section 4. The following positions shall be allotted a maximum of 1.25 months extended employment: (1) Assistant principal assigned to a school with 25.0 or more full-time equivalent teachers;

(2) Full-time guidance counselors.

Section 5[4]. The following positions shall be allotted a maximum of one (1) month extended employment:

(1) Full-time librarians.
(2) Principal who administers a school with from 8.0 to 11.9 full-time equivalent teachers under his supervision.
[(3) Assistant principal assigned to a school with 25.0 or more full-time equivalent teachers]
[(4) Full-time guidance counselors]
(3)[(5)] Directors of pupil personnel in districts with fewer than fifty (50) basic classroom units allotted.

Section 6[5]. A program plan for lengthened employment for all positions listed in this regulation with the exception of superintendent, assistant superintendent, finance officer, school business administrator, and director of pupil personnel shall be submitted annually to the Superintendent of Public Instruction for approval.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 3, 1974
RECEIVED BY LRC: December 17, 1974 at 11:29 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
803 KAR 1:060
(As Amended)

RELATES TO: KRS 337.285
PURSUANT TO: KRS 337.295, 13.082
SUPERSEDES: LAB 7 and LAB 13
EFFECTIVE: January 8, 1975
NECESSITY AND FUNCTION: This regulation constitutes the official interpretations of the Department of Labor with respect to the meaning and application of the overtime pay requirements contained in KRS 337.285. It is the function of this regulation to make available in one place the interpretations of these provisions which will guide the Department of Labor in the performance of their duties under the law unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon re-examination of an interpretation, that it is incorrect.

Section 1. Application of overtime provisions generally. Since there is no absolute limitation in KRS 337.285 on the number of hours that an employe may work in any workweek, he may work as many hours a week as he and his employer see fit, so long as the required overtime compensation is paid him for hours worked in excess of forty (40) hours as prescribed in KRS 337.285. This statute does not require, however, that an employe be paid overtime compensation for hours in excess of eight (8) per day, or for work on Saturdays, Sundays, holidays or regular days of rest. If no more than forty (40) hours are actually worked in the workweek, overtime compensation pursuant to KRS 337.285 need not be paid. Nothing in the statute, however, will relieve an employer of any obligation he may have assumed by contract or of any obligation imposed by other state or federal laws to limit overtime hours of work or to pay premium rates for work in excess of a daily standard or for work on Saturdays, Sundays, holidays, or other periods outside of or in excess of the normal or regular workweek or work day.

Section 2. The workweek as the basis for applying KRS

337.285. If in any workweek an employe is covered by KRS 337.285 and is not exempt from its overtime pay requirements, the employer must total all the hours worked by the employe for him in that workweek, and pay overtime compensation for each hour worked in excess of the forty (40) hours.

Section 3. Each workweek stands alone. The statute takes a single workweek as its standard and does not permit averaging of hours over two or more weeks. Thus, if an employe works thirty (30) hours one week and fifty (50) hours the next, he must receive overtime compensation for the overtime hours worked beyond the applicable maximum in the second week, even though the average number of hours worked in the two weeks is forty (40). This is true regardless of whether the employe works on a standard or swing-shift schedule and regardless of whether he is paid on a daily, weekly, biweekly, monthly, or other basis. The rule is also applicable to pieceworkers and employes paid on a commission basis. It is therefore necessary to determine the hours worked and the compensation earned by pieceworkers and commission employes on a weekly basis.

Section 4. Determining the workweek. An employe's workweek is a fixed and regularly recurring period of 168 hours, seven (7) consecutive twenty-four (24) hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. For purposes of computing pay due under this statute, a single workweek may be established for a plant or other establishment as a whole or different workweeks may be established for different employes or groups of employes. Once the beginning time of an employe's workweek is established, it remains fixed regardless of the schedule of hours worked by him. The beginning of the workweek may be changed if the change is intended to be permanent and is not designed to evade the overtime requirements of the statute. The proper method of computing overtime pay in a period in which a change in the time of commencement of the workweek is made, is explained in Section 12 of this regulation.

Section 5. General standard for overtime pay. The general overtime pay standard in KRS 337.285 requires that overtime must be compensated at a rate not less than one and one-half (1 1/2) times the hourly rate at which the employe is employed. The hourly rate of pay at which the employe is employed may in no event be less than the statutory minimum. If the employe's hourly rate of pay is higher than the statutory minimum, his overtime compensation must be computed at a rate not less than one and one-half (1 1/2) times such higher rate.

Section 6. The overtime compensation is an hourly rate. The overtime compensation under KRS 337.285 is based on the rate per hour. The statute does not require employers to compensate employes on an hourly rate basis; their earnings may be determined on a piece-rate, salary, commission, or other basis, but in such case the overtime compensation due to employes must be computed on the basis of the hourly rate derived therefrom and, therefore, it is necessary to compute the hourly rate of such employes during each workweek. The hourly rate of pay of an employe is determined by dividing his total remuneration for employment in any workweek by the total number of hours actually worked by him in that workweek for which such compensation was paid. The following section gives some examples of the proper method of determining the regular hourly rate of pay in particular instances.

Section 7. (1) Hourly rate employe. If the employe is employed solely on the basis of a single hourly rate the overtime work he must be paid, in addition to his straight-time hourly earnings, a sum determined by multiplying one-half (1/2) the hourly rate by the number of hours worked in excess of forty (40) in the workweek. If the employe receives, in addition to his earnings at the hourly rate, an additional production bonus, the overtime must be paid on the total hourly rate received by the employe. This would be computed by adding the additional pay to the regular hourly rate and dividing by the total number of hours worked.

(2) Pieceworker. When an employe is employed on a piece-rate basis, his hourly rate of pay is computed by adding together his total earnings for the workweek from piece rates and all other sources. This sum is then divided by the number of hours worked in the week for which compensation was paid, to yield the pieceworker's hourly rate for that week. For his overtime work the pieceworker is entitled to be paid, in addition to his total weekly earnings at this hourly rate for all hours worked, a sum equivalent to one-half (1/2) this rate of pay multiplied by the number of hours worked in excess of forty (40) in the week.

(3) Day rates and job rates. If the employe is paid a flat sum for a day's work or for doing a particular job, without regard to the number of hours worked in the day or at the job, and if he receives no other form of compensation for services, his hourly rate is determined by totaling all the sums received at such day rates or job rates in the workweek and dividing by the total hours actually worked. He is then entitled to extra half-time pay at this rate for all hours worked in excess of forty (40) in the workweek.

(4) Salaried Employe:

(a) If the employe is employed solely on a weekly salary basis, his hourly rate of pay, on which time and a half must be paid, is computed by dividing the salary by the number of hours which the salary is intended to compensate. If an employe is hired at a salary of $70 and if it is understood that this salary is compensation for a regular workweek of 35 hours, the employe's rate of pay is $70 divided by 35 hours, or $2.00 an hour, and when he works overtime he is entitled to receive $2.00 for each of the first 40 hours and $3.00 for each hour thereafter. If an employe is hired at a salary of $70 for a 40 hour week, his rate is $1.75 an hour.

(b) Where the salary covers a period longer than a workweek, such as a month, it must be reduced to its workweek equivalent. A monthly salary is subject to translation to its equivalent weekly wage by multiplying by twelve (12) (the number of months) and dividing by fifty-two (52) (the number of weeks). A semi-monthly salary is translated into its equivalent weekly wage by multiplying by twenty-four (24) and dividing by fifty-two (52). Once the weekly wage is arrived at, the hourly rate of pay will be calculated as indicated in the previous paragraph. An alternative method may be used to compute the hourly rate by dividing the monthly salary by the number of working days in the month and then by the number of hours of the normal or regular workday. Of course, the resultant rate in such a case must not be less than the statutory minimum wage.

(c) 1. An employe employed on a salary basis may have hours of work which fluctuate from week to week and the salary may be paid him pursuant to an understanding with his employer that he will receive such fixed amount as straight time pay for whatever hours he is called upon to work in a workweek, whether few or many. Where there is a clear mutual understanding of the parties that the fixed salary is compensation (apart from overtime premiums) for the hours worked each workweek, whatever their number, rather than for working 40 hours or some other fixed weekly work period, such a salary arrangement is permitted if the amount of the salary is sufficient to provide compensation to the employe at a rate not less than the applicable minimum wage rate for every hour worked in those workweeks in which the number of hours he works is greatest, and if he receives extra compensation, in addition to such salary, for all overtime hours worked at a rate not less than one-half his rate of pay. Since the salary in such a situation is intended to compensate the employe at straight time rates for whatever hours are worked in the workweek, the regular hourly rate of the employe will vary from week to week and is determined by dividing the number of hours worked in the workweek into the amount of the salary to obtain the applicable hourly rate for the week. Payment for overtime hours at one-half such rate in addition to the salary satisfies the overtime pay requirement because such hours have already been compensated at the straight time rate, under the salary arrangement.

2. The application of the principles stated in the previous paragraph may be illustrated by the case of an employe whose hours of work do not customarily follow a regular schedule but vary from week to week, whose overtime work is never in excess of 50 hours in a workweek, and whose salary of $80 a week is paid with the understanding that it constitutes his compensation, except for overtime premiums, for whatever hours are worked in the workweek. If during the course of 4 weeks this employe works 40, 44, 50, and 48 hours, his hourly rate of pay in each of these weeks is $2, $1.818, $1.60, and $1.667, respectively. Since the employe has already received straight-time compensation on a salary basis for all hours worked, only additional half-time pay is due.

3. The fluctuating workweek method of overtime payment may not be used unless the salary is sufficiently large to assure that no workweek will be worked in which the employe's average hourly earnings from the salary fall below the applicable minimum wage, and unless the employe clearly understands that the salary covers whatever hours the job may demand in a particular workweek and the employer pays the salary even though the workweek is one in which a full schedule of hours is not worked. Typically, such salaries are paid to employes who do not customarily work a regular schedule of hours and are in amounts agreed on by the parties as adequate straight-time compensation for long workweeks as well as short ones, under the circumstances of the employment as a whole. Where all the prerequisites for use of the "fluctuating workweek" method of overtime payment are present, the law, in requiring that not less than the prescribed premium of 50 percent for overtime hours worked be paid, does not prohibit paying more. On the other hand, where all the facts indicate that an employe is being paid for his overtime hours at a rate no greater than that which he receives for nonovertime hours, compliance with the law cannot be rested on any application of the fluctuating workeweek overtime formula.

(5) Employes working at two (2) or more rates. Where an employe in a single workweek works at two (2) or more different types of work for which different non-overtime rates of pay have been established, his hourly rate for that week is the weighted average of such rates. That is, his total earnings are computed to include his compensation during the

workweek from all such rates, and are then divided by the total number of hours worked at all jobs.

(6) Payments other than cash. Where payments are made to employes in the form of goods or facilities which are regarded as part of wages, the reasonable cost to the employer or the fair value of such goods or of furnishing such facilities must be included in the hourly rate. Where, for example, an employer furnishes lodging to his employes in addition to cash wages, the reasonable cost or the fair value of the lodging must be added to the cash wages before the hourly rate is determined.

(7) Commission payments:

(a) Commissions (whether based on a percentage of total sales or of sales in excess of a specified amount, or on some other formula) are payments for hours worked and must be included in the hourly rate. This is true regardless of whether the commission is the sole source of the employe's compensation or is paid in addition to a guaranteed salary or hourly rate, or on some other basis, and regardless of the method, frequency, or regularity of computing, allocating and paying the commission. It does not matter whether the commission earnings are computed daily, weekly, biweekly, semi-monthly, monthly, or at some other interval. The fact that the commission is paid on a basis other than weekly, and that payment is delayed for a time past the employe's normal payday or pay period, does not excuse the employer from including this payment in the employe's hourly rate.

(b) When the commission is paid on a weekly basis, it is added to the employe's other earnings for that workweek, and the total is divided by the total number of hours worked in the workweek to obtain the employe's hourly rate for the particular workweek. The employe must then be paid extra compensation at one-half (1/2) of that rate for each hour worked in excess of forty (40) hours in the workweek.

(c) If the calculation and payment of the commission cannot be completed until sometime after the regular payday for the workweek, the employer may disregard the commission in computing the hourly rate until the amount of commission can be ascertained. Until that is done he may pay compensation for overtime at a rate of not less than one and one-half (1 1/2) the hourly rate paid the employe, exclusive of the commission. When the commission can be computed and paid, additional overtime compensation due by reason of the inclusion of the commission in the employe's regular hourly rate must also be paid. To compute this additional overtime compensation, it is necessary, as a general rule, that the commission be apportioned back over the workweeks of the period during which it was earned. The employe must then receive additional overtime compensation for each week during the period in which he worked in excess of the forty (40) hours. The additional compensation for that workweek must be not less than one-half (1/2) of the increase in the hourly rate of pay attributable to the commission for that week multiplied by the number of hours worked in excess of the forty (40) hours in that workweek.

(d) If it is not possible or practicable to allocate the commission among the workweeks or the period in proportion to the amount of commission actually earned or reasonably presumed to be earned each week, some other reasonable and equitable method must be adopted. The following methods may be used:

1. Allocation of equal amounts to each week. Assume that the employe earned an equal amount of commission in each week of the commission computation period and compute any additional overtime compensation due on this amount. This may be done as follows: For a commission computation period of one month, multiply the commission payment by 12 and divide by 52 to get the amount of commission allocable to a single week. If there is a semi-monthly computation period, multiply the commission payment by 24 and divide by 52 to get each week's commission. For a commission computation period of a specific number of workweeks, such as every 4 weeks (as distinguished from every month) divide the total amount of commission by the number of weeks for which it represents additional compensation to get the amount of commission allocable to each week. Once the amount of commission allocable to a workweek has been ascertained for each week in which overtime was worked, the commission for that week is divided by the total number of hours worked in that week, to get the increase in the hourly rate. Additional overtime due is computed by multiplying one-half of this figure by the number of overtime hours worked in the week.

2. Allocation of equal amounts to each hour worked. If there are facts which make it inappropriate to assume equal commission earnings for each workweek, assume that the employe earned an equal amount of commission in each hour that he worked during the commission computation period, and divide the amount of the commission payment by the number of hours worked in the period to obtain the amount of increase in the regular rate allocable to the commission payment. One-half of this figure should be multiplied by the number of overtime hours worked by the employe in the overtime workweek of the commission computation period to get the amount of additional overtime compensation due for this period.

(e) If there are delays in crediting sales or debiting returns or allowances which affect the computation of commissions, the amounts paid to the employe for the computation period will be accepted as the total commission earnings of the employe during such period, and the commission may be allocated over the period from the last commission computation date to the present commission computation date, even though there may be credits or debits resulting from work which actually occurred during a previous period. The hourly increase resulting from the commission may be computed as outlined in the preceding paragraphs pertaining to commission payments.

(8) Other methods of determining the regular hourly rate are permitted as long as they provide for each employe employed by an employer to be paid a rate of not less than one and one-half (1 1/2) times the hourly rate at which the employe is employed and does not attempt to evade the provisions of KRS 337.285.

Section 8. Payments excluded from computing hourly rate. As used in KRS 337.285 the "hourly rate at which he is employed" shall be deemed to include all remuneration for employment paid to, or on behalf of, the employe, but shall not be deemed to include: (1) Sums paid as gifts; payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency. Such sums may not, however, be credited toward overtime compensation due under the statute. To qualify for this exclusion the bonus must be actually a gift or in the nature of a gift. If it is measured by hours worked, production, or efficiency, the payment is geared to wages and hours during the bonus period and is no longer to be considered as in the nature of a gift. If the payment is so substantial that it can be assumed that employes consider it a part of the wages for which they work, the bonus cannot be considered to be in the nature of a gift. Obviously, if the bonus is paid pursuant to contract, it is not in the nature of a gift.

(2) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause; reasonable payments for traveling expenses, or other expenses, incurred by an employe in the furtherance of his employer's interests and properly reimbursable by the employer; and other similar payments to an employe which are not made as compensation for his hours of employment. However, since such payments are not made as compensation for the employe's hours worked in any workweek, no part of such payments can be credited toward overtime compensation due under the statute.

(3) Sums paid in recognition of services performed during a given period if either, (i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employe to expect such payments regularly; or (ii) the payments are made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan. Such sums may not, however, be credited toward overtime compensation due under the statute. In order for a bonus to qualify for exclusion as a discretionary bonus the employer must retain discretion both as to the fact of payment and as to the amount until a time quite close to the end of the period for which the bonus is paid. The sum to be paid as a bonus is determined by the employer without prior promise or agreement. The employe has no contract right, express or implied, to any amount. If the employer promises in advance to pay a bonus, he has abandoned his discretion with regard to it.

(4) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employes. Such sums may not, however, be credited toward overtime compensation under the statute.

(5) Extra compensation provided by a premium rate paid for certain hours worked by the employe in any day or workweek because such hours are hours worked in excess of eight (8) in a day or in excess of the maximum workweek applicable to such employe's normal working hours. Extra compensation paid for these hours shall be creditable toward overtime compensation under the statute.

(6) Extra compensation provided by a premium rate paid for work by the employe on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the workweek, where such premium rate is not less than one and one-half (1 1/2) times the rate established in good faith for like work performed in nonovertime hours on other days. Extra compensation paid for these hours shall be creditable toward overtime compensation under the statute.

(7) Extra compensation provided by a premium rate paid to the employe, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday, where such premium rate is not less than one and one-half (1 1/2) times the rate established in good faith by the contract or agreement for like work performed during such workday or workweek. Extra compensation paid for these hours shall be creditable toward overtime compensation under the statute

Section 9. Requirements of a "Bona Fide Profit-Sharing Plan of Trust." (1) A bona-fide profit-sharing plan or trust is required to meet all of the standards set forth in the following paragraphs:

(a) The profit-sharing plan or trust constitutes a definite program or arrangement in writing, communicated or made available to the employes, which is established and maintained in good faith for the purpose of distributing to the employes a share of profits as additional remuneration over and above the wages or salaries paid to employes which wages or salaries are not dependent upon or influenced by the existence of such profit-sharing plan or trust or the amount of the payments made pursuant thereto.

(b) All contributions or allocations by the employer to the fund or trust to be distributed to the employes are: (i) derived solely from profits of the employer's business as a whole, or an established branch or division of the business which is recognized as such for general business purposes and for which profits are separately and regularly calculated in accordance with accepted accounting practice; and (ii) made periodically, but not more frequently than is customary or consonant with accepted accounting practice to make periodic determinations of profit.

(c) Eligibility to share in profits extends: (i) at least to all employes who are subject to the minimum wage and overtime provisions of the act, or to all such employes in an established part of the employer's business as described in paragraph (b) of this subsection: provided, however, that such eligibility may be determined by factors such as length of service or minimum schedule of hours or days of work which are specified in the plan or trust, and further, that eligibility need not extend to officers of the employer; or (ii) to such classifications of employes as the employer may designate with the approval of the commissioner upon a finding, after notice to interested persons, including employe representatives, and an opportunity to present their views either orally or in writing.

(d) The amounts paid to individual employes are determined in accordance with a definite formula or method of calculation specified in the plan or trust. The formula or method of calculation may be based on any one or more of such factors as straight-time earnings, total earnings, base rate of pay of the employe, straight-time hours or total hours worked by employes, or length of service, or distribution may be made on a per capita basis.

(e) An employe's total share determined in accordance with paragraph (d) of this subsection may not be diminished because of any other remuneration received by him.

(f) Provision is made either for payment to the individual employes of their respective shares of profits within a reasonable period after the determination of the amount of profits to be distributed, or for the irrevocable deposit by the employer of his employe's distributive shares of profits with a trustee for deferred distribution to such employes of their respective shares after a stated period of time or upon the occurrence of appropriate contingencies specified in the plan or trust; provided, however, that the right of an employe to receive his share is not made dependent upon his continuing in the employ of the employer after the period for which the determination of profits has been made.

(2) No plan or trust which contains any one of the following provisions shall be deemed to meet the requirements of a bona fide profit-sharing plan or trust:

(a) if the share of any individual employe is determined in substance on the basis of attendance, quality or quantity of work, rate of production, or efficiency;

(b) if the amount to be paid periodically by the employer into the fund or trust to be distributed to the employes is a fixed sum;

(c) if periodic payments of minimum amounts to the employes are guaranteed by the employer;

(d) if any individual employe's share, by the terms of the plan or trust, is set at a predetermined fixed sum or is so limited as to provide in effect for the payment of a fixed sum, or is limited to or set at a predetermined specified rate per hour or other unit of work or worktime;

(e) if the employer's contributions or allocations to the fund or trust to be distributed to the employes are based on factors other than profits such as hours of work, production, efficiency, sales or savings in cost.

(3) As used in this section a "profit-sharing plan" means any such program or arrangement as qualifies hereunder which provides for the distribution by the employer to his employes of their respective shares of profits; and "profit-sharing trust" means any such program or arrangement as qualifies under this part which provides for the irrevocable deposit by the employer of his employes' distributive shares of profits with a trustee for deferred distribution to such employes of their respective shares.

Section 10. Requirements of a "Bona-Fide Thrift or Savings Plan." (1) A bona-fide thrift or savings plan is required to meet all of the standards set forth in the following paragraphs:

(a) The thrift or savings plan constitutes a definite program or arrangement in writing, adopted by the employer or by contract as a result of collective bargaining and communicated or made available to the employes, which is established and maintained, in good faith, for the purpose of encouraging voluntary thrift or savings by employes by providing an incentive to employes to accumulate regularly and retain cash savings for a reasonable period of time or to save through the regular purchase of public or private securities.

(b) The plan specifically shall set forth the category or categories of employes participating and the basis of their eligibility. Eligibility may not be based on such factors as hours of work, production, or efficiency of the employes; provided, however, that hours of work may be used to determine eligibility of part-time or casual employes.

(c) The amount any employe may save under the plan shall be specified in the plan or determined in accordance with a definite formula specified in the plan, which formula may be based on one or more factors such as the straight-time earnings or total earnings, base rate of pay, or length of service of the employe.

(d) The employer's total contribution in any year may not exceed fifteen percent (15%) of the participating employes' total earnings during that year. In addition, the employer's total contribution in any year may not exceed the total amount saved or invested by the participating employes during that year; provided, however, that a plan permitting a greater contribution may be submitted to the commissioner and approved by him as a bona fide thrift or savings plan.

(e) The employer's contributions shall be apportioned among the individual employes in accordance with a definite formula or method of calculation specified in the plan, which formula or method of calculation is based on the amount saved or the length of time the individual employe retains his savings or investment in the plan; provided, that no employe's share determined in accordance with the plan may be diminished because of any other remuneration received by him.

(2) (a) No employe's participation in the plan shall be on other than a voluntary basis.

(b) No employe's wages or salary shall be dependent upon or influenced by the existence of such thrift or savings plan or the employer's contributions thereto.

(c) The amounts any employe may save under the plan, or the amounts paid by the employer under the plan may not be based upon the employe's hours of work, production or efficiency.

Section 11. Conditions for exclusion of benefit-plan contributions under Section 8(4) of this regulation. (1) In order for an employer's contribution to qualify for exclusion from the regular hourly rate the following conditions must be met:

(a) The contributions must be made pursuant to a specific plan or program adopted by the employer, or by contract as a result of collective bargaining, and communicated to the employes. This may be either a company-financed plan or an employer-employe contributory plan.

(b) The primary purpose of the plan must be to provide systematically for the payment of benefits to employes on account of death, disability, advanced age, retirement, illness, medical expenses, hospitalization, and the like.

(c) In the plan or trust, either: (i) The benefits must be specified or definitely determinable on an actuarial basis; or (ii) There must be both a definite formula for determining the amount to be contributed by the employer and a definite formula for determining the benefits for each of the employes participating in the plan; or (iii) There must be both a formula for determining the amount to be contributed by the employer and a provision for determining the individual benefits by a method which is consistent with the purposes of the plan or trust.

(d) The employer's contributions must be paid irrevocably to a trustee or third person pursuant to an insurance agreement, trust or other funded arrangement. The trustee must assume the usual fiduciary responsibilities imposed upon trustees by applicable law. The trust or fund must be set up in such a way that in no event will the employer be able to recapture any of the contributions paid in nor in any way divert the funds to his own use or benefit. (It should also be noted that in the case of joint employer-employe contributory plans, where the employe contributions are not paid over to a third person or to a trustee unaffiliated with the employer, violations of the statute may result if the employe contributions cut into the required minimum or overtime wages.) Although an employer's contributions made to a trustee or third person pursuant to a benefit plan must be irrevocably made, this does not prevent return to the employer of sums which he had paid in excess of the contributions

actually called for by the plan, as where such excess payments result from error or from the necessity of making payments to cover the estimated cost of contributions at a time when the exact amount of the necessary contributions under the plan is not yet ascertained.

(e) The plan must not give an employe the right to assign his benefits under the plan nor the option to receive any part of the employer's contributions in cash instead of the benefits under the plan; provided, however, that if a plan otherwise qualifies as a bona fide benefit plan, it will still be regarded as a bona fide plan even though it provides, as an incidental part thereof, for the payment to an employe in cash of all or a part of the amount standing to his credit: (i) at the time of the severance of the employment relation due to causes other than retirement, disability, or death, or (ii) upon proper termination of the plan, or (iii) during the course of his employment under circumstances specified in the plan and not inconsistent with the general purposes of the plan to provide the benefits.

(2) Where the benefit plan or trust has been approved by the Bureau of Internal Revenue as satisfying the requirements of section 401(a) of the Internal Revenue Code in the absence of evidence to the contrary, the plan or trust will be considered to meet the conditions specified in paragraphs (a), (d), and (e) of subsection (1) of this section.

Section 12. Overlapping when change of workweek is made. (1) As stated in Section 4 of this regulation, the beginning of the workweek may be changed for an employe or for a group of employes if the change is intended to be permanent and is not designed to evade the overtime requirements of the statute. A change in the workweek necessarily results in a situation in which one or more hours or days fall in both the old workweek as previously constituted and the new workweek. Thus, if the workweek in a plant commenced at 7 a.m. on Monday and it is now proposed to begin the workweek at 7 a.m. on Sunday, the hours worked from 7 a.m. Sunday to 7 a.m. Monday will constitute both the last hours of the old workweek and the first hours of the newly established workweek.

(2) When the beginning of the workweek is changed, if the hours which fall within both old and new workweeks as explained in the above subsection are hours in which the employe does no work, his overtime compensation for each workweek is, of course, determinable in precisely the same manner as it would be if no overlap existed. If, on the other hand, some of the employe's working time falls within hours which are included in both workweeks, the Department of Labor, as an enforcement policy, will assume that the overtime requirements of the statute have been satisfied if computation is made as follows:

(a) Assume first that the overlapping hours are to be counted as hours worked only in the old workweek and not in the new; compute straight-time and overtime compensation due for each of the two (2) workweeks on this basis and total their sums.

(b) Assume now that the overlapping hours are to be counted as hours worked only in the new workweek and not in the old, and complete the total computation accordingly.

(c) Pay the employe an amount not less than the greater of the amounts computed by methods in paragraphs (a) and (b).

JAMES R. YOCOM, Commissioner

ADOPTED: November 6, 1974

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: January 6, 1975 at 1:38 p.m.

(The regulation which follows was published originally in the November issue [1 Ky.R. 156] and as proposed to be amended was in the January, 1975 issue [1 Ky.R. 324]. Upon review by the Administrative Regulation Review Subcommittee on January 8, 1975, the issuing agency agreed to a second change and the regulation was ordered filed, becoming effective on that date. It is printed here in its final form.)

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
803 KAR 1:090
(As Amended)

RELATES TO: KRS 337.275, 337.285
PURSUANT TO: KRS 337.295, 13.082
SUPERSEDES: LAB 9
EFFECTIVE: January 8, 1975

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.]

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.

(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: January 6, 1974 at 1:37 p.m.

(The following regulation was published originally in the October issue [1 Ky.R. 97]. A public hearing was held on December 30, 1974, after which the issuing agency resubmitted this amended regulation. The regulation is scheduled for consideration by the Administrative Regulation Review Subcommittee at its next meeting on February 5, 1975.)

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Office of the State Fire Marshal
(806 KAR 50:200)
(Proposed Amendment)

RELATES TO: KRS 227.570
PURSUANT TO: KRS 227.590 and 13.082
NECESSITY AND FUNCTION: KRS 227.590 requires the Mobile Home Certification and Licensure Board to establish rules and regulations governing the standards for manufacture, sale, and alteration of mobile homes and recreational vehicles. These regulations are intended to assure safety for owners and occupiers of mobile homes and recreational vehicles.

Section 1. Authorization: (1) These rules are authorized by KRS 227.590 and established pursuant to the rule making procedures set forth in KRS Chapter 13, in order to implement, interpret, and carry out the provisions of Laws of 1974, KRS Chapter 227, relating to mobile homes and recreational vehicles. In the event that these regulations conflict with the codes promulgated by the National Fire Protection Association NFPA 501 (B), and NFPA 501 (C), the codes shall govern in all cases.

(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations, the office shall mail to all manufacturers possessing valid Certificates of Acceptability and dealers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the Board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the Board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.

(3) Every rule or regulation, or modification, amendment or repeal of a rule or regulation adopted by the Board shall state the date it shall take effect.

Section 2. Enforcement: Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's Office is authorized to enter any premises in order to inspect any mobile home or recreational vehicle for which the office has issued a seal of approval, or to inspect such mobile home's or recreational vehicle's equipment and, or its installations to insure compliance with the Act, the code and these regulations. Upon compliant and request, a privately owned mobile home or recreational vehicle bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance he may require that a portion or portions of such mobile homes or recreational vehciles be removed or exposed in order that a compliance inspection can be made.

Section 3. Definitions: In addition to the definitions contained herein, the definitions of NFPA 501 (B), and NFPA 501 (C) by the National Fire Protection Association shall apply:

(1) Act: The Mobile Home and Recreational Vehicle Act, KRS 227.550 to KRS 227.660.

(2) Agency, Testing: An outside organization which is:

(a) Primarily interested in testing and evaluating equipment and installations;

(b) Qualified and equipped for, or to observe experimental testing to approved standards;

(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;

(d) Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and

(e) Approved by the Board.

(3) Alteration or Conversion: The replacement, addition, modification or removal of any equipment or installations which may affect the body and frame design and construction, plumbing, heat-producing or electrical systems or the functioning thereof of mobile home or recreational vehicle subject to these rules is an alteration or conversion unless excluded by these rules. [the] The above equipment must be installed in accordance with manufacturer's specifications.

(4) Board: Mobile Home Certification and Licensure Board.

(5) Certificate of Acceptability: The Certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import, or sell mobile homes or recreational vehicles within the state.

(6) Class "A" Seal: A device or insignia issued by the office to indicate compliance with the standards, established by the office or rules and regulations established by the Board for new mobile homes and recreational vehicles manufactured after the effective date of the Act.

(7) Class "B" Seal: A device or insignia issued by the office to indicate compliance with the standards, established by the office, rules and regulations established by the Board for used mobile homes or recreational vehicles without a Class "A" Seal, or for new mobile homes or new recreational vehicles manufactured prior to the effective date of the Act.

(8) Dealer: Any person, other than a manufacturer, as defined herein, who sells or offers for sale three (3) or more mobile homes or recreational vehicles in any consecutive twelve (12) month period.

(9) Established Place of Business: A fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a mobile home or recreational vehicle dealer, which shall include the books, records, files, and equipment necessary to properly conduct such business or a building having sufficient space therein to properly show and display the mobile homes or recreational vehicles being sold and in which the functional duties of a mobile home or recreational vehicle dealer may be performed. The place of business shall not consist of residence, tent, temporary stand or open lot. It shall display a suitable sign identifying the dealer and his business. [with letters of a minimum height of six inches (6") and width of one and one-half inches (1-1/2").]

(10) Hard Surfaced Lot: An area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel and/or stone, or other material of similar characteristics.

(11)[(10)] Manufacturer: Any person who manufactures mobile homes or recreational vehicles and sells to dealers.

(12)[(11)] Mobile Home: For purposes of the scope of the Act and regulations this means a movable or portable unit constructed to be moved from place to place on the public streets or highways and designed to permit the permanent or temporary occupancy therein for the purpose of use as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and which can be connected to electric, water, gas, sewage, and telephone facilities. It may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure. It shall include housetrailers which are regulated as to length, width and registration by KRS Chapter 186. "Add-a-Room" units are not considered an integral part of a mobile home [,therefore, manufacturer's Certificates of Acceptability and seals are required.],

(13)[(12)] NFPA 501 (B): That section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for mobile homes.

(14)[(13)] NFPA 501 (C): That section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for recreational vehicles.

(15)[(14)] Office: The Office of the State Fire Marshal.

(16)[(15)] Person: This means a person, partnership, corporation or other legal entity.

(17)[(16)] Recreational Vehicle: For purposes of the scope of the Act and regulations this is a vehicular type unit designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle.

(18)[(17)] Suitable Sign: A sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and a minimum width of one and one-half inches (1-1/2").

Section 4. Scope and Purpose of the Act and Regulations: (1) Except to the extent otherwise stated in the Act and these regulations and in other laws of the Commonwealth which are not inconsistent with or superseded by the Act and these regulations, these regulations govern the design, manufacture, storage, sale, and methods for transportation of mobile homes and recreational vehicles which are manufactured, sold, leased, or transported for use within or outside of the Commonwealth. These regulations apply to mobile homes or recreational vehicles manufactured in manufacturing facilities located within or outside the Commonwealth. Mobile homes or recreational vehicles brought into this state for exhibition use only and which will not be sold in this state may be excluded from the coverage of this Act and Regulations if inspections reveals no condition hazardous to health or safety [, provided a sign is conspicuously posted at said exhibition that this home is not approved for sale in Kentucky].

(2) The State Legislature has enacted the Mobile Home and

Recreational Vehicle Act to protect the health and safety of the owner, occupiers, and all other persons for malmanufactured mobile homes and recreational vehicles. The office has been given authority to carry out the purpose of the Act. [Past experience indicated that rigid enforcement is required.] The Act sets out the minimum standards for design and manufacture. [Manufacturers are encouraged to surpass these standards.] Dealers are encouraged to maintain ethical business standards beyond non-fradulent minimums.

Section 5. Standards for Vehicles in Manufacturers' or Dealers' Possession: (1) The office shall enforce such standards and requirements for the installation of plumbing, heating, and electrical systems in mobile homes and recreational vehicles as it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(2) The office shall also enforce such standards and requirements for the body and frame design and construction of mobile homes [and recreational vehicles] as are reasonably necessary in order to protect the health and safety of the occupants and the public.

(3) On all mobile homes and recreational vehicles manufactured after June 21, 1974, until the effective date of these regulations said standards shall be NFPA 501 (B) and NFPA 501 (C), 1973 edition. After the effective date of these regulations said standards will be NFPA 501 (B), 1974 edition, herein adopted by reference and NFPA 501 (C), 1974 edition, herein adopted by reference.

(4) On all used mobile homes and recreational vehicles without a seal or any mobile home or recreational vehicle manufactured prior to June 21, 1974, said standards shall be that the dealer shall certify that the electric, heating, and plumbing systems have been checked, and repaired if necessary, and found to be in safe working condition and thus be in conformity with the intent of the Act to protect the health and safety of the occupants and general public.

Section 6. Applicability and Interpretation of Code and Regulation Provisions: (1) Any questions regarding the applicability or interpretation of any provisions of any code or regulation adopted shall be submitted in writing by any interested person to the office for resolution. It is the policy of the office that with respect to questions regarding NFPA 501 (B) or NFPA 501 (C), any such questions shall whenever feasible be submitted to the NFPA in accordance with the established procedures of the organization. The decision of the office shall be in writing.

Section 7. Certificate of Acceptability: (1) No manufacturer may manufacture, import, or sell any mobile home or recreational vehicle in this state after the effective date of this Act, unless he has procured a Certificate of Acceptability from the Board. Compliance shall be enforced through KRS 227.992. Mobile homes or recreational vehicles manufactured in this state and designed for delivery to and for sale in a state that has a code that is inconsistent with NFPA 501 (B) or NFPA 501 (C) need not comply with this provision.

(2) Requirements for Issuance:

(a) The manufacturer must submit and the office must approve in-plant quality control systems.

(b) The manufacturer must apply for approval of systems for transportation.

(c) An affidavit certifying compliance with the applicable standards must be attached to the application.

(d) A four hundred dollar ($400) [A five hundred dollar ($500)] fee must accompany the application. The fee, if paid by check or money order, shall be made payable to: Kentucky State Treasurer. Said fee shall be prorated on a calendar year basis if it is a new license.

(e) The manufacturer must furnish and maintain with the office a $20,000 bond, with corporate surety conditioned upon such manufacturer's complying with the applicable statutes and as an indemnity for any loss sustained by any person by reason of acts of the certificate holder constituting grounds for suspension or revocation for his Certificate of Acceptability.

[(f) Proof of financial responsibility must accompany the application.]

(3) To obtain in-plant quality control approval, a manufacturer shall submit a system for in-plant quality control pursuant to paragraph (b) of this subsection and submit to inspection by the office for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain the following:

(a) A certified copy of the plans and specifications of a model or model-group for body frame design and construction and electrical, heating, plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one-half inches by eleven inches (8-1/2" x 11") and the maximum possible size of which is twenty-four inches by thirty inches (24" x 30"). The manufacturer shall certify that the aforementioned systems comply with the appropriate NFPA code, either NFPA 501 (B) or NFPA 501 (C).[approximately 24" x 30" and bear the signature and seal of a registered architect or professional engineer certifying that the aforementioned systems comply with NFPA 501 (B) and NFPA 501 (C) by the National Fire Protection Association.]

(b) Also a copy of the procedure which will direct the manufacturer to construct mobile homes and recreational vehicles in accordance with the plans, specifying:

1. Scope and Purpose.
2. Receiving the inspection procedure for basic materials.
3. Material storage and stock rotation procedure.
4. Types and frequency of product inspection.
5. Sample of inspection control form used.
6. Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.
7. Test equipment.
8. Control of drawings and material specifications.
9. Test procedures.
10. Record-keeping procedures.

(4) A unit certification format certifying compliance with the act and regulations shall be submitted to the office no later than the end of the first week of each month. The unit certification format shall contain the information in the following suggested format.

(a) Suggested format:

UNIT CERTIFICATION FORMAT

_____
Name of Manufacturer

_____ _____
Mailing Address County

_____, _____ _____
City State Zip Code

I hereby certify that the mobile homes/recreational vehicles as described hereon have been constructed in compliance with NFPA 501 B ( ) or NFPA 501 C ( ).

NO.	M.H.	R.V.	Serial NO.	KY. Seal NO.	Date Mfg.	Model	Size	Dealer
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

This form must be used in reporting units to the Office of the State Fire Marshal. The form should be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the manufacturer. This form should be mailed to the Office of the State Fire Marshal when the last entry has been filled or not later than the first week of each month.

_____, ____ BY_____
Date PERSON AUTHORIZED TO CERTIFY THESE UNITS"

(5)[(4)] No manufacturer to which a Certificate of Acceptability has been issued shall modify in any way its manufacturing specifications without prior written approval of the office.

(6)[(5)] If the manufacturer is also a dealer, he must also comply with dealer licensing provisions.

(7)[(6)] Should the applicant not conform with these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. Should the applicant fail to submit a corrected application in accordance with the information supplied on the application correction notice, the application will be deemed abandoned and twenty percent (20%) of fees due will be forfeited to the office. Any additional submission shall be processed as new application.

(8)[(7)] Manufacturers shall notify the office in writing within thirty (30) days of any of the following occurrences:

(a) The corporate name is changed;
(b) The main address of the company is changed;
(c) There is a change in twenty-five percent (25%) or more of the ownership interest of the company within a twelve (12) month period;
(d) The location of any manufacturing facility is changed;
(e) A new manufacturing facility is established; or,
(f) There are changes in the principal officers of the firm.

(9)[(8)] Any information relating to building systems, in-plant quality control systems, and transportation systems which the manufacturer considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the office, and by the inspection, evaluation, and local enforcement agencies unless the Board determines in each

case that disclosure is necessary to carry out the purposes of the Act.

(10)[(9)] The office may determine that the standards for mobile homes or recreational vehicles established by a state or a recognized body or agency of the federal government are at least equal to NFPA 501 (B) or NFPA 501 (C). If the office finds that such standards are actually enforced then it shall issue a Certificate of Acceptability for such mobile homes and recreational vehicles.

(11)[(10)] A Certificate of Acceptability may be denied, suspended, or revoked on the following grounds:

(a) Evidence of insolvency;
(b) Material misstatement in application for Certificate of Acceptability;
(c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the Board under the Act;
(d) Willfully defrauding any buyer;
(e) Willful failure to perform any written agreement with any buyer or dealer;
(f) Failure to furnish or maintain the required bond;
(g) A fradulent sale, transaction, or repossession;
(h) Violation of any law relating to the sale or financing of mobile homes or recreational vehicles.

(12)[(11)] If a certificate holder is a firm or corporation, it shall be sufficient cause for denial, suspension, or revocation of a certificate that any officer, director, or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a certificate to such party as an individual. Each certificate holder shall be responsible for any or all of his salesmen while acting as his agent.

(13)[(12)] Procedure for Denial, Revocation or Suspension:

(a) The office may deny the application for a Certificate of Acceptability by written notice to the applicant, stating the grounds for such denial.
(b) No Certificate of Acceptability shall be suspended or revoked by the office except after a hearing thereon. The office shall give the certificate holder at least thirty (30) days notice of the time and place of the hearing and of the charges to be heard.
(c) Any manufacturer or dealer who violates or fails to comply with this Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation and instructed to correct the violation within sixty (60) days. Should the manufacturer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any Certificate of Acceptability if it finds that:
1. The manufacturer has failed to pay the fees authorized by the Act; or that
2. The manufacturer, either knowingly or with the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of the Act.
3. The manufacturer has shipped or imported into this state a mobile home or recreational vehicle to any person other than to a duly licensed dealer.

(14)[(13)] Any person aggrieved by any ruling of the office denying a Certificate of Acceptability within fifteen (15) days after any such ruling of the office may appeal such ruling to the Board herein provided for. Such appeal shall be in writing. The Board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter.

If the Board shall determine and order that any applicant is not qualified to receive a Certificate of Acceptability, no certificate shall be granted. If the Board shall determine that the certificate holder was willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his certificate may be suspended or revoked.

(15)[(14)] Any person aggrieved by any ruling of the Board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.

(16)[(15)] Under proceedings for the suspension of a Certificate of Acceptability for any of the violations enumerated in the Act, the holder of a Certificate of Acceptability may have the alternative subject to the approval of the Board, to pay in lieu of part or all of the days of any suspension the sum of fifty dollars ($50) per day.

Section 8. Serial Numbers, Model Numbers, Date Manufactured: (1) A clearly designated serial number, model number, and date manufactured shall be stamped into the mobile home tongue, or front [(hitch end)] cross member of the frame at the lower left hand side (while facing the unit), and if there is no such tongue or cross member, then a data plate with this information shall be affixed on the outside [next to] by the main entry door [.] on the right hand side of the door.

Section 9. Dealer License: (1) No dealer of mobile homes or recreational vehicles shall engage in business as such in this state without a license issued by the office upon application.

(2) Application must contain the following information:

(a) Name and address of the chief managing officer;
(b) Location of each and every [the] established place of business;
(c) Social security number and date of birth of chief managing officer;
(d) Test score (see below);
(e) Previous year's units sold, new and used;
(f) Affidavit certifying compliance with the Act and Regulations;
(g) Bond (see below);
(h) Names of officers if dealership in corporate form;
(i) Names of partner if dealership in partnership form;
[(j) Proof of financial responsibility]

(j)[(k)] Any other information the office deems commensurate with safeguarding of the pubic interest in the locality of the proposed business.

(3) [Pursuant to KRS 227.610,] The office may test each applicant's chief managing officer at the time of application for a license or renewal of a license previously issued.

(4) All licenses shall be granted or refused within thirty (30) days after application therefore, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(5) The license fee shall be [one hundred] fifty dollars ($50) [($150)] and in the case of a new license, not a renewal license, the fee shall be prorated on a calendar year basis. The fee, if paid by check or money order, shall be made payable to Kentucky State Treasurer.

(6) The license must be conspicuously displayed at the established place of business. In case such location be changed, the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(7) The dealer must furnish and maintain with the office a $20,000 bond, with corporate surety conditioned upon such dealer's complying with the applicable statutes and as an indemnity for any loss sustained by any person by reason of acts of the licensee constituting grounds for suspension or revocation of his license:

(a) The bond form prescribed by the Office [State Fire Marshal] shall be used.
(b) Forfeiture of the bond will not occur until after a court adjudication thereof.

(8) Periodic Reports:

(a) A unit compliance format certifying compliance with the Act and Regulations shall be submitted to the office no later than the end of the first week of each month. The unit certification format shall contain the information in the following suggested format.

[Every dealer licensed in accordance with the provisions of the Act, shall make reports to the office at such intervals and showing such information as the office may require.]

(b) Suggested format:

* UNIT CERTIFICATION FORMAT

_____
Name of Dealer

_____ _____
Mailing Address County

_____, _____ _____
City State Zip Code

I hereby certify that the mobile homes/recreational vehicles as described hereon have been inspected and are in compliance with the Life/Safety Standards appropriate for the class of seal which I have affixed on the unit as required by KRS 227.550 thru KRS 227.660 and regulations thereunder.

NO.	M.H.	R.V.	Serial NO.	KY. Seal NO.	Date Mfg.	Model	Size	Dealer
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

This form must be used in reporting units to the Office of the State Fire Marshal. The form should be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the dealer. This form should be mailed to the Office of the State Fire Marshal when the last entry has been filled or not later than the first week of each month.

_____, ____ BY_____
Date PERSON AUTHORIZED TO CERTIFY THESE UNITS*

[(b) On January 1, April 1, July 1, October 1, of each year the dealer must supply the following information:
1. Serial number of units sold, new and used.
2. Any change of facts that would render inaccurate their application.]
(c) Notification of a change in the application information must be made within thirty (30) days of any of the following occurrences:
1. Dealership name is changed;
2. Established place of business is changed;
3. There is a change in twenty-five percent (25%) or more of the ownership interest of the dealership within a twelve (12) month period; or
4. There are changes in the principal officers of the firm.

(9) A license may be denied, suspended or revoked on the following grounds:
(a) Evidence of Insolvency;
(b) Material misstatement in application;
(c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the Board under the Act.
(d) Willful failure to perform any written agreement with the buyer;
(e) Willfully defrauding any buyer;
(f) Failure to have or to maintain an established place of business;
(g) Failure to furnish or maintain the required bond;
(h) Making a fraudulent sale, transaction or repossession;
(i) Employment of fraudulent devices, methods, or practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods.
(j) Failure of a dealer to put the title to a mobile home or recreational vehicle in his name after said dealer has acquired ownership of the mobile home or recreational vehicle by trade or otherwise.
(k) Violation of any law relating to the sale or financing of mobile homes or recreational vehicles.

(10) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee or the firm or corporation, or any member in case of a partenership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a license to such party as an individual. Each licensee shall be responsible for any or all of his salesmen while acting as his agent.

(11) Upon proceedings for the suspension of a license for any of the violations enumerated in the Act, the licensee may have the alternative, subject to the approval of the Board, to pay in lieu of part or all of the days of any suspension the sum of fifty dollars ($50) per day.

(12) Procedure for Denial, Revocation, or Suspension:
(a) The office may deny the application for a license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for such denial.
(b) No license shall be suspended or revoked by the office except after a hearing thereon. The office shall give the licensee at least thirty (30) days notice of the time and place of hearing and of the charges to be heard.
(c) Any dealer who violates or fails to comply with the Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation, and instructed to correct the violation within sixty (60) days. Should the dealer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any license if it finds that:
1. The dealer has failed to pay the fees authorized by the Act; or that
2. The dealer either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Act or any regulation or order lawfully made pursuant to and within the authority of the Act.

(13) Any person aggrieved by any ruling of the office denying, suspending, or revoking a license, within fifteen (15) days after such ruling of the office may appeal such ruling to the Board herein provided for. Such appeal shall be in writing. The Board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the Board shall determine that the licensee has willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his license may be suspended or revoked.

(14) Any person aggrieved by any ruling of the Board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.

Section 10. Seals: (1) No manufacturer who has received a Certificate of Acceptability from the office shall sell or offer for sale to Kentucky dealers in this state mobile homes or recreational vehicle unless they bear a Class "A" seal of approval issued by and purchased from the office. This provision shall not apply to vehicles sold or offered for sale for shipment out of state.

(2) No dealer who has received a license from the office shall sell a mobile home or recreational vehicle unless it has a seal. Any dealer who has acquired a used mobile home or recreational vehicle without a [Class "A"] seal or a mobile home or recreational vehicle manufactured prior to June 21, 1974, shall apply to the office for a Class "B" seal by submitting an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable NFPA Code.

(a) Acquisition of Seals:
1. Any manufacturer, except one altering a new mobile home or recreational vehicle bearing a seal, may qualify for acquisition of a Class "A" seal by obtaining Certificate of Acceptability pursuant to KRS 227.580 and Section 7 of this regulation.
2. Any dealer, except one altering a mobile home or recreational vehicle bearing a seal, may qualify for acquisition for a Class "B" seal by giving an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable NFPA Code.

(b) Application for Seals:
1. Any person who has met the applicable requirements of Section 7 or Section 9 of this regulation shall apply for seals in the form prescribed by the office. The application shall be accompanied by the seal fee of twenty [fifteen] dollars ($20) [($15)] for each Class "A" seal or twenty [fifteen] dollars ($20) [($15)] for each Class "B" seal.
2. If the applicant has qualified to apply for seals pursuant to the inplant quality control approval method, the seal application shall include the Certificate of Acceptability number and the serial number of each mobile home or recreational vehicles for which a seal is requested. Multiple mobile homes and recreational vehicles shall be designated where applicable. Advance inclusions of the mobile home's or recreational vehicle's serial number may be omitted from the application provided the applicant submits a report of the seal number and serial number of the specified mobile home or recreational vehicle to which the seal has been assigned. Such report shall be on the seal application form and shall be submitted no later than thirty (30) days after placement on vehicle.

(c) Alteration or Conversion of a Unit Bearing a Seal:
1. Any alteration of the construction, plumbing, heat-producing equipment, electrical equipment or installations or fire safety in a mobile home which bears a seal, shall void such approval and the seal shall be returned to the office.
2. The following shall not constitute an alteration or conversion:
a. Repairs with approved component parts.
b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing.
c. Adjustment and maintenance of equipment.
d. Replacement of equipment in kind.
e. Any change that does not affect those areas covered by NFPA 501 (B) or NFPA 501 (C).
3. Any dealer proposing an alteration to a mobile home bearing a seal shall make application to the office. Such application shall include:
a. Make and model of the mobile home.
b. Serial number.
c. State seal number.
d. A complete description of the work to be performed together with plans and specifications when required.
e. Location of the mobile home where work is to be performed.
f. Name and address of the owner of the mobile home.
4. Upon completion of the alteration, the applicant shall request the office to make an inspection. [pursuant to KRS 227.660.]
5. The applicant may purchase a replacement seal, based on inspection of the alteration for a fee of two dollars ($2).

(d) Denial and Repossession of Seals: Should inspection reveal that a manufacturer is not constructing mobile homes or recreational vehicles according to NFPA 501 (B) or NFPA 501 (C) and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture mobile homes or recreational vehicles in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given. Upon satisfactory proof of compliance such manufacturer may resubmit an application for seal.

(e) Seal Removal: In the event that any mobile home or recreational vehicle bearing the seal is found to be in violation of these rules, the office shall attach to the vehicle a notice of non-compliance and furnish the manufacturer or dealer a copy of same. The office, dealer or manufacturer shall not remove the non-compliance tag until corrections have been made, and the owner or his agent has requested an inspection in writing to the office or given an affidavit certifying compliance.

(f) Placement of Seals:

1. Each seal shall be assigned and affixed to a specific mobile home. Assigned seals are not transferable and are void when not affixed as assigned, and all such seals shall be returned to or may be confiscated by the office. The seal shall remain the property of the office and may be seized by the office in the event of violation of the Act or regulations.
2. The seal shall be securely affixed by [on] the door on the handle side at approximately handle height.
3. No other seal, stamp, cover, or other marking may be placed within two (2) inches of the seal. [so as to cover, hide, or detract from the visibility to the seal.]

(g) Lost or Damaged Seals:

1. When a seal becomes lost or damaged, the office shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the mobile home serial number, and when possible, the seal number.
2. All damaged seals shall be promptly returned. Damaged and lost seals shall be replaced by the office with a replacement seal [, which bears the date of issue of the original seal and which shall be designated as a replacement seal,] on payment of the replacement seal fee of two dollars ($2).

WARREN SOUTHWORTH, Chairman
Mobile Home Certification and Licensure Board
ADOPTED: December 31, 1975
RECEIVED BY LRC: January 7, 1975 at 1:53 p.m.

(The following regulation, published initially in the November issue [1 Ky.R. 188], was rejected by the Administrative Regulation Review Subcommittee at its meeting December 11, 1974, on the ground that the mandatory immunization of adults is not authorized by statute. The regulation has been amended by the issuing agency to comply with the Subcommittee's objections.)

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 2:060)
(Proposed Amendment)

RELATES TO: KRS 158.035, 211.180, 214.032, 214.034, 214.036
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c), [195.040]
SUPERSEDES: CDS-6
NECESSITY AND FUNCTION: KRS 211.180 mandates the Department for Human Resources to implement a statewide program for the detection, prevention and control of communicable diseases. KRS 214.034 requires the establishment of immunization schedules by the Department for Human Resources. This regulation specifies the ideal schedule for mandatory immunization and is in keeping with the latest scientific information on the topic.

Section 1. Schedule for Required Immunizations. Vaccines against diphtheria (D), tetanus (T), pertussis (P), poliomyelitis (Trivalent OPV) and measles shall be administered according to the following schedule:

(1) Initial Series:
2 months of age.....DPT - Trivalent OPV
6 weeks later.....DPT - Trivalent OPV
6 weeks later.....DPT - Trivalent OPV
12 months of age.....Measles
15-18 months of age.....DPT - Trivalent OPV

(2) Booster Doses:
Shortly before starting school.....DPT - Trivalent OPV
12-14 years of age.....Td
[Thereafter at 10 year intervals.....Td]

Section 2. Variance from Immunization Schedule. The individual physician or local health department shall have the authority to alter the immunization schedule when indicated for any individual vaccinee or to suit any unusual local conditions.

APPROVED: JOHN P. BELL, MD, Chairperson
Council on Health Services

ACCEPTED: STANLEY HAMMONS, MD, Commissioner

LAUREL TRUE, Secretary
ADOPTED: October 10, 1974
RECEIVED BY LRC: January 14, 1975 at 2:47 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

Proposed Regulations

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:010)

RELATES TO: KRS 161.220 to 161.710
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-1
NECESSITY AND FUNCTION: Each school district and educational agency which employs members of the Teachers' Retirement System has the right to adopt rules and regulations which affect their employees. This regulation is intended to assure that such rules and regulations which refer to the Teachers' Retirement System are in conformity with the statutes and regulations under which the system operates.

Section 1. All rules and regulations of school districts and institutions of learning relating to retirement shall conform to the Teachers' Retirement Act.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:43 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:036)

RELATES TO: KRS 161.545
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-29(a)
NECESSITY AND FUNCTION: KRS 161.545 provides that members of the Teachers' Retirement System may make contributions based on part-time service as provided by regulations of the board of trustees. This regulation sets out the service on which contributions may be made and the procedures for crediting such contributions.

Section 1. Retirement contributions shall be deducted on all salary payments made to a full-time regular teacher by a public school system or state agency included under KRS 161.220(4).

Section 2. Active members who are employed on a part-time basis may make retirement contributions and receive service credit under the following conditions:

(1) An active member who teaches or is paid the equivalent of at least three-tenths (3/10) of regular full-time service may make contributions on his salary and receive a fractional year of service credit.

(2) An active member who teaches or is paid on the basis of at least seven-tenths (7/10) of regular full-time service may make contributions for a full year and receive a full year of service credit. Contributions shall be based upon the equivalent annual contract salary if a full year of service is to be granted.

(3) No retirement deductions shall be made for members who are employed on a part-time basis. Members may make personal contributions for such service under the provisions of this regulation upon proper certification of service and salary by the proper authority. All such contributions must be made directly to the retirement office on or before December 31 immediately following the fiscal year in which the part-time service was rendered.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:36 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:037)

RELATES TO: KRS 161.220
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-12(a)
NECESSITY AND FUNCTION: KRS 161.220(4)(e) provides that the board of trustees may designate by regulation the members of the staff of the Teachers' Retirement System who shall be members of the system. This regulation sets out the positions which will be covered by this section.

Section 1. The executive secretary, the deputy executive secretaries, the retirement system field services supervisor, the principal accountant, and such other professional level employees that may from time to time be so designated by the

board of trustees shall be included in the membership of the Teachers' Retirement System.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:43 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:038)

RELATES TO: KRS 161.545
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-2(d)
NECESSITY AND FUNCTION: KRS 161.545(1) provides that members of the Teachers' Retirement System may make contributions for. . ."any service other than regular full-time teaching as provided in rules and regulations adopted by the board of trustees." This regulation is intended to establish guidelines for accepting contributions and granting service credit for members employed for less than a full school year.

Section 1. Members employed in regular full-time positions for less than the regular contract year shall receive a proportional fraction of a year of service credit computed to the nearest hundredth, except that members who are employed for the first one-half (1/2) or more of a regular contract year shall have the privilege of purchasing credit for the balance of the contract year. This privilege may not be exercised more than one (1) time in any three (3) year period. Payment of contributions shall be made by December 31 immediately following the year in which the fractional year's service occurred.

Section 2. Members who are employed in regular full-time positions at the beginning of a school year and who are so employed for at least seven-tenths (7/10) of any school year may make contributions based upon the equivalent annual contract salary and receive a full year of service credit. Such contributions shall be made by December 31 immediately following the year in which the fractional year's service occurred.

Section 3. Members who are employed after the beginning of a regular contract year shall not be eligible to obtain credit for service time that occurred prior to their employment.

Section 4. Members regularly employed at the beginning of a fiscal year for at least one (1) complete pay period shall have the privilege of making contributions for the balance of the fiscal year and receiving one (1) full year of service credit. Such payment of contributions shall be made by the end of the fiscal year next succeeding the year in which the last salary payment was made. The provisions of this section shall be applicable only once in any ten (10) year period.

Section 5. Interest charges of six percent (6%) shall be added to payments made after June 30 of the fractional year.

Section 6. Nothing in this regulation shall be construed as limiting payments made under a bona fide leave of absence as provided in other regulations.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:36 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:039)

RELATES TO: KRS 161.220, 161.470, 161.540
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-5
NECESSITY AND FUNCTION: KRS 161.470(1) provides that all present teachers (KRS 161.220(5)) and all new teachers (KRS 161.220(6)) shall become members of the Teachers' Retirement System. KRS 161.540 provides that all members shall contribute to the system as set out in that section. This regulation is intended to establish a procedure for gathering the information required to set up a retirement record for each member, and to assure that contributions shall be deducted by the employer pending processing of the membership application.

Section 1. Membership application shall be filed by each new teacher at the time of employment in a covered position. However, contributions shall be deducted from the salary as provided by law although the form may not have been filed or processing completed.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:040)

RELATES TO: KRS 161.607
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-25
NECESSITY AND FUNCTION: KRS 161.607 provides that members of one of the state's retirement systems who enter employment in a position covered by another state's retirement systems, may elect to retain membership in the first system. This regulation sets out procedures to be followed in making this election and the payment of contributions in such instances.

Section 1. Those members of the Teachers' Retirement System of the State of Kentucky entering employment in a department, agency, or institution in a position covered by the Kentucky Employes' Retirement System or State Police Retirement System or in a position in a county participating in the County Employes' Retirement System, may elect to retain membership in the Teachers' Retirement System.

Section 2. When such an election is made contributions shall be deducted from the employee's compensation at the rate established by law for members of the Teachers' Retirement System and shall be paid over to the Teachers' Retirement System by the department, agency, or county concerned.

Section 3. Those members of the Kentucky Employes' Retirement System, the State Police Retirement System, or the County Employes' Retirement System who enter the service of a department, board, agency or instrumentality of the Commonwealth or its subdivisions, in a position covered by the Teachers' Retirement System shall, if they so desire, be permitted to remain as members of the Kentucky Employes' Retirement System, State Police Retirement System, or County Employes' Retirement System, and are hereby exempt from participation in the Teachers' Retirement System.

Section 4. When an election is made as provided in Sections 2 or 3 above, such election may not be rescinded while the member is employed in the position held at the time the election was made.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:110)

RELATES TO: KRS 161.545
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-6(b)
NECESSITY AND FUNCTION: KRS 161.545 provides that members of the Teachers' Retirement System may make contributions and receive service credit while on a leave of absence as set out in regulations of the board of trustees. This regulation provides procedures for receiving such contributions and granting of service credit for members on leave of absence.

Section 1. Members may make contributions while on leave of absence granted by the governing board of a school district or institution in accordance with the provisions of the statutes at the time the leave is granted. Payment of contributions shall be made by the end of the fiscal year next succeeding the year in which the leave was effective. No member may make payment on leave of absence for more than three (3) years in any ten (10) year period beginning with the first year of such leave. The administrative head of the district or institution granting the leave shall certify the granting or extension of leave to the Teachers' Retirement System. No leave for a period longer than one (1) year shall be recognized, but such leaves may be extended annually for a total not to exceed three (3) years.

Section 2. Contributions for a period of leave shall be based on the annual salary for the last year of active service at the contribution rate in effect for the period of leave. Interest at the rate of six percent (6%) per annum shall be

added for contributions paid after the end of the school year for which the leave was granted.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:37 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:115)

RELATES TO: KRS 161.705
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-13
NECESSITY AND FUNCTION: KRS 161.705 provides that members may make voluntary contributions to the retirement system in excess of the mandatory percentage, or that boards of education may make such contributions on behalf of their teachers. This regulation sets out the procedures to be followed in making such contributions on a "tax sheltering" basis as provided for in Section 403(b) of the Internal Revenue Code.

Section 1. This regulation is adopted to implement the provisions of KRS 161.705 and certain provisions of Public Law 87-370 and Section 403(b) of the Federal Internal Revenue Code as amended.

Section 2. Any teacher desiring to do so may forego an increase in salary or authorize the employer to reduce the teacher's salary and transmit the funds thus available to the Teachers' Retirement System for deposit to the teacher's credit in an account as provided in KRS 161.705.

Section 3. Such authorization must be made in writing and on forms approved by the Board of Trustees of the Teachers' Retirement System.

Section 4. The authorization must be made for at least one (1) full fiscal year, or remaining fraction thereof, and may not be revoked during that period.

Section 5. Funds deriving from such reductions of salary shall be transmitted to the Teachers' Retirement System on a regular basis and report of contributions shall be made on the appropriate form which will be provided by the system. Under no circumstances shall the contributions be reported or commingled with the regular mandatory contribution.

Section 6. The reporting period may be determined in the local district (i.e. monthly, quarterly, etc.), but the report of contribution and submission of funds must be the same for all teachers in a district.

Section 7. Single contributions of not less than two percent (2%) of the teacher's monthly salary will be accepted by the Teachers' Retirement System providing that no single contribution for less than twenty dollars ($20) will be accepted.

Section 8. For purpose of calculating contributions to the regular mandatory retirement program, the salary shall be the gross salary received before any deductions including any sums deducted by the board of education under the terms of KRS 161.705 and these regulations.

Section 9. A board of education desiring to make the provisions of this program available to teachers must adopt a resolution on forms supplied by the retirement system. A copy of this resolution must be filed with the retirement system prior to deductions from teachers' salaries.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:42 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:135)

RELATES TO: KRS 161.440, 161.580
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-17(a)
NECESSITY AND FUNCTION: KRS 161.440 provides for crediting regular interest, as defined in KRS 161.220(13), to the various funds of the Teachers' Retirement System, and KRS 161.580 requires that individual accounts be maintained for each member of the system. This regulation sets out the procedures to be followed in crediting regular interests to each member's account.

Section 1. Regular interest shall be credited to all member accounts so long as the member is in active status with the retirement system.

Section 2. For purposes of this regulation "active status" shall be defined as that time during which the member has valid service credit with the retirement system.

Section 3. No interest shall be credited to member accounts during the first fiscal year of membership. Subsequent to the first fiscal year of membership, regular interest shall be credited as of June 30 of each year of active status.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:41 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:140)

RELATES TO: KRS 161.661
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-30
NECESSITY AND FUNCTION: KRS 161.661(5) provides that benefits to disability retirees shall be recalculated at the termination of the entitlement period as defined in KRS 161.661(3). This regulation sets out the procedures to be followed in making these new calculations of payable benefits.

Section 1. Members who remain disabled at the expiration of their entitlement period shall have their retirement allowance recalculated under the service retirement procedure except that those members less than sixty (60) years of age shall be considered as sixty (60).

Section 2. At the time the retirement allowance is recalculated, the member may choose any option plan authorized under KRS 161.630. Survivors of a member whose allowance has been recalculated shall not be eligible for survivor benefits as set forth in KRS 161.520.

Section 3. Requirements as to medical re-examinations, income and employment restrictions and re-evaluation of eligibility status shall be the same as defined for disability retirement in KRS 161.661.

Section 4. Any medical coverage extended to persons retired by reason of disability under the terms of the statutes and contracts with insurance carriers shall be deemed to extend to those persons who retired by reason of disability on July 1, 1964, and thereafter, and whose eligibility period as set forth in KRS 161.661(3) and (5), has expired.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:38 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:145)

RELATES TO: KRS 161.630
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-21(a)
NECESSITY AND FUNCTION: KRS 161.630 provides that a member of the Teachers' Retirement System, retiring for service, may elect an actuarial equivalent benefit in lieu of the life annuity provided for in KRS 161.620. This regulation sets out the procedures to be used in calculating these optional benefits.

Section 1. In every case, the date of birth of a beneficiary shall be proven by birth certificate, a sworn statement of the member, or other evidences as the board may require.

Section 2. With reference to any appropriate option chosen by a retiring member as a result of regular matched contributions, if at any time the General Assembly by amendment to the retirement Act, or otherwise, provides increases in the retirement allowances of retired teachers, the increase due, if any, shall be calculated upon the basis of the attained ages of the retirant and the beneficiary on the effective date of the member's retirement.

Section 3. The annuities provided for shall be determined by such appropriate annuity mortality tables for male and female lives in use by the system, as prepared by the actuary, and approved by the board of trustees.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L.

Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:150)

RELATES TO: KRS 161.620, 161.630, 161.705
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-22(b)
NECESSITY AND FUNCTION: KRS 161.630 provides that a member of the Teachers' Retirement System retiring for service, may elect an optional benefit in lieu of the life annuity provided by KRS 161.620. This regulation describes the various options which may be elected by the retiring member at the time of retirement.

Section 1. Option I - Straight Life Annuity with Refundable Balance. If no option is chosen by the retiring member, or if member is retiring for disability, Option I shall prevail, and shall consist of a life annuity (a retirement allowance payable throughout life). Upon death of a retired member, unless Options II, III, III(a), IV, IV(a), or V are selected, an amount consisting of the excess, if any, of his accumulated account at time of retirement over the amount of all annuity payments received by the member prior to his death shall be refundable to his named beneficiary or to his estate. (KRS 161.650.)

Section 2. Option II - Annuity for Ten Years Certain and for Life Thereafter. (1) At time of retirement the retiring member may file with application for retirement a sworn statement choosing Option II, and said option shall be a lesser annuity actuarially equivalent to the annuity provided under Option I above with payments guaranteed for ten (10) years in any event and for life thereafter if the member survives the ten (10) year period from date of retirement. In the event the member's death occurs within the ten (10) year guarantee period, annuity payments shall continue for the remainder of the ten (10) year guarantee period to the named beneficiary, if any, or estate.
(2) Death during the first thirty (30) days immediately after retirement shall not affect the payment of this annuity for ten (10) years certain.

Section 3. Option III - Joint and Last Survivor Annuity. (1) The retiring member may file with application for retirement a sworn statement choosing Option III, and said option shall be a lesser annuity actuarially equivalent to the annuity provided under Option I above with payments continuing for the life of the annuitant (member) plus the provision that upon his death prior to that of his named beneficiary his annuity shall be continued throughout the life of the beneficiary having an insurable interest in the life of the member.
(2) In case of death of both annuitant and the named beneficiary within thirty (30) days after date of retirement, this option shall be void and Option I shall prevail.

Section 4. Option III(a) - Joint and Last Survivor with "Pop-up" Option. The retiring member may file with application for retirement a sworn statement choosing Option III(a), which option shall be a lesser annuity actuarially equivalent to the annuity provided under Option I and incorporating the same guarantee provision as Option III with the additional provision that in the event of death of the named beneficiary prior to the death of the annuitant the benefit payable shall revert to that which would have been applicable under Option I at the time of retirement of the member.

Section 5. Option IV - Joint and Last Survivor Annuity, One-Half Benefit to Survivor. (1) The retiring member may file with application for retirement a sworn statement choosing Option IV, which option shall be a lesser annuity actuarially equivalent to the annuity provided under Option I above with payments continuing for the life of the annuitant (member) plus the provision that upon his death prior to that of his named beneficiary one-half of his annuity shall be continued throughout the life of the beneficiary having an insurable interest in the life of the member.
(2) In case of death of both the annuitant and the beneficiary within thirty (30) days after retirement, this option shall be void and Option I shall prevail.

Section 6. Option IV(a) - Joint and Last Survivor with One-Half to Surviving Beneficiary with "Pop-up" Option. The retiring member may file with application for retirement a sworn statement choosing Option IV(a), which option shall be a lesser annuity actuarially equivalent to the annuity provided under Option I and incorporating the same guarantee provision as Option IV with the additional provision that in the event of death of the named beneficiary prior to the death of the annuitant the benefit payable shall revert to that which would have been applicable under Option I at the time of retirement of the member.

Section 7. Option V - General. In lieu of any option outlined above, the retiring member may file with application for retirement a sworn statement requesting that some other benefit or benefits be paid to the member and to such other person or persons having an insurable interest in the life of the member as he shall nominate in writing, provided such other benefit or benefits, together with such lesser annuity, shall be certified by the actuary to be of equivalent actuarial value to the annuity provided under Option I above and shall be approved by the board.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:155)

RELATES TO: KRS 161.640
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-18
NECESSITY AND FUNCTION: KRS 161.640 sets out the manner of approving and paying annuities. This regulation provides further guidelines for carrying out the provisions of this statute.

Section 1. No annuity shall be retroactive. After an annuity or retirement allowance is authorized by the board, the secretary shall, without further authorization cause the annuity or allowance checks to be issued regularly during the life of the annuitant, or in accordance with the terms of the option chosen by the member.

Section 2. The last check shall be issued for the pro rata amount from the first day of the pay period to and including the day of death.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:41 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:160)

RELATES TO: KRS 161.630, 161.705
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-23(a)
NECESSITY AND FUNCTION: KRS 161.630 provides that a member of the Teachers' Retirement System, retiring for service, may elect the actuarial equivalent of annuity payments provided by KRS 161.620 through choice of an approved optional benefit. In calculation of such benefit, a series of actuarial tables must be utilized. This regulation provides a vehicle by which these actuarial tables may be made a part of the trustees regulations.

Section 1. The annuity values and option factor tables prepared by the actuary at the direction of the Board of Trustees and based on the 1968 actuarial investigation and the annuity table for 1949 are hereby incorporated by reference.

Section 2. A copy of said tables is filed with the Legislative Research Commission as a part of this regulation.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:165)

RELATES TO: KRS 161.520
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-8(a)
NECESSITY AND FUNCTION: KRS 161.520(6) provides that survivors benefits for a dependent child may be extended to age twenty-three (23) if the child is a full-time student in a recognized educational program beyond the high school level. This regulation serves to define "recognized educational program," and to set up specific guidelines for administering this authorized extension of the benefit period.

Section 1. Definitions: For purposes of this regulation the following definitions shall apply: (1) Recognized educational program is defined as an educational program beyond the high school level that has been approved by a state, or accredited by a state or nationally recognized accrediting agency.
(2) Full-time student is defined as a student who is in

full-time attendance in a recognized educational program and is carrying a subject load which is considered full-time for day students under the standards and practices of the educational institution.

Section 2. The benefit of an unmarried dependent child will cease at age eighteen (18), or age nineteen (19) if still in high school. A minor child receiving payment of survivors benefits shall be paid in full for any month in which some payment is due. If the child is or plans to be a full-time student in a recognized educational program, he may apply for continuation or restoration of his monthly benefit. If the child's application is approved, his monthly payment shall continue until he attains age twenty-three (23) unless he marries or stops attending school on a full-time basis.

Section 3. If the child is a full-time student in a recognized educational program beyond the high school level at the time he reaches age eighteen (18), he should make application for continuation of his benefit at least thirty days prior to his eighteenth birthday. A child who is accepted as a full-time student in a recognized educational program after he attains age eighteen (18) should make application for restoration of his monthly benefit at least thirty (30) days prior to his registration as a student.

Section 4. Benefit payments for a properly qualified student shall begin with the first month which he is in full-time attendance at a recognized educational institution. The student shall be eligible for a full monthly benefit for his first month of attendance.

Section 5. Proof of full-time school attendance is required if a child has reached age eighteen (18) but not age twenty-three (23). The child shall supply the necessary information on a form provided by the Kentucky Teachers' Retirement System. The information supplied by the student must be corroborated by a written statement from the school involved.

Section 6. Benefit payments may continue through the normal school vacation periods if the child was a full-time student immediately prior to the vacation period and he intends to continue full-time or actually does attend full-time after the end of the vacation period. Benefit payments shall not be made for more than four (4) months of vacation time during a school year.

Section 7. A child may be entitled to benefits retroactively for as many as six (6) months before the month in which he files the application for benefits. A child shall be entitled to benefits beginning with the first month in the six (6) month retroactive period in which he met all the requirements to be entitled to benefits except for the filing of an application.

Section 8. When a child attains age eighteen (18) and continues to be entitled to benefits as a full-time student, the person who has been receiving the benefit payments will continue to receive the payments unless it is deemed advisable to make payment directly to the child or in some other manner.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:37 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:175)

RELATES TO: KRS 161.430
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-26
NECESSITY AND FUNCTION: KRS 161.430 provides that the board of trustees shall have full power and responsibility for investment of the funds of the Teachers' Retirement System. This regulation requires the trustees to adopt policies governing such investment procedures and to publish these policies in a manner acceptable to the trustees.

Section 1. The board of trustees shall adopt policies governing the investment of the funds of the retirement system in keeping with the provisions of KRS 161.430.

Section 2. The investment policies of the board shall be adopted as a formal resolution of the board and entered at length in the board minutes.

Section 3. Policies may be deleted, changed, amended, or otherwise altered from time to time by appropriate action of the board of trustees.

Section 4. To inform the members of the system, and other interested persons, the board may from time to time publish its investment policies in such form and detail as it may deem desirable.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:38 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 1:180)

RELATES TO: KRS 161.430
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-14
NECESSITY AND FUNCTION: KRS 161.430(1)(b) provides that funds of the Teachers' Retirement System may be invested in obligations of the Commonwealth of Kentucky, its departments and agencies. This regulation sets out guidelines to be followed in investing in obligations of the Kentucky Industrial Development Finance Authority.

Section 1. (1) The board of trustees will consider requests by the Kentucky Industrial Development Finance Authority for loans as such requests are submitted. Such requests shall be made in writing thirty (30) days in advance of the time funds are needed and shall be signed by the chairman of the authority. Each request shall contain a reference to the action of the authority authorizing the request for the loan. Any loan made pursuant to the request of the authority shall be evidenced by an instrument or instruments of indebtedness executed by the authority and signed by the chairman. All such instruments shall be approved by the Attorney General. Any transfer of funds shall be by interaccount bill as provided in KRS 154.170.

(2) The investment committee shall review each request carefully and approve or disapprove, subject to the action of the board of trustees.

(3) Loans made to the authority shall bear interest, payable semi-annually, on July 1 and January 1, at a rate of return equal to that available on corporate bonds, rated AA or the equivalent by one (1) or more nationally recognized rating services, of the most recent issue. In the event more than one (1) such issue has been offered on the same date, the rate available on the largest issue shall be used.

(4) Loans made to the authority shall be for a period of not more than twenty-five (25) years. During the first five (5) years of such loans interest shall be paid as set forth above and the authority shall have the right to pay all or any part of the principal during this period. Beginning with the sixth year the authority shall pay interest and each year shall repay no less than that percentage of the remaining principal balance necessary to retire the loan within the remaining life of the loan.

(5) The authority shall furnish to the board of trustees an annual financial statement of its accounts.

(6) It is agreed that during a fiscal year the amount of funds loaned to the authority by any one of the several retirement systems shall be in the same proportion to the total amount loaned as the assets of the individual system are to the total assets of all the systems.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:41 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Kentucky Teachers' Retirement System
(102 KAR 2:010)

RELATES TO: KRS 161.340
PURSUANT TO: KRS 161.310, 13.082
SUPERSEDES: TRS-11
NECESSITY AND FUNCTION: KRS 161.340 provides for the annual election of a chairman and a vice-chairman for the board of trustees. This regulation sets the time for such election.

Section 1. At the last meeting of the fiscal year (the fourth quarter meeting) the board of trustees shall elect a chairman and vice chairman for the succeeding fiscal year.

TED L. CROSTHWAIT, Executive Secretary
ADOPTED: December 16, 1974
RECEIVED BY LRC: December 19, 1974 at 10:37 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Ted L. Crosthwait, Executive Secretary, Teachers' Retirement System, 216 West Main Street, Frankfort, Kentucky 40601.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 25:040)

RELATES TO: KRS 139.310, 139.700

PURSUANT TO: KRS 13.082
SUPERSEDES: SU-70-1
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it relates to sales to Kentucky purchasers by out-of-state retailers.

Section 1. Any out-of-state retailer not engaged in business in this state according to the provisions of KRS 139.340(2), who makes sales of tangible personal property for delivery and storage, use or other consumption in this state, may make application to the department for a permit to collect the use tax from the purchaser for and on behalf of the State of Kentucky.

Section 2. The out-of-state retailer shall collect the use tax only on interstate sales of tangible personal property intended for storage, use, or other consumption in this state. The out-of-state retailer shall give a receipt for the tax to the purchaser. It is presumed that tangible personal property delivered in this state was purchased from a retailer for storage, use, or other consumption in this state.

Section 3. The tax collected by the out-of-state retailer from the purchaser under this regulation shall be displayed separately from the list price, the price advertised in the premises, the marked price, or other price on the sales check, or other proof of sales. Posting of the applicable use tax bracket in a conspicuous place in the place of business shall constitute compliance with this requirement.

Section 4. Every out-of-state retailer who makes application to collect the use tax for the department shall enter into a contract with the department which shall fully explain the manner in which the tax is to be collected and remitted by the retailer. The out-of-state retailer shall, except as otherwise provided in the contract entered into with the department, report and pay the tax in the same manner and subject to the same requirements as retailers engaged in business in this state and may deduct and withhold from the taxes otherwise due two percent (2%) of the first one thousand dollars ($1,000) of tax due and one and one-quarter percent (1 1/4%) of the tax due in excess of one thousand dollars ($1,000) as reimbursement for the cost of collecting and remitting the tax. Such compensation is not allowable if the tax due is delinquent at the time of payment.

MAURICE CARPENTER, Commissioner
ADOPTED: December 23, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 26, 1974 at 1:15 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 25:110)

RELATES TO: KRS 139.320
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-27
NECESSITY AND FUNCTION: To explain and clarify the application of use tax to the storage or use of machines, machinery, tools and other equipment brought into Kentucky for use in construction or repair work.

Section 1. The use tax levied under KRS 139.320 on machinery brought into Kentucky for construction purposes shall be computed on the basis of such proportion of the original purchase price of the property as the duration of time of use in this state bears to the total useful life thereof. For the purpose of this regulation the word "use" shall mean and include use, storage, consumption and "stand-by" time occasioned by weather conditions, controversies or other causes, it being the intention of this regulation that the tax shall be computed upon the basis of the relative time each item of equipment is in this state rather than upon the basis of actual use.

Section 2. Registration and Reporting: (1) Before any property subject to the use tax is brought into this state for use as provided above, the owner, or, if the property is leased, the lessee shall apply for a sales and use tax permit. The taxpayer shall file with the department on or before the twentieth (20th) day of the month following each calendar month a return for the preceding month showing such property brought and imported or caused to be brought into this state during the preceding calendar month, together with remittance of the amount of tax due.

(2) Monthly reports filed pursuant to this regulation shall be accompanied by a schedule listing the property included in the report and showing the original cost price, duration of time of use in this state, total useful life and the taxable amount for each item. The taxable amount of each item of property shall be computed by multiplying the original purchase price by the duration of time of use in this state and dividing the result by the total useful life, expressed in the same units of time as the duration of time of use in this state as follows: Original purchase price times duration of time of use in this state, divided by total useful life, equals taxable amount.

Section 3. In the absence of satisfactory evidence as to the period of use intended in this state, it will be presumed that such property will remain in this state for the remainder of its useful life which shall be determined in accordance with the experiences and practices of the building and construction trades. Once an item has been fully depreciated for federal income tax purposes such item is exempt from the provisions of this regulation. Any taxpayer who claims a greater or lesser useful life for an item than the estimated life allowed by the Internal Revenue Service for federal income tax purposes shall set forth his reasons therefor.

Section 4. Motor vehicles propelled by other than muscular power and that are used for transportation of persons or property over the public highways of the state are excluded from the provisions of this regulation.

Section 5. Nothing in this regulation shall be so construed as to relieve any taxpayer of liability for sales or use tax levied on purchases of tangible personal property for use, storage or consumption in this state under other provisions of the sales and use tax law. In addition to the use tax as provided in this regulation, taxpayers are liable for sales or use tax on all other tangible personal property purchased for use, storage or consumption in this state.

MAURICE CARPENTER, Commissioner
ADOPTED: December 23, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 26, 1974 at 1:11 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 26:040)

RELATES TO: KRS 139.110
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-24
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to transactions involving morticians, undertakers and funeral directors.

Section 1. Morticians, undertakers and funeral directors are primarily engaged in rendering personal services which are not taxable. They are consumers of all items, including vaults and caskets, which they use or consume in the rendition of their services and the tax applies at the time of their sale to the mortician, undertaker or funeral director.

MAURICE CARPENTER, Commissioner
ADOPTED: December 23, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 26, 1974 at 1:10 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 27:010)

RELATES TO: KRS 139.110, 139.470
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-69
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to sales by auctioneers.

Section 1. Persons engaged in the business of making retail sales at auction of tangible personal property are the retailers of all such property whether the property is owned by such person or by others. Persons so engaged are required to hold a seller's permit and to pay the tax measured by the gross receipts from all such sales. Taxable gross receipts shall include receipts from the sale of such property which might otherwise have been subject to the occasional sale provision of KRS 139.470 if it had been sold directly by the owner thereof.

MAURICE CARPENTER, Commissioner
ADOPTED: December 23, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 26, 1974 at 1:15 p.m.

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

Principles of Medical Ethics of the American Medical Association as of August 14, 1974.

Section 1. The principal objective of the medical profession is to render service to humanity with full respect for the dignity of man. Physicians should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and devotion.

Section 2. Physicians should strive continually to improve medical knowledge and skill, and should make available to their patients and colleagues the benefits of their professional attainments.

Section 3. A physician should practice a method of healing founded on a scientific basis, and he should not voluntarily associate professionally with anyone who violated this principle.

Section 4. The medical profession should safeguard the public and itself against physicians deficient in moral character or professional competence. Physicians should observe all laws, uphold the dignity and honor of the profession and accept its self-imposed disciplines. They should expose, without hesitation, illegal or unethical conduct of fellow members of the profession.

Section 5. A physician may choose whom he will serve. In an emergency, however, he should render service to the best of his ability. Having undertaken the care of a patient, he may not neglect him; and unless he has been discharged he may discontinue his services only after giving adequate notice. He should not solicit patients.

Section 6. A physician should not dispose of his services under terms or conditions which tend to interfere with or impair the free and complete exercise of his medical judgment and skill or tend to cause a deterioration of the quality of medical care.

Section 7. In the practice of medicine a physician should limit the source of his professional income to medical services actually rendered by him, or under his supervision, to his patients. His fee should be commensurate with the services rendered and the patient's ability to pay. He should neither pay nor receive a commission for referral of patients. Drugs, remedies or appliances may be disposed or supplied by the physician provided it is in the best interests of the patient.

Section 8. A physician should seek consultation upon request, in doubtful or difficult cases, or whenever it appears that the quality of medical service may be enhanced thereby.

Section 9. A physician may not reveal the confidences entrusted to him in the course of medical attendance, or the deficiencies he may observe in the character of patients, unless he is required to do so by law or unless it becomes necessary in order to protect the welfare of the individual or of the community.

Section 10. The honored ideals of the medical profession imply that the responsibilities of the physician extend not only to the individual, but also to society where these responsibilities deserve his interest and participation in activities which have the purpose of improving both the health and the well-being of the individual and the community.

WILLIAM P. McELWAIN, M.D., President
ADOPTED: November 21, 1974
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: January 14, 1975 at 4:34 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Medical Licensure
(201 KAR 9:020)

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
SUPERSEDES: M & O 2-1, 5-6, 8-23, and 9-22
NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the Board to establish requirements and standards relating thereto. The purpose of this regulation is to assure uniformity of requirements to all applicants for regular licenses to practice medicine or osteopathy in Kentucky.

Section 1. Qualifications for Regular Medical and Osteopathic Licenses. No person shall be entitled to a regular license unless he meets all requirements specified in KRS 311.570(1) and has successfully passed a written examination prescribed by the board; provided, however, that regular licenses may be issued by reciprocity or endorsement as otherwise provided by regulation of the board without written examination. Provided, further, that graduates of medical schools situated outside the Unites States or Canada shall have successfully completed at least one (1) year of internship or postgraduate training in a hospital or institution located in the United States or Canada and approved by the board. In addition, all foreign medical graduates whose native language is not English shall have successfully passed a written examination of a "Test of English as a Foreign Language" (TOEFL) administered by the Educational Testing Service as a pre-requisite for medical licensure in this state.

Section 2. Medical and Osteopathic Schools in the United States and Canada Approved by the Board. (1) All medical schools, colleges, and universities located in the United States approved by the Council on Medical Education of the American Medical Association are approved by the Board, in connection with the issuance of regular licenses to practice medicine in Kentucky.
(2) All medical schools, colleges, and universities located in Canada and approved by the Canadian Medical Association are approved by the board, in connection with the issuance of regular licenses to practice medicine in Kentucky.
(3) All osteopathic schools and colleges located in the United States and approved by the American Osteopathic Association are approved by the board in connection with the issuance of osteopathic licenses in Kentucky.

Section 3. Medical Schools Outside the United States or Canada. All medical schools situated outside the United States or Canada are approved for regular medical licenses provided the applicant has been fully certified by the Educational Commission for Foreign Medical Graduates (ECFMG), or has been fully certified or is eligible for certification by an approved American Medical Specialty Board recognized and approved by the American Medical Association and the board.

Section 4. Medical and Osteopathic Programs Approved for Internship and Postgraduate Training. (1) All internship and postgraduate programs in hospitals and institutions located in the United States approved by the Council on Medical Education of the American Medical Association are approved by the board in connection with the issuance of a regular license to practice medicine in Kentucky.
(2) All internship and postgraduate programs in hospitals and institutions located in Canada and approved by the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada are approved by the board in connection with the issuance of a regular license to practice medicine in Kentucky.
(3) All internship and postgraduate programs in hospitals and institutions located in the United States and Canada and approved by the American Osteopathic Association are hereby approved by the board in connection with the issuance of a license to practice osteopathy in Kentucky.
(4) The equivalency of all other programs in hospitals and institutions may be considered for approval by the board in connection with the issuance of a regular license on an individual basis.

Section 5. Personal Interview. If the board so directs, an applicant shall personally appear before the secretary or assistant secretary of the board, or some person designated by the secretary or assistant secretary, for a personal interview to establish his identity and qualifications.

Section 6. Endorsement. "Endorsement" means a written and signed certification by the duly authorized officer or representative of the official statutory medical or osteopathic examining board of some other state of the United States, or by the National Board of Medical Examiners, or by the National Board of Examiners for Osteopathic Physicians and Surgeons, or any approved successor thereof, that a certain person is a licentiate, in good standing, of said board, and that the person was required to and did, as a condition precedent to such licensure, satisfactorily pass a comprehensive written examination conducted by said board. Endorsement may be accepted by the board in lieu of further written examination in Kentucky without regard to the existence or non-existence of a reciprocal agreement, but shall not be in lieu of the standards and qualifications prescribed by KRS 311.570(1) and the regulations of the board. The secretary or assistant secretary of the board shall prepare, or cause to be prepared, all forms desirable and appropriate for licensure by endorsement, including applications, questionnaires, certificates, and licenses. The secretary or assistant secretary is authorized to require the submission of photographs, fingerprints, personal history data, and grades of his licensure examining board in connection therewith.

WILLIAM P. McELWAIN, M.D., President
ADOPTED: November 21, 1974
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: January 14, 1975 at 4:32 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 28:010)

RELATES TO: KRS 139.100, 139.110, 139.120, 139.130, 139.140
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-57-2
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to sales of admissions.

Section 1. The gross receipts from the sale of admissions to places of amusement or entertainment are subject to tax. If the tax is included in the total price a statement must appear on the ticket to the effect that the sales tax is included in such price unless the tax is separately stated in a sign posted in a conspicuous place in the ticket window and all sales are made at the ticket window. Each admission is a separate sale.

Section 2. Places of amusement or entertainment include, but are not limited to, theatres, motion picture shows, auditoriums where lectures and concerts are given, amusement parks, fairgrounds, race tracks, baseball parks, football stadiums, street fairs, dance halls, cabarets, night clubs, art exhibits and gymnasiums.

Section 3. Swimming pools and skating rinks will be governed by the following rules: If a swimming pool or skating rink makes a separate charge for which the person charged can only be a spectator, such a charge is subject to the sales tax. If, however, the charge is for the privilege of using the swimming pool or skating rink, the tax will not apply.

Section 4. Admissions to race tracks upon which tax is levied under KRS 138.480 are not subject to the sales tax.

MAURICE CARPENTER, Commissioner
ADOPTED: December 23, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 26, 1974 at 1:14 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 28:050)

RELATES TO: KRS 139.090, 139.120, 139.290, 139.430, 139.320
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-67-2
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it relates to leases and rentals of tangible personal property.

Section 1. (1) In lease or rental transactions it is necessary to classify the lease or rental contract as bona fide or in lieu of a sale as provided in Chapter 1, Internal Revenue Code and related rulings and regulations. The following is a summary of the sales and use tax consequences for both bona fide leases and leases in lieu of sales by Kentucky and out-of-state lessors of construction and nonconstruction equipment. Construction equipment as used in this regulation means that equipment defined in 103 KAR 25:110. Nonconstruction equipment means all other tangible personal property.

(2) Kentucky Lessors - Bona Fide Leases or Rentals:

(a) Construction Equipment - A Kentucky lessor of construction equipment under a bona fide lease or rental agreement is considered to be the consumer of the leased or rented equipment. As the consumer, either the sales tax or the use tax applies at the time the equipment is purchased by the lessor. The tax would be measured by the lessor's purchase price of the equipment. An option to this tax status is available if the sole use made of the equipment by a retailer is its use for lease or rental purposes while holding it for resale. Under such circumstances the lessor may elect to report his receipts from the lease or rental as taxable on his sales and use tax returns in lieu of paying the tax on the entire purchase price. The lessor may not, however, pass the tax along to the lessee as a separate charge since he, not the lessee, is considered to be the taxable user of the property. Any agreement by a lessee to reimburse the lessor for taxes incurred would be strictly a matter between the parties to the contract.

(b) Nonconstruction Equipment - The sales and use tax treatment would be the same as for construction equipment indicated in Section 1(2)(a), above.

(3) Out-of-State Lessors - Bona Fide Leases or Rentals:

(a) Construction Equipment - An out-of-state lessor of construction equipment under a bona fide lease or rental agreement would be liable for Kentucky tax only if he made first use of the property in Kentucky. If first use of the property were made in Kentucky, the out-of-state lessor would be liable for Kentucky tax based on his purchase price of the property. The option as to tax treatment described in Section 1(2)(a) above would be available to the lessor under similar circumstances. Construction contractors in Kentucky are liable for use tax based on rental payments for construction equipment leased or rented from out-of-state lessors. The liability of the construction contractor must be paid by him directly to the Department of Revenue. The only exception to this tax status results when the lessor has paid the Kentucky tax on the full purchase price of the equipment or the rental payments. It would, however, be the lessee's responsibility to obtain evidence of such tax payment from the lessor to relieve himself of tax liability to the department on the rental payments. It is presumed that the out-of-state lessor has not paid the Kentucky tax until the contrary is established by the lessee.

(b) Nonconstruction Equipment - An out-of-state lessor of nonconstruction equipment under a bona fide lease or rental agreement would be liable for Kentucky tax only if he made first use of the property in Kentucky. If first use of the property were made in Kentucky, the out-of-state lessor would be liable for Kentucky tax based on his purchase price of the property. The option as to tax treatment described in Section 1(2)(a) above would be available to the lessor under similar circumstances. The lessor may not, however, pass the tax along to the lessee as a separate charge since he, not the lessee, is considered to be the taxable user of the property. Any agreement by a lessee to reimburse the lessor for taxes incurred would be strictly a matter between the parties to the contract. The Kentucky lessee of nonconstruction equipment from out-of-state lessors under a bona fide lease or rental agreement would not incur a sales or use tax liability in Kentucky.

(4) Kentucky Lessors - Leases in Lieu of Sales:

(a) Construction Equipment - A Kentucky lessor of construction equipment under a contract deemed to be in lieu of a sale is treated in the same manner as if the leased property were sold to the lessee. The lessor-seller would be liable for tax based on the total rents or the total rents and the option price as the case may be. The tax for which the lessor-seller would be liable could be passed on to the lessee-purchaser in accordance with the sales tax collection bracket system established by the Department of Revenue.

(b) Nonconstruction Equipment - The sales and use tax treatment would be the same as for construction equipment indicated in Section 1(4)(a), above.

(5) Out-of-State Lessors - Leases in Lieu of Sales:

(a) Construction Equipment - The lessee-purchaser of construction equipment from an out-of-state lessor-seller is liable for use tax based on the total rents or the total rents and the option price as the case may be. His liability is not extinguished until the tax has been paid to this state, except that a receipt for Kentucky tax paid to an out-of-state retailer engaged in business in this state or from an out-of-state retailer who is authorized by the department to collect the tax is sufficient to relieve the lessee-purchaser from further liability for the tax to which the receipt refers. If the Kentucky lessee-purchaser takes possession and first uses the construction equipment in another state, the use tax would apply to the construction contractor's subsequent use of the property in Kentucky provided the Kentucky tax had not been paid on the full purchase price. The tax would be computed in accordance with the formula contained in 103 KAR 25:110. The tax would be due from the construction contractor directly to the Department of Revenue.

(b) Nonconstruction Equipment - The sales and use tax treatment would be the same as for construction equipment indicated in Section 1(5)(a) with the exception of the tax applicable under the formula provided by 103 KAR 25:110. Such tax applies only to construction equipment.

Section 2. Rental of Property Purchased for Resale - With respect to rentals and leases of property purchased for resale which are not deemed to be in lieu of a sale, the following rules shall apply: (1) Where the sole use of the property is its rental while holding it for sale, the retailer may elect to include in his gross receipts the amount of the rental charged rather than his cost of the property.

(2) A lessor liable for tax under this section may not pass the tax on to the lessee as a separate charge.

(3) Upon the subsequent sale of the property the retailer shall include in his gross receipts the total sales price of the property.

Section 3. Bracket System - As noted in all of the bona fide lease situations described above, the tax which applies to the lessor's purchase price of the property (or lease receipts under the option noted) cannot be passed on to the lessee as a separate charge. The lessor should, of course, consider this additional cost of the property in determining the gross rental amount. Any agreement by a lessee to reimburse a lessor for taxes incurred by the lessor is strictly a matter between the parties to the contract.

Section 4. Reciprocity – On purchases of nonconstruction equipment, credit for use tax due in Kentucky is granted for sales tax paid in most other states at the time of purchase. Reference should be made to Department of Revenue informational publications to determine if sales tax paid in a particular state is creditable against the use tax due in Kentucky. No credit is granted with regard to use tax due from a construction contractor on bona fide leases or rentals of construction equipment from an out-of-state lessor or to leases or rentals in lieu of a sale involving an out-of-state lessor where the lessee-purchaser takes possession and first uses the construction equipment outside Kentucky before subsequent use in this state.

Section 5. Exemptions – Most exemptions contained in the sales and use tax law for purchases of certain kinds of tangible personal property apply to a bona fide lessor's purchase as well as to the actual user's purchase. Such exemptions include purchases of locomotives or rolling stock, machinery for new and expanded industry, farm machinery, and vessels and maritime supplies. When such property is purchased by a bona fide lessor, the lessor would provide the appropriate exemption certificate to the supplier. The lessee would not be involved in the execution of the certificate. In the event the property were later determined to be taxable, the lessor who executed the certificate would be the party liable for the tax. The lessor should document the exempt nature of the purchase for bona fide lease purposes since all purchases would be presumed taxable until the contrary is established by the bona fide lessor. The purchase exemption authority the Department of Revenue has granted to certain religious, charitable and educational institutions extends only to purchases and lease-purchases by such institutions. Accordingly, such exemption would not extend to property purchased by a bona fide lessor of equipment for lease to these organizations. Tax would apply at the time the property is purchased by the lessor.

Section 6. Motor Vehicles – The sale, lease or rental of motor vehicles including motorcycles, the sale of which is subject to the motor vehicle usage tax levied by KRS 138.460(1) are not subject to the sales or use tax (KRS 139.050(3)(f)). The applicable tax is the motor vehicle usage tax administered by the Motor Vehicle Usage Tax Section of the Department of Revenue. Motor vehicles which are not subjected to the motor vehicle usage tax are subject to sales and use tax and the provisions of this regulation will apply to their lease or rental in Kentucky.

MAURICE CARPENTER, Commissioner
ADOPTED: December 23, 1974
APPROVED: JAMES O. KING, Secretary
RECEIVED BY LRC: December 26, 1974 at 1:14 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 28:090)

RELATES TO: KRS 139.100, 139.120, 139.160
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-35
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to sales of tangible personal property enforcing the provisions of a security instrument.

Section 1. The sales or use tax does not apply to sales of tangible personal property at public auction enforcing the provisions of a security instrument if the sale is made pursuant to a court decree by a court appointed official and if the property is bid in by the secured party.

Section 2. The sales or use tax applies to other sales of tangible personal property enforcing the provisions of a security instrument and to subsequent sales of tangible personal property by the secured party who bids in the property at public auction to the same extent as other sales.

MAURICE CARPENTER, Commissioner
ADOPTED: December 23, 1974
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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 28:100)

RELATES TO: KRS 139.050, 139.100, 139.110
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-41
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to sales to employees.

Section 1. Any employer who sells tangible personal property to employees must include the receipts from such sales in his gross receipts to be reported for sales and use tax purposes. It is immaterial that such employer makes sales at retail only to his employees, and not to the general public.

MAURICE CARPENTER, Commissioner
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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 28:120)

RELATES TO: KRS 139.100, 139.210, 139.230
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-23
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to telephonic and telegraphic communications and services.

Section 1. Persons engaged in providing intrastate telephonic or telegraphic communications and services will be considered the consumers of materials, supplies, and other items of tangible personal property which they use in performing their services. The tax, accordingly, applies to the sale of such tangible personal property to them or used by them.

Section 2. If the charge for a toll telephone or telegraph service is paid by inserting coins in a coin-operated telephone, and the amount of the tax applicable to such charge is to be collected from the customer by means of the latter's insertion of coins in said telephone, said amount will be computed to the nearest multiple of five cents (5¢), except that where the tax is midway between multiples of five cents (5¢) the next higher multiple applies. If, for example, the tax applicable to a given situation is seven cents (7¢), the amount to be paid by the customer in regard to such tax and by the insertion of coins would be five cents (5¢); if, though, the tax applicable is seven and one-half cents (7 1/2¢) or eight cents (8¢), the amount to be paid by the customer in regard to the tax would be ten cents (10¢).

MAURICE CARPENTER, Commissioner
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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 30:030)

RELATES TO: KRS 139.050, 139.130, 139.500
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-33
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to gasoline and special fuels.

Section 1. The storage, use or other consumption in this state of gasoline or special fuels, the tax paid on which is subject to refund under KRS 138.341 and 138.344, is subject to the use tax. The sales price of such gasoline or special fuels subject to the tax shall be determined by deducting from the total price paid the applicable Federal Excise Tax. The resulting amount shall be multiplied by ninety-five percent (95%) in the case of liquid fuels used in the operation of aircraft and by ninety percent (90%) in the case of gasoline purchased for agricultural purposes.

Section 2. Liability for use tax shall be computed by the department upon receipt of application for refund of Kentucky tax paid. In the case of gasoline used for agricultural purposes the department shall deduct from the total purchase price any amount applicable to the number of gallons used in tractors on the highway.

Section 3. All retailers of motorboat gasoline who have qualified to receive refunds of the excise tax imposed under KRS 138.220 are required to pay sales tax directly to the department on receipts from sales of all gasoline subject to such refund. These receipts must be reported on regular sales tax returns along with receipts from all other retail sales of tangible personal property. The sales tax may be collected by the retailer from the purchaser as provided in KRS 139.210.

MAURICE CARPENTER, Commissioner
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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 30:040)

RELATES TO: KRS 139.050, 139.130, 139.470
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-37
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it relates to transactions involving the imposition of federal taxes.

Section 1. Gross receipts subject to sales tax and the sales price subject to use tax do not include the amount of any federal tax imposed upon or with respect to retail sales whether imposed upon the retailer or upon the consumer and regardless of whether the amount of federal tax is stated to customers as a separate charge. Accordingly, deduction may be taken for the taxes imposed under Chapter 33 of the Internal Revenue Code upon charges for communication services or facilities. Retailers must retain records to show that the amount deducted as federal tax was actually returned to the United States.

Section 2. Gross receipts subject to sales tax and the sales price subject to use tax include the amount of any manufacturer's or importer's excise tax included in the prices of the property sold, even though the manufacturer or importer is also the retailer thereof, and it is immaterial whether or not the amount of such tax is stated as a separate charge.

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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 30:120)

RELATES TO: KRS 139.170, 139.480
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-6-1
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to exemption qualification for "machinery for new and expanded industry."

Section 1. Requirements for Exemption. The machinery and the appurtenant equipment necessary to the completed installation of such machinery, together with the materials directly used in the installation of such machinery and appurtenant equipment, which are incorporated for the first time into new or existing plant facilities, or which are installed in the place of existing plant machinery having a lesser productive capacity, and which are directly used in a manufacturing or processing production operation shall be exempt from the sales and use tax. The term "processing production" shall include: the processing and packaging of raw materials, in-process materials, and finished products; the processing and packaging of farm and dairy products for sale; and the extraction of minerals, ores, coal, clay, stone and natural gas. In summary, the following four specific requirements must be met before machinery qualifies for exemption:

(1) It must be machinery.
(2) It must be used directly in the manufacturing process.
(3) It must be incorporated for the first time into plant facilities established in this state.
(4) It must not replace other machinery.

Section 2. Analysis of Requirements. (1) It Must be Machinery - The term "machinery" shall mean: machines, in general, or collectively; also, the working parts of a machine, engine, or instrument; as, the machinery of a watch. (Webster's New International Dictionary). This definition does not specify that machinery must have working parts and be able to perform a function in and of itself, as a "machine" would. The machinery of a manufacturing operation is composed of all the components making up the process, including the fixed and nonmoving parts as well as the moving parts. This is illustrated in the example of the machinery of a watch.

(2) It Must be used Directly in the Manufacturing Process - Machinery must be intimately involved in production in order to be considered used "directly" in the manufacturing process. The fact that machinery is necessary for a manufacturing process does not automatically qualify it for exemption. A single manufacturer may, within his primary manufacturing process, have more than one (1) production activity.

(a) Primary Manufacturing Process:

1. The primary manufacturing process is the production operation resulting in a finished product which will be transferred from the producing plant for distribution to customers or for further processing at another plant site. Production begins at a point where the raw material enters a process and is acted upon to change its size, shape, or composition or is transformed in some manner. Production ends when the finished goods are packaged or ready for sale. Packaging is considered complete when the product is in the container in which it is normally received by the purchaser.
2. All activities preceding the point of introduction of the raw material into the manufacturing process and following the point at which the finished product is packaged or ready for sale are not production activities and the machinery used therein is subject to tax.
3. Storage facilities, including those provided for the storage of in-process materials which have been removed from the production line to await further processing, are not used directly in the manufacturing process and are subject to tax. Proximity of storage facilities to the production line is immaterial.

(b) Contributory or Secondary Manufacturing Process: This activity generally falls into one of four (4) categories:

1. The manufacture of industrial tools to be used in the manufacturing process. Examples include the manufacture of dies, patterns, rolls, molds, cutters and cutter blades, and like property. The exemption for machinery used herein is determined by the same criteria used for determining the exemption provided in the primary manufacturing process.
2. The processing of materials which do not become an ingredient of the finished product but are consumed as industrial supplies directly in the primary manufacturing process. Examples include water cooling systems, bottle washing preparatory to filling, and chemical processes whereby the chemical is used as a catalyst directly on the product being manufactured. This machinery exemption begins at the point where the material is acted upon to condition it for use in the manufacturing process or at the point where it performs a function itself, if it is not acted upon prior to that point. The exemption ends when the material leaves the process.
3. Electrical machinery and similar equipment used directly in the operation of other machinery which is used directly in the manufacturing process.
4. Machinery used exclusively for quality control of in-process material or the efficient operation of machinery. Examples are air cooling or air conditioning systems, control panels, exhaust systems, and similar activities.

(3) It must be Incorporated for the First Time into Plant Facilities Established in this State - To meet this requirement, the machinery must be installed in this state for the first time and it must be incorporated into plant facilities in this state. Machinery which has been once installed into manufacturing facilities in this state may be subject to tax as provided in SU-42 when subsequently sold by that manufacturer. Machinery purchased and delivered in Kentucky is subject to tax when the machinery is not acquired for installation in Kentucky.

(4) It must not Replace Other Machinery - New machinery purchased to replace other machinery in the plant is subject to tax unless the new machinery performs a different function, manufactures a different product, or has a greater productive capacity, measured by units of production, than the machinery replaced. Modification of machinery to perform a different function or manufacture a different product qualifies for exemption.

Section 3. In all cases where a question arises concerning the exemption of machinery for new and expanded industry, the burden of proof that each qualification has been met is upon the one seeking the exemption.

MAURICE CARPENTER, Commissioner
ADOPTED: December 23, 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 CABIENT
Department of Revenue
(103 KAR 30:130)

RELATES TO: KRS 139.100, 139.150, 139.500
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-5
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it relates to raw materials and industrial supplies used in the manufacturing or industrial processing of tangible personal property which will be for sale.

Section 1. Gross receipts derived from the sale of, and the storage, use or other consumption in this state of, tangible personal property to be used in the manufacturing or industrial processing of tangible personal property which will be for sale are not subject to the sales or use tax. Such property shall be regarded as having been purchased for resale.

Section 2. Industrial processing includes refining, extraction of petroleum and natural gas, mining, quarrying, fabricating, and industrial assembling. As defined in this regula-

tion, tangible personal property to be used in the manufacturing or industrial processing of tangible personal property which will be for sale shall mean: (1) Materials which enter into and become an ingredient or component part of the manufactured product.

(2) Other tangible personal property which is directly used in manufacturing or industrial processing, if such property has a useful life of less than one (1) year. Specifically these items are categorized as follows:

(a) Materials — This refers to the raw materials which become an ingredient or component part of supplies or industrial tools exempt under paragraphs (b) and (c) below.

(b) Supplies — This category includes supplies such as lubricating and compounding oils, grease, machine waste, abrasives, chemicals, solvents, fluxes, anodes, filtering materials, fire brick, catalysts, dyes, refrigerants, explosives, etc. The supplies indicated above need not come in direct contact with a manufactured product to be exempt.

(c) Industrial Tools — This group is limited to hand tools such jigs, dies, drills, cutters, rolls, reamers, chucks, saws, spray guns, etc., and to tools attached to a machine such as molds, grinding balls, grinding wheels, dies, bits, cutting blades, etc. Normally, for industrial tools to be considered directly used in manufacturing, they must come into direct contact with the product being manufactured.

(3) Materials and supplies that are not reusable in the same manufacturing process at the completion of a single manufacturing cycle. A single manufacturing cycle is considered to be the period elapsing from the time the raw material enters into the manufacturing process until the finished product emerges at the end of the manufacturing process.

Section 3. It will be noted that in none of the three (3) categories is any exemption provided for repair parts. KRS 139.170 specifically holds replacement machinery to be taxable. Since replacement machinery is subject to tax, it necessarily follows that repair or replacement parts are subject to tax. Repair parts are not considered to be materials, supplies, or industrial tools directly used in manufacturing or industrial processing.

MAURICE CARPENTER, 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 31:030)

RELATES TO: KRS 139.400, 139.710
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-56
NECESSITY AND FUNCTION: To establish a procedure to facilitate payment of sales and use tax when the proper tax application cannot be determined at the time of purchase.

Section 1. Where the Department of Revenue finds that it is impossible at the time of purchase of tangible personal property for a manufacturer, transportation company or persons engaged in the business of mining, quarrying, compounding or processing tangible personal property, or their vendors, to determine with any degree of certainty the applicability of the sales or use tax upon such transactions and, where the department finds that it would facilitate and expedite the collection of such taxes by the department to authorize such manufacturer, transportation company, or persons engaged in the business of mining, quarrying, compounding or processing to purchase tangible personal property without the payment by their vendors of the sales or use tax with respect to such property, then such manufacturer, transportation company or persons engaged in the business of mining, quarrying, compounding or processing may be authorized by the department, to purchase tangible personal property without payment of the use tax to his vendors or reimbursing his vendors for the sales tax provided all of the following conditions are met:

(1) The applicant is both engaged in business and has property (other than inventory held for purposes of sale and office furniture and equipment) located in more than one (1) state.

(2) The applicant must hold a valid Kentucky retail sales and use tax permit.

(3) Written application shall be made to the department for a direct pay authorization. Such application must be made upon a form provided by the department.

(4) The applicant for the direct pay authorization agrees that, in consideration for issuance of a direct pay authorization, he will directly report and pay to the Department of Revenue both the sales and use tax that would have been remitted to the department by the applicant's retailer and the applicant had the direct pay authorization not been made. Upon granting of authorization by the department, such person shall report purchases made under the authorization on the retailer's sales and use tax return and shall pay the tax to the Department of Revenue on or before the twentieth (20th) day of the month following the month during which such tangible personal property was used for a taxable purpose.

(5) Such person shall keep such books and records as the department deems necessary to determine the tax liability.

(6) Upon demand of the department, such person shall execute bond or indemnity agreement securing the payment of such taxes to the department in an amount not less than one (1) month's estimated sales and use tax liability.

(7) Said authorization shall not be transferable and may be terminated upon notice by registered mail to the holder thereof at his last known address.

Section 2. A holder of a direct pay authorization making a purchase pursuant to such authorization must furnish the vendor with a copy of the written authorization issued by the department. Receipt of such copy accepted in good faith will relieve the vendor of the duty of reporting and paying the tax provided he retains the document in his records.

MAURICE CARPENTER, 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 31:080)

RELATES TO: KRS 139.050, 139.080, 139.090, 139.100, 139.110, 139.130
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-68
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to coupons and redemption certificates.

Section 1. Definition — As used in this regulation, a coupon or redemption certificate (excluding premium or trading stamps) means a certificate in writing vesting in a customer upon the purchase of certain tangible personal property the right to a reduction in the sales price of the property.

Section 2. A retailer shall include within his gross receipts the exchange value of coupons or redemption certificates taken from his customers if the retailer redeems such certificates from his wholesaler or other person. The exchange value shall be included in gross receipts under either of the following methods:

(1) The retailer may include the exchange value in his gross receipts for the period during which the coupons or redemption certificates were taken from his customers; or

(2) The retailer may include the exchange value in his gross receipts for the period during which the coupons or redemption certificates are redeemed from his wholesaler or other person.

(3) In either event the retailer may collect from customers the tax applicable to the coupon or redemption certificate exchange value.

Section 3. The exchange value of coupons or redemption certificates issued by the retailer (and not by his wholesaler or other person) and which are taken by the retailer from his customers are "cash discounts" and will not be included in the retailer's gross receipts. The retailer may not collect tax from customers on the exchange value of such coupons or redemption certificates.

Section 4. Coupons or redemption certificates which represent combinations of those described in Sections 2 and 3 above shall be taxable on that portion of the coupon or redemption certificate value which may be redeemed from the retailer's wholesaler or other person. The "cash discount" portion of such coupons or redemption certificates is not subject to tax.

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

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Medical Licensure
(201 KAR 9:010)

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
SUPERSEDES: M & O 11-1
NECESSITY AND FUNCTION: KRS 311.565(2)(c) authorizes the State Board of Medical Licensure to promulgate a code of conduct governing the practice of medicine and osteopathy based upon generally recognized principles of professional and ethical conduct. This regulation is identical to the

SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 27:080)

RELATES TO: KRS 139.050, 139.110, 139.130
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-52
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to meals served by railroads, airplanes or other transportation facilities.

Section 1. Gross receipts or sales price, as the case may be, includes sales of meals by railroads, pullman car, airplane or other transportation company diners, while within the state.

Section 2. In cases where meals are served in this state free of charge to the passengers of the foregoing companies, the company will be considered the consumer of the meals and the tax applies at the time of their sale to the company, or at the time such meals are served or consumed in this state.

MAURICE CARPENTER, Commissioner
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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 27:100)

RELATES TO: KRS 139.050, 139.130
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-32-1
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to sales of motor vehicles, mobile homes and trailers.

Section 1. As used in this regulation, "vehicle" includes trailers and semitrailers as defined in KRS 189.010(5) and (10).

Section 2. Gross receipts from sales of motor vehicles, including motorcycles, which are subject to the motor vehicle usage tax levied by KRS 138.460(1) are not subject to sales or use tax. Motor vehicle means any vehicle that is propelled by other than muscular power and that is used for transportation of persons or property over the public highways of the state, except road rollers, vehicles that travel exclusively on rails, and vehicles propelled by electric power obtained from overhead wires.

Section 3. Mobile homes, camper trailers and boat trailers are not motor vehicles and are subject to the sales or use tax. Also, sales of trailers and semitrailers (without a propelling vehicle) which have been previously registered in Kentucky are subject to tax.

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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 27:150)

RELATES TO: KRS 139.110
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-31
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to parts and materials used by repairers and reconditioners of tangible personal property.

Section 1. Repairmen are retailers of parts and materials furnished in connection with repair work in which the value of the parts and materials is substantial in relation to the total charge. This applies, for example, to repairers of motor vehicles, airplanes, bicycles, machinery, farm implements, musical instruments, radios, television sets, boats, and furniture. The repairmen should segregate on the invoices to their customers and in their records the fair retail selling price of the parts and materials from the charges for labor of repair and installation and other services. The tax is applicable to the selling price of said property. If the labor and other services are not thus shown separately from the selling price of the property furnished, it will be presumed that the entire charge represents the sale price of the property and the tax applies thereto.

Section 2. If, however, the value of the parts and materials used in repair work is insignificant (less than ten percent (10%)) in relation to the charges for the labor or other services performed and where no separate charge is made for such property, the repairman is the consumer of the property, and his suppliers are retailers subject to the tax with respect to the property which they sell him. This applies, for example, to repairers of tires, tubes, clothing, fishing rods, watches, and jewelry.

Section 3. Repairmen ordinarily considered consumers may, however, be retailers subject to the tax if the property used is of substantial value. Examples are plumbers and electricians, who are the sellers of items of building equipment or fixtures which they install for the first time or as a replacement.

Section 4. If the method of repairing or reconditioning certain tangible personal property involves commingling property delivered to a repairman or reconditioner with similar property so that the customer receives repaired or reconditioned property which may not be the identical property delivered to the repairman or reconditioner but which is exactly the same kind of property or derived from exactly the same kind of property as that so delivered, tax applies to the entire amount charged by the repairman or reconditioner for the exchange of property, and no deduction is allowed for services involved since the exchange and other acts incidental to it constitute an integral transaction. This applies, for example, to the exchange of a reconditioned vehicle motor for a worn motor.

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SECRETARY OF THE CABINET
Department of Revenue
(103 KAR 27:180)

RELATES TO: KRS 139.100, 139.110, 139.120, 139.130, 139.140, 139.470
PURSUANT TO: KRS 13.082
SUPERSEDES: SU-55
NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to sales of tangible personal property through vending machines.

Section 1. Persons who own vending machines which dispense tangible personal property, or operators of such machines under lease or rental agreements, must obtain a permit to engage in the business of selling tangible personal property and must report and pay to the department the tax upon the gross receipts from sales made through such machines. One permit is sufficient for all machines of one owner or operator.

Section 2. The owners or operators of vending machines shall be responsible for reporting and paying the tax on the total gross receipts even though the owner or operator of the place in which the machine is located receives a share of such gross receipts under a commission or concession contract. In reporting and paying such tax, the owner or operator shall be deemed the agent of the operator or owner of such place of business in which the machine is located to the extent of commissions due the latter. Gross receipts from sales of tangible personal property made in one cent (1¢) portions through vending machines are exempt from the sales and use tax. (KRS 139.470(6)).

Section 3. A statement in the following form must be affixed upon each vending machine in a conspicuous place: "This vending machine is owned (operated) by_____ Owner (Operator), _____ Place of Business of Owner (Operator), who holds Permit No._____, issued pursuant to the Sales and Use Tax Law."

Section 4. If the owner or operator of vending machines also places upon each machine a statement that the sales tax is included in the price of the property dispensed, he may compute his liability for the tax in the same manner as all other retailers who separately state the tax.

Section 5. Adequate and complete records must be kept by the owner or operator showing the location of each vending machine owned or operated by him, the serial number thereof, purchases and inventories of merchandise bought for sale through such machine, and the gross receipts derived from each location during each tax period.

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

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Medical Licensure

(201 KAR 9:030)

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
SUPERSEDES: M & O 6-9
NECESSITY AND FUNCTION: KRS 311.565 requires the board to prescribe the scope and content of examinations to practice medicine and osteopathy in Kentucky. The purpose of this regulation is to provide for uniform requirements for examinations.

Section 1. Scope of Examinations. Examinations for regular and limited licenses shall be in writing and shall be adequate to test the knowledge, education and training of applicants. Examinations shall consist of the following subjects or sections, to wit: (1) Basic sciences; (2) Clinical sciences; and (3) Clinical competency.

Section 2. Examination Grades. No person shall be deemed to have successfully passed a written examination conducted by the board unless he makes an overall average of at least seventy-five (75) and an average grade of at least sixty-five (65) in each section. In addition, osteopathic applicants must make at least a grade of seventy-five (75) in osteopathic practice and principles.

Section 3. Re-Examination. In the event an applicant fails one (1) or two (2) sections he may, upon proper application, retake such section or sections upon payment of the prorated fee therefor.

WILLIAM P. McELWAIN, M.D., President
ADOPTED: November 21, 1974
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: January 14, 1975 at 4:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Medical Licensure
(201 KAR 9:040)

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
SUPERSEDES: M & O 7-8
NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this regulation is to establish a fee schedule as authorized by KRS 311.565(2)(m) for examinations, directories, and the issuance and renewal of licenses and permits.

Section 1. Fee Schedule:

(1)	Admission to any complete examination including a regular or limited license issued as a result thereof (The charge for a partial examination shall be prorated according to the number of sections taken.)	$125.00
(2)	Application for regular license by reciprocity or endorsement	$125.00
(3)	Application for Limited License by reciprocity or endorsement	$ 50.00
	Balance of fee to be paid when full license granted	$ 75.00
(4)	Certifying a licentiate of Kentucky to the licensing agency of another state	$ 15.00
(5)	Certifying the grades of licentiate of Kentucky to the licensing agency of another state	$ 5.00
(6)	Each renewal of a limited license	$ 20.00
(7)	Duplicate license certificate	$ 10.00
(8)	Application for regular license by endorsement from National Board of Medical Examiners for medical school graduates of Kentucky	$ 65.00
(9)	Temporary permit (Pursuant to KRS 311.575(2) this fee will be credited upon the prescribed fee for a regular license if subsequently issued by the Board)	$ 25.00
(10)	Emergency permit	No charge
(11)	Each copy of the "Kentucky Medical Directory" (Other than Kentucky medical licensees, hospitals, medical and osteopathic schools, and other official licensing boards)	$ 3.00
(12)	Annual registration and renewal of licenses	$ 12.00

WILLIAM P. McELWAIN, M.D., President
ADOPTED: November 21, 1974
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: January 14, 1975 at 4:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Medical Licensure
(201 KAR 9:050)

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
SUPERSEDES: M & O 15-1
NECESSITY AND FUNCTION: KRS 311.565 empowers the board to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this regulation is to regulate the annual renewal of all medical and osteopathic licenses in Kentucky.

Section 1. Need for Annual Registration of Medical and Osteopathic Licensees. The board hereby finds and declares that there is a need for the annual registration and renewal of its medical and osteopathic licensees in order to be apprised of the physician population within the state, the distribution of physicians within the state, and the proper address, type of practice and other pertinent data in order to evaluate the overall medical and osteopathic needs of the people of the Commonwealth.

Section 2. Annual Registration and Renewal Required. Every person engaged in the practice of medicine or osteopathy in Kentucky shall annually on or before March 1 of each year register for renewal with the board on forms provided by the board.

Section 3. Notice to Register and Renew; Second Notice; Lapse. On or about January 1 of each year the secretary of the board shall send notices to all licensed medical and osteopathic physicians actively engaged in practice in Kentucky at their last known address advising them that annual registration for renewal of their license is required on or before March 1. All such licenses not registered for renewal by March 1 shall be sent a second notice. All such licenses not registered for renewal by April 1 shall automatically expire and lapse.

Section 4. Renewal Fees. The annual renewal fee shall be twenty dollars ($12).

WILLIAM P. McELWAIN, M.D., President
ADOPTED: November 21, 1974
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: January 14, 1975 at 4:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Medical Licensure
(201 KAR 9:060)

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
SUPERSEDES: M & O 3-70
NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and empowers the board to establish requirements and standards relating thereto. The purpose of this regulation is to assure uniformity of requirements to all applicants for limited licenses to practice medicine in Kentucky.

Section 1. Qualifications for Limited Licenses. No person shall be eligible for a limited license unless he meets all requirements specified in KRS 311.570(3) and has successfully passed a written examination prescribed by the board and has satisfactorily completed one (1) year of internship or post-graduate training in a hospital or other institution located in the United States or Canada and approved by the board. Provided, however, that the board may consider the equivalency of such training performed in other foreign countries on an individual basis. In addition, all foreign medical graduates whose native language is not English shall have successfully passed a written examination of a "Test of English as a Foreign Language" (TOEFL) administered by the Educational Testing Service as a pre-requisite for medical licensure in this state.

Section 2. Types of Limited Licenses. The board may, in its discretion, issue "limited licenses - institutional practice" authorizing the licensee to practice medicine in a specific institution or hospital to the extent indicated in said license. Notwithstanding the foregoing, the following types of limited licenses issued prior to September 1, 1972, may be continued in effect: "limited license - general medicine"; and "limited license - public health."

Section 3. Scope of Limited Licenses Issued Prior to September 1, 1972, for General Medicine and Public Health. (1) A "limited license - general medicine" issued prior to September 1, 1972, limits the licensee to the practice of general medicine at the particular city, town, county, or other area specifically designated by the board. Such li-

cense shall not authorize the licensee to perform major surgery unless expressly authorized by the board at the time the license was issued.

(2) A "limited license – public health" issued prior to September 1, 1972 shall entitle the licensee to perform the duties of a health officer at a local health department or to perform public health work as an employee of the state.

Section 4. Signing of legal documents. All limited licensees shall be authorized to sign birth and death certificates, orders for controlled substances, and other prescription drugs, and other legal documents, in accordance with applicable federal and state laws, provided the execution of same involves duties within the scope of the limited license.

WILLIAM P. McELWAIN, M.D., President
ADOPTED: November 21, 1974
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: January 15, 1975 at 8:48 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Medical Licensure
(201 KAR 9:070)

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
SUPERSEDES: M & O 4-2 and M & O 16
NECESSITY AND FUNCTION: KRS 311.550(6) and (7) and 311.565(1) enpowers the State Board of Medical Licensure to issue temporary and emergency permits to practice medicine and osteopathy. This regulation is to clarify the difference between temporary and emergency permits and to unify their similar aspects.

Section 1. Temporary Permits. (1) The purpose of a temporary permit is to enable an applicant for a regular license by endorsement to begin legally practicing in Kentucky without awaiting a meeting of the board. A temporary permit is not intended to be a substitute for a regular or limited license.

(2) No applicant may be issued a temporary permit unless he holds a valid and effective license issued by another state licensing board or unless he is being endorsed by the National Board of Medical Examiners.

Section 2. Emergency Permits. (1) The purpose of an emergency permit is to enable a physician licensed in another state to procure legal authorization to practice in Kentucky for the duration of a medical emergency, not to exceed thirty (30) days. It is not intended that an emergency permit be a substitute for a temporary permit or a regular license.

(2) Whenever an applicant for an emergency permit satisfies the secretary or assistant secretary of the board that he is currently licensed in another state and meets all the requirements prescribed by KRS 311.570(1) and that a medical emergency exists, the secretary or assistant secretary may, within his sound discretion, issue, on behalf of the board, and emergency permit to such person for the practice of medicine or osteopathy pursuant to KRS 311.550(7).

(3) An emergency permit shall be subject to cancellation in the same manner as are temporary permits under KRS 311.575(1).

WILLIAM P. McELWAIN, M.D., President
ADOPTED: November 21, 1974
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC. January 14, 1975 at 4:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Medical Licensure
(201 KAR 9:060)

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
SUPERSEDES: M & O 10-3.
NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this regulation is to establish procedures to be followed in handling complaints and hearings before the board.

Section 1. Probation. Probation means imposing such conditions and requirements upon a licensee for a period of time, not in excess of five (5) years, that the board, in its discretion, determines to be reasonably justified under any of the provisions of KRS 311.595(1). A licensee placed on probation shall be permitted to continue to practice upon condition that he will cease, desist, and refrain from engaging in such conduct, and to appear before the board or an officer or agent thereof, at such times and places that are designated by the board from time to time, and to fully disclose to the board, or its officer or agent, the nature of his practice and conduct, and to render himself fully amenable to the board during the entire period of probation. A licensee may be placed on probation without a previous or concurrent suspension or revocation of his license. Whenever a licensee is placed on probation following or concurrently with suspension or revocation of his license, such probation shall hold in abeyance the order of suspension or revocation; provided, however, that violation of any of the conditions or requirements imposed in connection with the probation during the probationary period shall terminate said probation and render operative the order of suspension or revocation; provided, further, that compliance, during the entire probationary period, with all conditions and requirements imposed in connection with such probation, shall render inoperative the order of suspension or revocation entered prior to or concurrently with said probation.

Section 2. Suspension. Suspension means completely and absolutely withdrawing and withholding for a period of time, not in excess of five (5) years, all rights, privileges and authority previously conferred by a license, as the board, in its discretion, determines to be reasonably justified under any of the provisions of KRS 311.595(1). Upon expiration of the period of suspension a suspended license shall, unless sooner revoked, again become operative and effective.

Section 3. Limitation or Restriction. Limitation or restriction means limiting or restricting the scope of the practice of a licensee.

Section 4. Revocation. Revocation means completely and absolutely terminating a license and all rights, privileges and authority previously conferred thereby, whenever the Board, in its discretion, determines such action to be reasonably justified under any of the provisions of KRS 311.595(1).

Section 5. Charges. Charges may be instituted against any licensee by any individual or organization, or by the board acting upon its own initiative, or by the president, secretary, or an assistant secretary of the board on behalf of the board. All charges, other than those instituted by the board shall be in writing and shall be sworn and subscribed to by the charging party or parties and filed with the board. Charges instituted by the board shall be noted in the minutes of the board and may be based upon any information indicating that there are reasonable causes for believing that the licensee in question may have engaged in such conduct, or be in such condition, that said licensee should be placed on probation, or limited or restricted in his practice, or have his license suspended or revoked, for one or more of the grounds set out in KRS 311.595(1).

Section 6. Notice to the Licensee. Notice to the licensee shall be effected by serving or causing to be served upon the charged licensee, in person or by registered United States mail, a written "complaint" and also a written "notice of hearing" which may be incorporated in the same document or which may constitute separate documents and be served separately or concurrently.

Section 7. Complaint. The complaint shall be issued in the name of the board, as an agency of the Commonwealth of Kentucky, and shall be signed by its president, secretary, or assistant secretary on behalf of the board. It shall designate the board as "complainant" and shall designate the licensee being proceeded against as "respondent" and shall set out the substance of each offense charged with sufficient particularity to reasonably apprise the respondent of the nature, time and place of the conduct or condition complained of therein. The board may amend the complaint as it deems proper.

Section 8. Hearings. (1) Hearings conducted by the board or by a hearing officer appointed by the board, upon a complaint issued by the board, are a continuance of the investigation designed to enable the board to properly discharge its administrative functions and authority. The purpose of such hearing is to afford the respondent an opportunity, in person or by counsel or by other representative, to respond to the complaint and to present his position and to present evidence in support of his contention and to examine and cross-examine evidence and witnesses produced in support of the complaint and to argue orally at the hearing.

(2) The hearing shall be held at such time and place that is designated by the board, but no hearing shall be conducted unless and until at least thirty (30) days written notice thereof has been served upon the respondent in person or by registered United States mail.

(3) The hearing shall not be open to the general public unless the respondent makes and files a written request therefor with the board or with the hearing officer.

(4) The purpose of the hearing shall be to further inquire into the matters set forth in the complaint, or any amended complaint, and to record evidence and arguments in support of same and in opposition thereto, so that the board may determine all issues. All persons whatever, including members of the board and its officers, agents, and employees shall be competent to testify at the hearing, as to material and relevant matters; provided, however, that no member of the board who testifies at such hearing shall thereafter participate in

the deliberations or decisions of the board with respect to the case in which he so testified.

(5) The hearing may be conducted by a quorum of the board, or by a hearing officer appointed by the board.

(6) A record of the hearing (including the complaints and all amended complaints, the notice of hearing, all pleadings, motions, rulings, stipulations, exhibits, documentary evidence, depositions and the stenographic report of the hearing) shall be prepared under the supervision of the board if the hearing is conducted by it, or by a hearing officer who conducts the hearing on behalf of the board.

Section 9. Intervenors. The state or local organization which represents the profession to which the respondent belongs may intervene in any hearing for the purpose of assisting in the prosecution of the complaint, or may, with the consent of the respondent, intervene for the purpose of assisting the respondent in resisting the complaint.

Section 10. Hearing Officers. Hearing officers are not authorized or empowered to suspend or revoke any license or to place any licensee on probation; the function of hearing officers being to preside at the hearing and to cause to be prepared a record of the hearing, as described above, so that the board can discharge its functions. The hearing officer shall prepare a recommended findings of fact and conclusions of law for submission to the board.

Section 11. Oaths. Oaths may be administered by any member of the board, and by its secretary and assistant secretary and hearing officers, and by the investigators, inspectors, representatives and agents of the board.

Section 12. Summons and subpoenas may be issued by any member of the board, and by its president, secretary and assistant secretary and hearing officers.

Section 13. Rules of Evidence. All hearings shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in courts of law in this Commonwealth. After the introduction of evidence and witnesses, if any, in support of the complaint, the respondent shall be entitled to cross-examine witnesses and to introduce evidence and witnesses in opposition to the complaint.

Section 14. Contempt. The board or its hearing officer may institute proceedings in circuit and the county courts to punish persons for contemptuous or contumacious conduct directed to the board or to its hearing officer in the course of hearings.

Section 15. Default. The respondent shall serve his answer within thirty (30) days after service of the complaint upon him. Upon failure of the respondent to respond to the complaint as required herein, all of the allegations set out therein as to conduct or conditions of the respondent may be taken by the board as confessed by the respondent.

Section 16. Oral Arguments at Hearing. Upon completion of the introduction of evidence and testimony and upon completion of the examination and cross-examination of witnesses, the hearing officer shall, if requested, permit the respondent, or his counsel or representative, and also the person appearing on behalf of the board as counsel or otherwise, to orally argue the case before the hearing officer, who may fix a reasonable time limitation thereon. Such oral arguments shall be included in the stenographic report of the hearing.

Section 17. Briefs. Briefs may be filed with the board within ten (10) days after the close of the hearing. The president, secretary or an assistant secretary of the board, may, upon written application addressed to him by the party desiring an extension of time, grant an additional period of time, not in excess of sixty (60) days, within which briefs may be filed with the board.

Section 18. Oral Arguments Before the Board. Whenever the respondent, or his counsel or representative, or counsel for the board desires to orally argue the case before the board, written application shall be made to the board prior to decision of the case by the board. The board may, in its discretion, grant or refuse the request for oral argument. The board may, however, order an oral argument before it in the absence of any request therefor and in such event the respondent shall have at least five (5) days to prepare for the oral argument.

WILLIAM P. McELWAIN, M.D., President
ADOPTED: November 21, 1974
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: January 14, 1975 at 4:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Medical Licensure
(201 KAR 9:090)

RELATES TO: KRS 311.530 to 311.620, 311.990
PURSUANT TO: KRS 13.082
SUPERSEDES: M & O 12-2
NECESSITY AND FUNCTION: KRS 311.615 enacted by the 1952 General Assembly of Kentucky authorized the State Board of Health to continue in effect any licenses previously issued by it relating to a limited school or system of healing. The function of this regulation is to continue in effect the regulation heretofore adopted by the State Board of Health regulating the practice of physio-therapeutics in Kentucky.

Section 1. Licenses. License certificates for the practice of physio-therapeutics issued by the board prior to June 19, 1952, are restricted to the practice of physio-therapeutics as hereinafter defined and expressly prohibit the use of drugs and the performing of operations with cutting instruments.

Section 2. Physio-Therapeutics Defined. Physio-therapeutics is defined as the use of light, heat, cold, water, electricity, massage, and such mechanical apparatus that can be safety employed in applying said physical agents, but does not include the use of drugs or the performance of operations with cutting instruments, electrical or otherwise.

Section 3. New Applications for Practice of Physio-Therapeutics not to be Entertained. Applications for licenses to practice physio-therapeutics have not been entertained by the board since June 19, 1952, and will not be further entertained by the board.

Section 4. Probation, Suspension and Revocation. Proceedings for probation, suspension and revocation of physio-therapeutic licensees and licenses will be conducted in the same manner as in the case of proceedings for probation, suspension and revocation of licensees and licenses for the practice of medicine and osteopathy.

Section 5. Restrictions. All persons holding a license certificate to practice physio-therapeutics in this state shall confine their practice to the practice of physio-therapeutics as provided above.

WILLIAM P. McELWAIN, M.D., President
ADOPTED: November 21, 1974
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: January 14, 1975 at 4:34 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. C. William Schmidt, Assistant Secretary, Kentucky State Board of Medical Licensure, 3532 Ephraim McDowell Drive, Louisville, Kentucky 40205.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources
(301 KAR 1:145)

RELATES TO: KRS 150.010, 150.025, 150.120, 150.170, 150.175, 150.445, 150.450
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-F-CF2-1
NECESSITY AND FUNCTION: It is necessary to accurately describe the gear allowed in commercial fishing so that the limitations and susceptibilities of the gear will permit the harvesting of the proper size and species of fishes, and so that the sport harvest is not affected and the fishery resources perpetuation is assured.

Section 1. The following gear is the only commercial gear that can be used in commercial waters designated in 301 KAR 1:150 and under conditions described in 301 KAR 1:155 by appropriately licensed commercial fishermen.

Section 2. Legal Commercial Gear: (1) All lines and mesh must be made of linen, cotton, or flexible synthetic fiber only.

(2) All mesh is measured by bar measure. This measure is the length of one (1) side of the square, or as measured between two (2) knots on the same line.

(3) Gear:

(a) Hoop net, wing net, straight lead net, heart lead net:
1. Must have a minimum mesh size of three (3) inches.
2. Hoops may be any size or shape or material.
3. Maximum length of any lead or wing is thirty (30) feet.
4. One hoop net tag must be attached to the first hoop of each net.

(b) Gill net or trammel net:
1. Must have a minimum mesh size of four (4) inches, except gill or trammel nets fished only in the Mississippi River which may have a minimum mesh size of three (3) inches.
2. May be fished weighted, or as a flag net.
3. Must have one tag (seine, gill net and trammel net tag) attached to each 100 feet or part thereof.

(c) Commercial trotline:
1. Must have hooks placed no closer than eighteen (18) inches apart (more than fifty (50) hooks).
2. Must have one (1) trotline tag attached.

(d) Seine:
1. Must have a minimum mesh size of two (2) inches.
2. Must have both float and lead lines.
3. Must have wood, fiberglass or metal poles or brails

attached at each end.
4. When seine is in the water, it must be attended by persons for pulling the seine through the water for the entrapment of fish.
5. At no time may a seine be left unattended to act as a set net or other purpose.
6. Must have one tag (seine, gill net and trammel net tag) attached to each 100 feet or part thereof.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner
ADOPTED: January 13, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: January 13, 1975 at 3:49 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 2:070)

RELATES TO: KRS 150.180, 150.280
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-G-96
NECESSITY AND FUNCTION: This regulation pertains to the securing of and use of birds of prey in taking and pursuing wildlife during the hunting seasons. In accordance with KRS 150.025, this regulation is necessary for the continued protection and conservation of the birds of prey and to insure a permanent and continued supply of this wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. This regulation is also necessary to comply in part with federal migratory bird permit regulations. The function of this regulation is to provide for the prudent taking of birds of prey within reasonable limits based upon an adequate supply.

Section 1. Birds of prey, except eagles, may be used to pursue and take wildlife only within specified seasons and bag limits, providing the handler has in his or her possession a valid falconry permit and a Kentucky resident or non-resident hunting license.

Section 2. The holder of a falconry permit may take alive and have in possession not more than two (2) of any one species, and not exceeding a total of four (4) birds of the order falconiformes, and use such birds in pursuit and taking of wildlife.

Section 3. The holder of a falconry permit may take young birds of prey from nests but one or more young must be left in each nest.

Section 4. The holder of a falconry permit may trap birds of prey by using bow nets, mist nets and noose traps. Adult birds of prey may be taken only from September 15 through December 15. Immature birds of prey may be taken at any time. All nets and traps must be tagged with owner's name and address.

Section 5. Birds of prey may be exchanged in trade with other falconry permit holders, but must not be sold except by pet shop owners with a valid falconry permit.

Section 6. No falconry permit shall be issued to any person under the age of twelve (12) years. Persons between the age of twelve (12) and sixteen (16) years shall not be issued a permit without the written consent of the father or mother or legally constituted guardian of such person.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner
ADOPTED: January 13, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: January 13, 1975 at 3:52 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 3:050)

RELATES TO: KRS 150.175, 150.176, 150.305, 150.310, 150.360, 150.390
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-HS-T-28
NECESSITY AND FUNCTION: This regulation pertains to the spring gun and archery season and limits for wild turkey. In accordance with KRS 150.015, this regulation is necessary for the continued protection and conservation of wild turkey populations and to insure a permanent and continued supply for present and future residents of the state. The function of this regulation is to provide for the prudent taking of wild turkeys within reasonable limits based upon an adequate supply.

Section 1. Designated Open Counties and Closed Areas. (1) Turkeys may be taken in the following counties or portions of counties: Clay, Leslie, Jackson, Owsley, Wolfe, Bath, Menifee, Powell, Laurel, Rockcastle, Lee, Rowan, and that portion of Whitley County north of Kentucky Route 92. The area known as Robinson Forest Wildlife Management Area, located in portions of Breathitt, Knott and Perry Counties, is closed to all hunting. All other portions of these three (3) counties are open to turkey hunting. The area known as Beaver Creek Wildlife Management Area, located in portions of Pulaski and McCreary Counties, is closed to all hunting. The remainder of Pulaski County is open to turkey hunting. That portion of McCreary County east of U. S. Route 27 and north of Kentucky Route 92, with the exception of the Beaver Creek Wildlife Management Area, is open to turkey hunting.
(2) Season for above counties: April 26-27 and May 3-4, 1975.

Section 2. Special Areas Open. (1) Fort Knox Wildlife Management Area in Hardin, Bullitt and Meade Counties. Season: March 29, 30 and April 5, 6, 1975.
(2) Land Between the Lakes Wildlife Management Area in Lyon and Trigg Counties. Season: April 17, 18, 19, 24, 25, 26 and May 1, 2 and 3, 1975.
(3) Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties. Season: April 26-27 and May 3-4, 1975.

Section 3. General Requirements for Gun and Archery Turkey Hunting in all designated counties and special areas. (1) Only one (1) turkey gobbler with visible beard per hunter for the season (either with gun, longbow or crossbow) shall be taken. A successful hunter cannot assist any other hunter in taking turkey.
(2) The use of dogs in turkey hunting is prohibited.
(3) Any person hunting turkey must have in his or her possession a valid Kentucky hunting license.
(4) Residents of states that do not allow residents of Kentucky to hunt turkey during open seasons in those states are prohibited from hunting turkey in Kentucky.
(5) Turkey may be taken from daylight until 12:00 noon (prevailing time) except on Land Between the Lakes Wildlife Management Area where hunters must check out by 11:00 a.m. prevailing time.
(6) Turkey may be taken with the aid of hand or mouth operated calls, or both. Electronic calls are prohibited.
(7) Permitted weapons. (See exceptions under special area regulations.)
(a) Guns. Turkey may be taken with shotgun, muzzle-loading shotgun, muzzle-loading rifles, and modern breech-loading rifles. Shotguns must not be larger than 12-gauge nor smaller than 20-gauge. Only shot shells are permitted. Shotgun slugs are prohibited. No sidearms are permitted except for muzzle-loading handguns on Pioneer Weapons Wildlife Management Area.
(b) Bows and Arrows. Turkey may be taken with a longbow. Arrows must be barbless with broadhead points at least seven-eighths (7/8) inch wide.
(c) Crossbows. Crossbows are legal only on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties. Crossbows must be of 80 pounds pull. Arrows must be barbless with broadhead points at least seven-eighths (7/8) inch wide.

Section 4. Special Area Regulations. (1) Land Between the Lakes Wildlife Management Area in Lyon and Trigg Counties. Turkey gobblers with visible beards may be taken on that portion of Land Between the Lakes north of U. S. Highway 68 to Barkley Canal except closed areas as designated by signs. Permits for the hunt are required and may be obtained free of charge after March 1, 1975, at the Information Office at Golden Pond, Kentucky, 7:00 a.m. to 5:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturday and Sunday; and at Center Station, located in the Environmental Education Center from 9:00 a.m. to 5:00 p.m. daily. Firearms transported in vehicles during authorized hunts must be unloaded. Target practice is prohibited. Turkey may be taken with shotguns, including muzzle-loaders, not larger than 12-gauge nor smaller than 20-gauge; only No. 2 shot or smaller is permitted. Longbows and arrows are permitted if arrows are barbless with broadhead points at least seven-eighths (7/8) inch wide. Rifles, crossbows and sidearms are prohibited. Hunters are not required to check in, but must check out daily by 11:00 a.m. prevailing time. All turkey taken must be checked out and must be tagged with area tags provided at the check stations at no charge. Check out stations will be located near the junction of the Trace and U. S. Highway 68, and on the Trace about one (1) mile south of Barkley Canal.
(2) Fort Knox Wildlife Management Area in Hardin, Bullitt and Meade Counties. Turkey hunting is restricted to military and civilian personnel assigned to or working on the post, except a limited number of off post civilians will be allowed to hunt. Mailed applications will be accepted starting March 1, 1975, on a first come first served basis until all allocated spaces are filled. Hunting dates will be assigned and cannot be selected. Mail applications no sooner than March 1, 1975 to Turkey Hunt, Recreation Services Division, Fort Knox, Kentucky 40121. Turkey may be taken with shotgun only, no larger than 12-gauge nor smaller than 20-gauge. Only shot shells are permitted.

(3) Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties. Turkey may be taken with all legal weapons listed under Section 3, subsection (7) of this regulation, with the exception of modern breech-loading rifles and modern shotguns. Crossbows are permitted.

Section 5. This regulation will not be valid after May 4, 1975.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

ADOPTED: January 13, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: January 13, 1975 at 3:51 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 3:060)

RELATES TO: KRS 150.025, 150.183
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-H&F-7
NECESSITY AND FUNCTION: This regulation pertains to the buying, selling, transporting, importing, processing and possessing of state and federally protected rare, threatened and endangered fish and wildlife species. In accordance with KRS 150.025, this regulation is necessary for the continued protection and conservation of the species listed herein, and to insure a permanent and continued supply of these species for the enjoyment of present and future residents of the state. This regulation is also necessary to comply with the Department of the Interior's Endangered Species Act of 1973. The function of this regulation is to protect and conserve rare, threatened or endangered fish and wildlife species appearing on present and revised future lists issued by the state and federal government.

Section 1. It is unlawful for any person to import, transport, possess, process, sell or offer for sale any endangered species of fish or wildlife, or parts thereof, except as provided in Section 3 of this regulation. Nor shall any article be made in whole or from any part or parts of any species of fish or wildlife designated as a rare or endangered species by this regulation.

Section 2. Rare or Endangered Species, Definition. Rare or endangered species are defined as any species or subspecies of fish and wildlife designated by the Secretary of the Department of the Interior in the United States list of Endangered Native Fish and Wildlife as recorded in Part 17 of Title 50 of the Code of Federal Regulations, Appendix D, as well as any species or subspecies of fish and wildlife appearing on the United States List of Endangered Foreign Fish and Wildlife in Part 17 of Title 50 of the Code of Federal Regulations, Appendix A, as such lists may be modified hereafter; any species or subspecies of fish and wildlife that appear on the following list of Kentucky Rare and Endangered Fish and Wildlife and as this list may be modified hereafter.

Section 3. Exceptions and Permits. The Department of Fish and Wildlife Resources may, under permit, allow the importation, transportation, possession, sale or resale of any native and foreign rare or endangered species or subspecies of fish and wildlife and part or parts thereof, for zoological, educational or scientific purposes, and for the propagation of such fish and wildlife in captivity for preservation purposes, except as otherwise prohibited by federal and other states' statutes and regulations. This permit will be issued free of charge by applying in writing to the Commissioner of the Department of Fish and Wildlife Resources. Where applicable, an application for a Kentucky permit for zoological, education or scientific purposes must be accompanied by a copy of the appropriate federal permit or permits from another state. The federal permit may be obtained by writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240.

Section 4. Any native or foreign fish and wildlife species or subspecies and part or parts thereof, appearing on the state or federal endangered species lists that were in possession prior to the enactment of this regulation will not require a state permit.

Section 5. Kentucky Rare and Endangered Fish and Wildlife. (1) Mammals: Common shrew, Sorex cinereus; Backman's shrew, Sorex longirostris; Southeastern bat, Myotis austroriparisu; Gray bat, Myotis grisescens; Small-footed Myotis, Myotis leibii; Townsend's big-eared bat, Plecotus townsendii; Cloudland deermouse, Peromyscus maniculatus nubiterrae; Hispid cotton rat, Sigmodon hispidus; Kentucky red-backed mouse, Clethrionomys gapperi maurus; Woodland jumping mouse, Napeozapus insignis; Spotted skunk, Spilogale putorius; Coyote, Canis latrans.
(2) Birds: Golden eagle, Aquila chrysaetos; Northern bald eagle, Haliaeetus alascanus; Osprey, Pandion haliaetus; Sandhill crane, Grus canadensis; Mississippi kite, Ictinia misisippiensis.
(3) Fish: Trout-perch, Percopsis omiscomaycus (Walbaum); Mud darter, Etheostoma asprigene (Forbes); Harlequin darter, Etheostoma histrio Jordon and Gilbert; Tippecanoe darter, Etheostoma tippecanoe Jordan and Evermann; Longhead darter, Percina macrocephala (Cope).
(4) Salamanders and Frogs: Western lesser siren, Siren intermedia; Triploid Jefferson's salamander, Ambystoma platineum; Three-toed salamander, Amphiuma means; Four-toed salamander, Hemidactylium scutatum; Western bird voiced tree frog, Hyla avivoca avivoca; Green tree frog, Hyla cinerea.
(5) Lizzards: Slender glass lizzard, Ophisaurus attenuatus.
(6) Snakes: Kirtlands water snake, Natrix Kirtlandi; Eastern ribbon snake, Thamnophis sauritus; Western ribbon snake, Thamnophis proximus; Western mud snake, Farancia abacura reinwardti; Coach whip, Masticophis flagellum; Corn snake, Elaphe guttata; Northern pine snake, Pituaphis melanoleucus melanoleucus; Prairie king snake, Lampropeltis calligaster; Scarlet snake, Cemophora coccinea; Southeastern crowned snake, Tantilla coronata coronata.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

ADOPTED: January 13, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: January 13, 1975 at 3:50 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:010)

RELATIVE TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC-2-2
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the definitions needed to interpret other sections of the subsequent regulations or comprising the State Plumbing Code.

Section 1. Definition of Terms:
(1) Air break (drainage system). A piping arrangement in which a drain from a fixture, appliance, or device discharges indirectly into another fixture, receptacle, or interceptor at a point below the flood level rim.
(2) Air gap (drainage system). The unobstructed vertical distance through the free atmosphere between the outlet of waste pipe and the flood level rim of the receptacle into which it is discharging.
(3) Air gap (water distribution system). The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.
(4) Anchors. (See supports.)
(5) Approved. Accepted or acceptable under an applicable specification stated or cited in this code.
(6) Area drain. A receptacle designed to collect surface or storm water from an open area.
(7) Aspirator. A fitting or device supplied with water or other fluid under positive pressure which passes through an integral orifice or "constriction" causing a vacuum. Aspirators are often referred to as "suction" apparatus, and are similar in operation to an ejector.
(8) Autopsy table. A fixture or table used for post-mortem examination of a body.
(9) Backflow. The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Back-siphonage is one type of backflow.
(10) Backflow connection. Any arrangement whereby backflow can occur.
(11) Backflow preventer. A device or means to prevent backflow.
(12) Backflow preventer, reduced pressure zone type. An assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere.
(13) Back-siphonage. The flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel or other sources into a potable water supply pipe due to a negative pressure in such pipe.
(14) Basement floor drains. A basement floor drain is a drain placed in the basement floor of a residence which may or may not receive sanitary waste water.
(15) Battery of fixtures. Any group of two (2) or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch.
(16) Bedpan hopper. (See clinical sink.)
(17) Bedpan steamer or boiler. A fixture used for scalding bedpans or urinals by direct application of steam or boiling water.
(18) Bedpan unit. A small workroom in the nursing area

designed and equipped for emptying, cleaning, and sometimes for steaming bedpans, and for no other purposes.

(19) Bedpan washer and sterilizer. A fixture designed to wash bedpans and to flush the contents into the sanitary drainage system. It may also provide for disinfecting utensils by scalding with steam or hot water.

(20) Bedpan washer hose. A device supplied with hot and cold water and located adjacent to a water closet or clinical sink to be used for cleaning bedpans.

(21) Boiler blow-off. An outlet on a boiler to permit emptying or discharge of sediment.

(22) Boiler blow-off tank. A vessel designed to receive the discharge from a boiler blow-off outlet and to cool the discharge to a temperature which permits its safe discharge to the drainage system.

(23) Branch. The branch of any system of piping is that part of the system which extends horizontally, at a slight grade, with or without lateral or vertical extensions or vertical arms, from the main to receive fixture outlets not directly connected to the main.

(24) Branch, fixture. (See fixture branch.)

(25) Branch interval. A distance along a soil or waste stack corresponding in general to a story height, but in no case less than eight (8) feet, within which the horizontal branches from one floor or story of a building are connected to the stack.

(26) Branch vent. A vent connecting one or more individual vents with a vent stack or stack vent.

(27) Building. A structure having walls and a roof designed and used for the housing, shelter, enclosure, or support of persons, animals or property.

(28) Building classification. The arrangement of buildings in classes according to occupancy.

(29) Building drain. That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two (2) feet outside the building wall.

(30) Building drain, — combined. A building drain which conveys both sewage and storm water or other drainage.

(31) Building drain, — sanitary. A building drain which conveys sewage only.

(32) Building drain, — storm. A building drain which conveys storm water or other drainage but not sewage.

(33) Building gravity drainage system. A drainage system which drains by gravity into the building sewer.

(34) Building sewer. That part of the drainage system which extends from the end of the building drain and conveys its discharge to a public sewer, private sewer, individual sewage-disposal system, or other point of disposal.

(35) Building sewer, — combined. A building sewer which conveys both sewage and storm water or other drainage.

(36) Building sewer, — sanitary. A building sewer which conveys sewage only.

(37) Building sewer, — storm. A building sewer which conveys storm water or other drainage but no sewage.

(38) Building subdrain. That portion of a drainage system which does not drain by gravity into the building sewer.

(39) Cesspool. A lined and covered excavation in the ground which receives a discharge of domestic sewage or other organic wastes from a drainage system, so designed as to retain the organic matter and solids, but permitting the liquids to seep through the bottom and sides.

(40) Circuit vent. A branch vent that serves two (2) or more traps and extends from the down-stream side of the highest fixture connection of a horizontal branch to the vent stack.

(41) Clinical sink (bedpan hopper). A fixture for the rinsing of bedpans and soiled linens. Such fixture shall have a trap size of not less than three (3) inches.

(42) Code. Means the State Plumbing Code.

(43) Combination fixture. A fixture combining one (1) sink and laundry tray or a two (2) or three (3) compartment sink or laundry tray in one (1) unit.

(44) Combined building drain. (See building drain, — combined.)

(45) Combined building sewer. (See building sewer, — combined.)

(46) Combination waste and vent system. A specially designed system of waste piping embodying the horizontal wet venting of one (1) or more sinks or floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the free water surface in the drain.

(47) Common vent. A vent connecting at the junction of two (2) fixture drains and serving as a vent for both fixture drains.

(48) Conductor. A pipe inside the building which conveys storm water from the roof to a storm or combined building drain.

(49) Continuous vent. A vertical vent that is a continuation of the drain to which it connects.

(50) Continuous waste. A drain from two (2) or more fixtures connected to a single trap.

(51) Cross connection. Any physical connection or arrangement between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other either water of unknown or questionable safety or steam, gas, or chemical whereby there may be a flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems. (See backflow and back-siphonage.)

(52) Dead end. A branch leading from a soil, waste or vent pipe, building drain, or building sewer, and terminating at a developed length of two (2) feet or more by means of a plug, cap, or other closed fitting.

(53) Developed length. The length of a pipe line measured along the center line of the pipe and fittings.

(54) Diameter. The nominal diameter as designated commercially.

(55) Domestic sewage. The water-borne wastes derived from ordinary living processes.

(56) Double offset. Two (2) changes of direction installed in succession or series in a continuous pipe.

(57) Downspout. (See leader.)

(58) Drain. Any pipe which carries waste water or water-borne wastes in a building drainage system.

(59) Drainage pipe. (See drainage system.)

(60) Drainage system. Includes all the piping, within public or private premises, which conveys sewage, rain water, or other liquid wastes to a point of disposal. It does not include the mains of a public sewer system or private or public sewage-treatment or disposal plant. Neither does this apply to plumbing appliances.

(61) Drainage system, (building gravity). A drainage system which drains by gravity into the building sewer.

(62) Drainage system, (sub-building). (See building subdrain.)

(63) Dry well. (See leaching well.)

(64) Dual vent. (See common vent.)

(65) Durham system. A term used to describe soil or waste systems where all piping is of threaded pipe, tube, or other such rigid construction, using recessed drainage fittings to correspond to the types of piping.

(66) Dwelling unit. One (1) or more rooms with provision for living, sanitary and sleeping facilities arranged for the use of one (1) family or individual.

(67) Effective opening. The minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of (i) diameter of a circle, or (ii) if the opening is not circular, the diameter of a circle of equivalent cross-sectional area.

(68) Ejector. (See aspirator.)

(69) Existing work. A plumbing system or any part thereof installed prior to the effective date of this code.

(70) Fire line. A system of pipes and equipment used exclusively to supply water for extinguishing fires.

(71) Fixture. (See plumbing fixture.)

(72) Fixture branch. A fixture branch is the piping distance between a soil, waste and vent stack and the fixture trap.

(73) Fixture drain. The drain from the trap of a fixture to the junction of that drain with any other drain pipe.

(74) Fixture supply. The water supply pipe connecting a fixture to a branch water supply pipe or directly to a main water supply pipe.

(75) Fixture unit, drainage (d.f.u.). A measure of the probable discharge into the drainage system by various types of plumbing fixtures. The drainage fixture-unit valve for a particular fixture depends on its volume rate of drainage discharge, on the time duration of a single drainage operation, and on the average time between successive operations. (Note: In general, on small systems, one (1) drainage fixture-unit approximates one (1) cubic foot per minute.)

(76) Fixture unit, supply (s.f.u.). A measure of the probable hydraulic demand on the water supply by various types of plumbing fixtures. The supply fixture-unit value for a particular fixture depends on its volume rate of supply, on the time duration of a single supply operation, and on the average time between successive operations.

(77) Flood level. (See flood level rim.)

(78) Flood level rim. The edge of the receptacle from which water overflows.

(79) Flooded. The condition which results when the liquid in a container or receptacle rises to the flood-level rim.

(80) Floor drain. A floor drain is a drain placed in the floor of a building for the purpose of receiving sanitary waste water.

(81) Floor pantry. A workroom in the nursing area designed and equipped to prepare supplemental diets or beverages, and to assemble food trays at meal times if used in conjunction with decentralized food service.

(82) Flow pressure. The pressure in the water supply pipe near the faucet or water outlet while the faucet or water outlet is wide-open and flowing.

(83) Flush valve. A device located at the bottom of a tank for flushing water closets and similar fixtures.

(84) Flushing type floor drain. A drain which is equipped with an integral water supply enabling flushing of the drain receptor and trap.

(85) Flushometer valve. A device which discharges a predetermined quantity of water to fixtures for flushing purposes and is closed by direct water pressure.

(86) Frostproof closet. A hopper with no water in the bowl and with the trap and water supply control valve located below frost line.

(87) Grade. The fall (slope) of a line of pipe in reference to a horizontal plane. In drainage it is usually expressed as the fall in a fraction of an inch per foot length of pipe.

(88) Grease interceptor. (See interceptor.)

(89) Grease trap. (See interceptor.)

(90) Hangers. (See supports.)

(91) Horizontal branch drain. A drain branch pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one (1) or more fixture drains and conducts it to the soil or waste stack or to the building drain.

(92) Horizontal pipe. Any pipe or fitting which makes an

angle of less than forty-five (45) degrees with the horizontal.

(93) Hot water. Water at a temperature of not less than 120 degrees F.

(94) House drain. (See building drain.)

(95) House sewer. (See building sewer.)

(96) Individual sewage disposal system. A system for disposal of domestic sewage by means of a septic tank, cesspool or mechanical treatment, designed for use apart from a public sewer to serve a single establishment or building.

(97) Indirect waste pipe. A waste pipe which does not connect directly with the drainage system, but which discharges into the drainage system through an air break or air gap into a trap, fixture, receptor or interceptor.

(98) Individual vent. A pipe installed to vent a fixture drain. It connects with the vent system above the fixture served or terminates outside the building into the open air.

(99) Individual water supply. A supply other than an approved public water supply which serves one (1) or more families.

(100) Industrial floor drain. An industrial floor drain is a drain placed in the floor of a building other than in a toilet room or shower room to receive waste water.

(101) Industrial wastes. Liquid wastes resulting from the processes employed in industrial and commercial establishments.

(102) Insanitary. Contrary to sanitary principles; injurious to health.

(103) Interceptor. A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity.

(104) Installed. Altered, changed or a new installation.

(105) Kitchen sink unit. A kitchen sink unit is defined as a sink, double or single compartment, food waste disposer, and dishwasher placed in a unit so arranged that the dishwasher abuts the sink.

(106) Leaching well or pit. A pit or receptacle having porous walls which permit the contents to seep into the ground.

(107) Leader. An exterior drainage pipe for conveying storm water from roof or gutter drains.

(108) Liquid waste. The discharge from any fixture, appliance, area or appurtenance, which does not contain fecal matter.

(109) Load factor. The percentage of the total connected fixture unit flow which is likely to occur at any point in the drainage system.

(110) Local vent stack. A vertical pipe to which connections are made from the fixture side of traps and through which vapor and/or foul air may be removed from the fixture or device used on bedpan washers.

(111) Local ventilating pipe. A local ventilating pipe is a pipe through which foul air is removed from a room or fixture.

(112) Loop vent. A circuit vent which loops back to connect with a stack vent instead of a vent stack.

(113) Main. The main of any plumbing system is that part of such system of horizontal, vertical or continuous piping which receives the waste, soil, main or individual vents from fixture outlets, or traps, directly or through branch pipes.

(114) Main sewer. (See public sewer.)

(115) Main vent. The principal artery of the venting system to which vent branches may be connected. (Manufacturer's Floor Drain. See industrial floor drain.)

(116) Multiple dwelling. Building containing more than two (2) dwelling units.

(117) Non-potable water. Water not safe for drinking, personal or culinary use.

(118) Nuisance. Public nuisance as known in common law or in equity jurisprudence; whatever is dangerous to human life or detrimental to health; whatever building, structure, or premise is not sufficiently ventilated, sewered, drained, cleaned or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink or water supply unwholesome.

(119) Nurses' station. An area in the nursing unit separated from the corridor by counter or desk, designed to permit nurses to record and file each patient's history and progress, observation and control of corridor, preparation of medicines and maintain contact with patients, the hospital and the outside by local and public means of communication.

(120) Offset. A combination of elbows or bends which bring one (1) section of the pipe out of line but into a line parallel with the other section.

(121) Oil interceptor. (See interceptor.)

(122) Person. A natural person, his heirs, executors, administrators or assigns; and includes a firm, partnership or corporation, its or their successors or assigns. Singular includes plural; male includes female.

(123) Pitch. (See grade.)

(124) Plumbing. Plumbing means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building other than piping serving fire fighting equipment;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal but not including sewers located between manholes and sewers extending five (5) feet from a main or manhole on private property; and

(d) Storm sewers and rain water piping located within a building to a point two (2) feet outside of the building and private sewage disposal systems other than those which have a treated effluent.

(125) Plumbing appliance. Any one of a special class of plumbing fixture which is intended to perform a special function. Its operation and/or control may be dependent upon one (1) or more energized components, such as motors, controls, heating elements, or pressure or temperature-sensing elements. Such fixtures may operate automatically through one or more of the following actions; a time cycle, a temperature range, a pressure range, a measured volume or weight; or the fixture may be manually adjusted or controlled by the user or operator.

(126) Plumbing appurtenance. A manufactured device, or a prefabricated assembly of component parts, and which is an adjunct to the basic piping system and plumbing fixtures. An appurtenance demands no additional water supply, nor does it add any discharge load to a fixture or the drainage system. It is presumed that it performs some useful function in the operation, maintenance, servicing, economy, or safety of the plumbing system.

(127) Plumbing fixtures. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom, or it discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises, or which requires both a water supply connection and a discharge to the drainage system of the premises. Plumbing appliances as a special class of fixture are further defined.

(128) Plumbing inspector. A duly authorized employee or agent of the Department for Natural Resources and Environmental Protection who is charged with the responsibility of inspecting plumbing installations and with the enforcement of the state plumbing laws and code.

(129) Plumbing system. The plumbing system of a building includes: appliances and water heaters; the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the house drain and house sewer; the storm water drainage within a building with their devices, appurtenances and connections all within or adjacent to the building.

(130) Pool. (See swimming pool.)

(131) Potable water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the Public Health Service Drinking Water Standards or the regulations of the Department for Natural Resources and Environmental Protection.

(132) Private or private use. In the classification of plumbing fixtures, private applies to fixtures in residences and apartments and to fixtures in private bathrooms of hotels as well as similar installations in other buildings where the fixtures are intended for the use of a family or an individual.

(133) Private sewer. A sewer, serving two (2) or more buildings, privately owned, and not directly controlled by public authority.

(134) Public or public use. In the classification of plumbing fixtures, public applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, railroad stations, public buildings, bars, public comfort stations, and other installations (whether pay or free) where a number of fixtures are installed so that their use is similarly unrestricted.

(135) Public sewer. A common sewer directly controlled by public authority.

(136) Public water main. A water supply pipe for public use controlled by public authority.

(137) Receptor. A fixture or device which receives the discharge from indirect waste pipes.

(138) Relief vent. An auxiliary vent which permits additional circulation of air in or between drainage and vent systems.

(139) Return offset. A double offset installed so as to return the pipe to its original alignment.

(140) Revent pipe. (See individual vent.)

(141) Rim. An unobstructed open edge of a fixture.

(142) Riser. A water supply pipe which extends vertically one (1) full story or more to convey water to branches or to a group of fixtures.

(143) Roof drain. A drain installed to receive water collecting on the surface of a roof and to discharge it into a leader or a conductor.

(144) Roughing-in. The installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary fixture supports.

(145) Safe waste. (See indirect waste.)

(146) Sand interceptor. (See interceptor.)

(147) Sand trap. (See interceptor.)

(148) Sanitary sewer. A sewer which carries sewage and excludes storm, surface, and ground water.

(149) Scrub sink. A device usually located in the operating suite to enable operating personnel to scrub their hands prior to operating procedures. The hot and cold water supply is activated by a knee-action mixing valve or by wrist or pedal control.

(150) Seepage well or pit. A covered pit with open-jointed lining into which septic tank effluent is received that will

seep or leach into the surrounding porous soil.
(151) Separator. (See interceptor.)
(152) Septic tank. 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 and allow the liquids to discharge into the soil outside of the tank through a system of open joint or perforated piping, or a seepage pit.
(153) Sewage. Any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.
(154) Sewage ejectors. A device for lifting sewage by entraining it in a high velocity jet of steam air or water.
(155) Side vent. A vent connecting to the drain pipe through a fitting at an angle not greater than forty-five (45) degrees to the vertical.
(156) Size of pipe and tubing. (See diameter.)
(157) Slope. (See grade.)
(158) Soil pipe. A soil pipe is any pipe which conveys the discharge of water closets or similar fixtures, with or without the discharges from other fixtures, to the house drain.
(159) Soil vent. (See stack vent.)
(160) Special wastes. Wastes which require special treatment before entry into the normal plumbing system.
(161) Special waste pipe. Pipes which convey special wastes.
(162) Stack. A general term for any vertical line of soil, waste or vent piping.
(163) Stack group. A group of fixtures located adjacent to the stack so that by means of proper fittings, vents may be reduced to a minimum.
(164) Stack vent. The extension of a soil or waste stack above the highest horizontal drain connected to the stack.
(165) Stack venting. A method of venting a fixture or fixtures through the soil or waste stack.
(166) Sterilizer, boiling type. A boiling type "sterilizer" is a fixture (nonpressure type), used for boiling instruments, utensils, and/or other equipment (used for disinfection). Some devices are portable, others are connected to the plumbing system.
(167) Sterilizer, instrument. A device for the sterilization of various instruments.
(168) Sterilizer, pressure instrument washer-sterilizer. A pressure instrument washer-sterilizer is a fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.
(169) Sterilizer, pressure (autoclave). A fixture (pressure vessel) designed to use steam under pressure for sterilizing. Also called an autoclave.
(170) Sterilizer, utensil. A device for the sterilization of utensils as used in hospital services.
(171) Sterilizer vent. A separate pipe or stack, indirectly connected to the building drainage system at the lower terminal, which receives the vapors from nonpressure sterilizers, or the exhaust vapors from the pressure sterilizers, and conducts the vapors directly to the outer air. Sometimes called vapor, steam, atmospheric, or exhaust vent.
(172) Sterilizer water. A water sterilizer is a device for sterilizing water and storing sterile water.
(173) Still. A device used in distilling liquids.
(174) Storm drain. (See building storm drain.)
(175) Storm sewer. A sewer used for conveying rain water, surface water, condensate, cooling water, or similar liquid wastes.
(176) Subsoil drain. A drain which collects sub-surface water and conveys it to a place of disposal.
(177) Sump. A tank or pit, which receives sewage or liquid waste, located below the normal grade of the gravity system and which must be emptied by mechanical means.
(178) Sump pump. A mechanical device other than an ejector or bucket for removing sewage or liquid waste from a sump.
(179) Supports. Devices for supporting and securing pipe, fixtures, and equipment.
(180) Swimming pool. Any structure, basin, chamber, or tank containing any artificial body of water for swimming, diving, wading or recreational bathing.
(181) Trap. A fitting or device which provides a liquid seal to prevent the emission of sewer gases without materially affecting the flow of sewage or waste water through it.
(182) Trap seal. The vertical distance between the crown weir and the top of the dip of the trap.
(183) Utility room. A workroom in the patient nursing area, designed and equipped to facilitate preparation, cleaning and incidental sterilizing of the various supplies, instruments, utensils, etc., involved in nursing treatment and care, exclusive of medications handled in nurses' stations and bedpan cleaning and sterilizing.
(184) Vacuum. Any pressure less than exerted by the atmosphere.
(185) Vacuum breaker. (See backflow preventer.)
(186) Vacuum breaker, non-pressure type (atmospheric). A vacuum breaker which is not designed to be subjected to static line pressure.
(187) Vacuum breaker, pressure type. A vacuum breaker designed to operate under conditions of static line pressure.
(188) Vent pipe. A vent pipe is any pipe provided to ventilate a house drainage system and to prevent tray siphonage and back pressure.
(189) Vent system. A pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.
(190) Vertical pipe. Any pipe or fitting which makes an angle of forty-five (45) degrees or less with the vertical.
(191) Wall hung water closet. A wall mounted water closet installed in such a way that no part of the water closet touches the floor.
(192) Waste pipe and special waste. A waste pipe in any pipe which receives the discharge of any fixture (except water closets or similar fixtures) and discharges to the house drain, soil or waste stacks. When such pipe does not connect directly with a house drain, waste or soil stack, it is termed a special waste.
(193) Water distributing pipe. A pipe within the building or on the premises which conveys water from the water-service pipe or meter to the point of usage.
(194) Water lifts. (See sewage ejector.)
(195) Water outlet. A discharge opening through which water is supplied to a fixture, into the atmosphere (except into an open tank which is part of the water supply), to a boiler or heating system, to any devices or equipment requiring water to operate but which are not part of the plumbing system.
(196) Water riser pipe. (See riser.)
(197) Water service pipe. The pipe from the water main or other source of potable water supply to the water distributing system of the building served.
(198) Water supply stub. A vertical pipe less than one (1) story in height supplying one or more fixtures.
(199) Water supply system. The water service pipe, the water-distributing pipes, and the necessary connecting pipes, fittings, control valves, and all appurtenances in or adjacent to the building or premises.
(200) Well, bored. A well constructed by boring a hole in the ground with an auger and installing a casing.
(201) Well, drilled. A well constructed by making a hole in the ground with a drilling machine of any type and installing casing and screen.
(202) Well, driven. A well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.
(203) Well, dug. A well constructed by excavating a large diameter shaft and installing a casing.
(204) Wet vent. A vent which receives the discharge of wastes other than from water closets.
(205) Yoke vent. A pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stack.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1975 at 3:50 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene P. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:030)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC-3-10
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to quality and weights of materials that will be used in the installation of plumbing systems.

Section 1. Materials, Quality of. All materials used in any drainage or plumbing system or part thereof, shall be free of defects.

Section 2. Label, Cast or Stamped. Each length of pipe, fitting, trap, fixture and device used in a plumbing or drainage system shall be stamped or indelibly marked with the weight or quality thereof, and, with the maker's mark or name.

Section 3. Vitrified Clay Pipe, Cement Asbestos Pipe, Concrete Pipe, Bituminous Fiber Pipe, and Corrugated Polyethylene Subsoil Drainage Tubing. (1) Vitrified clay pipe, cement asbestos pipe, concrete pipe and bituminous fiber pipe shall be at least four (4) feet in length, and shall conform to A.S.T.M. Standard Specifications.
(2) Polyethylene subsoil drainage tubing shall conform to CS 228-61 and shall have two (2) rows of three-fourths (3/4) inch holes within an arch of 120 degrees of circumference of the piping and shall be on four (4) inch centers. Such tubing shall be visibly marked with the name of the manufacturer and the commercial standard number at ten (10) feet intervals. No such tubing or fittings shall be used unless the manufacturer of such material first submits to the department a sample of the tubing and fittings together with an analysis of the material from a private testing laboratory approved by the department. A subsequent report shall be submitted to the department on an annual basis thereafter on or about July 1 of each year.

Section 4. Cast-Iron Pipe. (Hub and Spigot and NO-HUB). (1) Extra Heavy. Extra heavy cast-iron pipe and fittings shall conform to CS 188-59 and A74-69.

(2) Service-weight. Service-weight cast-iron pipe and fittings shall conform to A74-69, or 301-72.
(3) Coating. Cast-iron pipe and fittings for underground use shall be coated with asphaltum or coal tar pitch.

Section 5. Wrought-Iron Pipe. All wrought-iron pipe shall conform to the latest A.S.T.M. "standard specifications for welded wrought-iron pipe."

Section 6. Mild-Steel Pipe. All steel pipe shall conform to the latest A.S.T.M. "standard specifications for welded and seamless steel pipe."

Section 7. Brass Pipe; Copper Pipe; and Brass Tubing. Brass pipe, copper pipe and brass tubing shall conform respectively to the latest standard specifications of A.S.T.M. from "brass pipe, copper pipe, and brass tubing, standard sizes."

Section 8. Borosilicate Pipe. (1) Borosilicate pipe shall conform to the latest A.S.T.M. standards.
(2) Plastic Pipe. All plastic piping used in a drainage, waste and vent system shall be Schedule 40 or 80, Type 1, Grade 1, polyvinyl chloride compounds as defined and described in tentative specifications for rigid polyvinyl chloride (PVC) (ASTM Designation: D1784-60T, or Schedule 40 or 80 acrylonitrile-butadiene-styrene compound as defined and described in standard specification for acrylonitrile-butadiene-styrene (ABS) (ASTM Designation: D1788-67). Pipe and fittings shall be produced and labeled in accordance with the provisions of Commercial Standard ASTM-D-2665-69, as amended, for PVC and ASTM-D-2661-69 for ABS, and both shall bear the NSF seal for approval. No pipe or fittings shall be used unless the manufacturer of such material submits to the department a sample of the pipe and fittings that will be used along with an analysis of the material from an approved private testing laboratory approved by the department, and that such a report be submitted to the department on an annual basis as of July 1, of each year. All pipe and fittings shall bear the ASTM designation together with the NSF seal, the manufacturer's identification and the size. The use of plastic pipe and fittings (PVC or ABS) as outlined herein shall be restricted for use in residential construction in buildings not to exceed two (2) stories in height of livable area provided that no house drain shall serve more than an eight (8) apartment building unit.
(3) Stainless Steel Tubing. Stainless steel tubing for hot and cold water piping must be Grade H conforming to CS A268-68. Stainless steel tubing for the soil, waste and vent system must be either Grade G or H conforming to CS A268-68.
(4) Polyethylene Pipe. Polyethylene pipe used in acid waste systems shall conform to D-1204-62T.
(5) Polypropylene Pipe. Polypropylene pipe used in acid waste systems shall conform to A.S.T.M. D-2146-65T.

Section 9. Lead Pipe, Diameter, Weights. (1) Lead soil, waste and vent pipes shall be in accordance with the standards of the Lead Industries Association and Federal Specifications WW-P-325, which are identical in substance, and shall not be lighter than the following weights:

Size Inside Diameter In.	Commercial Designation "D" or "XL"		Wall Thickness Inches	Weight Pounds	Per Foot Ounces
1 1/2	D	XL	0.138	3	8
2	D	XL	0.142	4	12
3	D	XL	0.125	6	0
4	D	XL	0.125	8	0

(2) All lead bends and lead traps shall be of the weight known as Extra Heavy (X.H.) and shall have at least one-eighth (1/8) inch wall thickness. Weights for lead water service or supply pipes shall be according to the maximum working pressure in pounds per square inch as given in federal specification WW-P-325.

Section 10. Sheet Lead. Sheet lead for shower pans shall weigh not less than four (4) lbs. per sq. ft. and shall weigh not less than three (3) lbs. per sq. ft. for vent pipe flashings.

Section 11. Sheet Copper or Brass. Sheet copper or brass shall not be lighter than No. 18 B. & S. gauge, except that for local and interior ventilating pipe it shall not be lighter than No. 26 B. & S. gauge.

Section 12. Threaded Fittings. (1) Plain screwed fittings shall be either cast-iron, malleable iron, or brass of standard weight and dimensions.
(2) Drainage fittings shall be either cast-iron, malleable iron, or brass, with smooth interior waterway, with threads tapped out of solid metal.
(3) All cast-iron fittings used in a water supply distribution shall be galvanized.
(4) All malleable iron fittings shall be galvanized.

Section 13. Caulking Ferrules. Caulking ferrules shall be of red brass and shall be in accordance with the following table:

Pipe Sizes Inches	Inside Diameter Inches	Length Inches	Minimum Weight Each
2	2 1/4	2 1/2	1 lb. 0 oz.
3	3 1/4	4 1/2	1 lb. 12 oz.
4	4 1/4	4 1/2	2 lb. 8 oz.

Section 14. Soldering Nipples. Soldering nipples shall be recessed red cast brass, iron pipe size. When cast, they shall be full bore and of a minimum weight.

Section 15. Floor Flanges for Water Closets and Service Sinks or Similar Fixtures. Floor flanges shall either be hard lead, brass, cast iron, galvanized malleable iron, ABS or PVC. Hard lead and brass flanges shall be not less than one-eighth (1/8) inch thick. Cast iron and galvanized malleable iron shall not be less than one-fourth (1/4) inch thick and shall have a two (2) inch caulking depth.

Section 16. New Materials. Any material other than that specified in this code is prohibited unless such material is specifically approved by the State Plumbing Code Committee and the Department for Natural Resources and Environmental Protection as being equal to or better than the material specified herein. It shall be the responsibility of any person or company seeking the approval of a material not included in this code to prove to the satisfaction of such agencies that the material is equal to or better than the material for which it is intended to replace.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1975 at 3:50 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:040)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC-4-4
NECESSITY AND FUNCTION: The Department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the quality, type and kinds of plumbing fixtures that may be used in the installation of plumbing.

Section 1. Materials. All receptacles used as water closets, urinals, or otherwise for the disposal of human excreta, shall be of vitrified earthenware, hard natural stone, or cast iron with a light color porcelain enameled on the inside.

Section 2. Installation. All plumbing fixtures shall be installed free and open in a manner to afford access for cleaning. Where practical, all pipes from fixtures shall be run to the wall and no trap or pipe shall extend nearer to the floor than twelve (12) inches except laundry trays or similar fixtures.

Section 3. Water Closet Bowls. Water closet bowls shall be made in one piece and of such form as to hold a sufficient quantity of water when filled to the trap overflow to prevent fouling of its interior surfaces, and it shall be provided with an integral flushing rim so constructed as to flush the entire interior of the bowl.

Section 4. Frost-Proof Closet. A frost-proof water closet may be installed only in a building that has at least a twelve (12) inch air break between it and any building used for habitation or occupancy. The room shall be tightly enclosed and accessible from the outside only. The soil pipe between the trap and hopper shall be of extra heavy cast-iron, four (4) inches in diameter and shall be light colored porcelain enamel on the inside. The building must have a non-absorbent floor. Each frost-proof water closet shall have a four (4) inch vent.

Section 5. (1) Floor Drains and Shower Drains. A floor drain or a shower drain is considered a plumbing fixture and shall be provided with a strainer.
(2) Shower Drain Pan Construction. Shower drain pans shall be constructed of sheet lead weighing not less than four (4) pounds per square foot or other approved material. Shower pans shall be constructed without seams and shall extend to a minimum height of six (6) inches on all vertical walls. Shower pans shall not be required on a concrete floor below the outside grade level.
(3) Fiberglass Bathtubs, Showers, Tub Enclosures and Shower Stalls. Fiberglass bathtubs and tub enclosures shall conform to Commercial Standards CS 221-59. Fiberglass shower stalls

and shower receptors shall conform to Commercial Standards CS 222–59.

(4) Metamorphosed Carbonate Aggregate Polyester Resinous Martrix–Marbleoid Bathtubs, Lavatories and Shower Stalls. Metamorphosed Carbonate Aggregate Polyester Resinous Martrix–Marbleoid bathtubs, lavatories and shower stalls shall conform to Commercial Standards CS 111–43.

Section 6. Floor Drains, Shower Drains or Urinal Drains in Inaccessible Places. Floor drains, shower drains or urinal drains shall have a cast–iron P trap when installed under concrete floors or in inaccessible places. They shall be either caulk or screw type.

Section 7. Fixture Strainers. All fixtures other than water closets and pedestal urinals shall be provided with a fixed strong, metallic or porcelain strainer. The total outlet area shall not be less than that of the interior area of the trap.

Section 8. Fixture Overflow. The overflow pipe from a fixture shall be connected to the inlet side of a trap and be so arranged that it may be readily and effectively cleaned.

Section 9. Ventilation of Rooms Containing Fixtures. Plumbing fixtures, except bedroom lavatories, shall not be located in any room which does not contain a window placed in an external wall or is not otherwise provided with adequate ventilation. The minimum size of the external fresh air inlet shall be two and one–fourth (2 1/4) square feet of opening. Where forced ventilation is used, the minimum change of air shall be six (6) times per hour and the vent must be extended to the outside of the building.

Section 10. Fixture Additions. Any fixture or fixtures added to a plumbing system shall be installed to comply with the other sections of this code, and the discharge from the additional fixture or fixtures shall enter the soil pipe below the lowest vented opening.

Section 11. Defective Fixtures. All newly installed fixtures found defective or old fixtures found to be in an unsanitary condition, shall be repaired, replaced, or removed within thirty (30) days upon written notice from the department.

Section 12. Water Heaters. Water heaters shall be properly connected to the hot and cold water supply and shall be connected to an adequate size flue or chimney, but in no case shall this be connected to a flue serving a coal burning apparatus. The flue or chimney shall extend two (2) feet above the roof and be properly flashed and shall not terminate within six (6) feet of a door or window. If a water heater is placed in a closed room or closet the door must be a louver door.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1975 at 3:51 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources & Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:050)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74–449
SUPERSEDES: PC–5–1
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the sizes of waste piping that is needed to serve various types of plumbing fixtures and appurtenances.

Section 1. The minimum size (nominal inside diameter) of traps, soil or waste branches for a given fixture shall not be less than that given in the following table:

	Minimum Size (in inches)		
	Trap	Branch	Fixture Unit
Automatic clothes washer	2	2	2
Basement floor drain	3	3	3
Bath: sitz	1 1/2	1 1/2	2
Bathtub	1 1/2	1 1/2	1 1/2
Combination fixture	2	2	2
Dental cuspidor	2	2	2
Dishwashers	1 1/2 up	1 1/2 up	1 1/2 up
Disposal Unit	1 1/2	1 1/2	1 1/2
Drinking Fountain	1 1/4	1 1/4	1
Floor drain in toilet room	3	3	3
Floor drain in utility room	3	3	3
Industrial floor drain	4	4	4
Kitchen sink unit	1 1/2 up	1 1/2 up	1 1/2 up
Laundry tray	1 1/2	1 1/2	1 1/2
Lavatory	1 1/4	1 1/4	1
Santistand	3	4	6
Shower Stall	1 1/2	1 1/2	1 1/2
Sinks: bar or soda fountain	1 1/2	1 1/2	1 1/2
Sinks: Barium	2	2	2
Sinks: Chemical	1 1/2 up	1 1/2 up	1 1/2 up
Sink: Clinic	3	4	6
Sinks: Kitchen, residence	1 1/2	1 1/2	1 1/2
Sink: Plaster	2	2	2
Sink: Service	3	3	3
Sink: Service wall type	2	2	2
Sink: three compartment	2	2	2
Urinal: lip	1 1/2	1 1/2	1 1/2
Urinal: pedestal	3	3	3
Urinal: stall	2 up	2 up	2 up
Urinal: trough	1 1/2	1 1/2	1 1/2
Water closet	3	4	6
Water closet on 3 inch stack only	3	3	6

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1975 at 3:51 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Bureau of Environmental Quality, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:060)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090, and Executive Order 74–449
SUPERSEDES: PC–6–6
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to material and the design of the soil, waste and vent systems that will be used in all types of plumbing systems that are constructed throughout the Commonwealth.

Section 1. Grades and Supports of Horizontal Piping. All horizontal piping shall be run in practical alignment and at a uniform grade of not less than one–eighth (1/8) inch per foot, and shall be supported or anchored in accordance with the manufacturer's recommendations but in no instance to exceed ten (10) feet in length. All stacks shall be supported at their bases and all pipes shall be rigidly secured. No–hub pipe and fittings shall be supported at each joint of pipe and fittings. Polyvinyl chloride and acrylonitrile – butadiene – styrene schedule forty (40) horizontal piping shall be supported at intervals not to exceed five (5) feet and at the base of all vertical stacks and at all trap branches as close to the trap as possible. Polyethylene pipe and fittings must be continuously supported with a V channel. Stacks must be rigidly supported at their bases and at each floor level.

Section 2. Change in Direction. All changes in direction shall be made by the appropriate use of forty–five (45) degree wyes, half–wyes, quarter, sixth, eighth or sixteenth bends, except that a single sanitary tee may be used in a vertical stack, or a sanitary tee may be turned on its back or side at an angle of not more than forty–five (45) degrees.

Section 3. Prohibited Fittings. No double hub bend or double hub tee or inverted hubs shall be used on sewers, soil or waste line. The drilling and tapping of house sewers or house drains, soil, waste or vent pipes, and the use of saddle hubs and bands is prohibited. Double sanitary tees may be used on vertical soil, waste and vent lines. All pipes shall be installed without hubs or restrictions that would reduce the area or capacity of the pipe.

Section 4. Dead Ends. In the installation of any drainage system dead ends shall be avoided.

Section 5. Protection of Material. All pipes passing under or through walls shall be protected from breakage. All pipes passing through, or under cinder, concrete, or other corrosive material shall be protected against external corrosion.

Section 6. Materials. All main or branch soil, waste and vent pipes and fittings within or underneath a building shall be hub and spigot extra heavy or service weight cast iron, no–hub service weight cast iron, galvanized steel, galvanized wrought iron, lead, brass, types K, L, M, DWV copper, standard high frequency welded tubing conforming to ASTM B–586–73, Types R–K, R–L, R–DWV brass tubing, seamless stainless steel tubing, Grade G or H conforming to CS–263–68, polyvinyl chloride schedule 40 or 80 conforming to ASTM D–2661–69 and D–1788–67, silicon iron or borosilicate. All mains or branch soil waste and vent pipe and fittings underground shall either be hub and spigot extra heavy or service weight cast iron, Type K or L copper pipe, Type R–K, R–L brass tubing, lead, silicon iron or borosilicate.

Section 7. Size of Waste Pipe Per Fixture Unit on Any One Stack. The following table, based on the rate of discharge from a lavatory as a unit, shall be employed to determine fixture equivalents.

Pipe Size (In Inches)	Maximum Developed Length	Fixture Units
1-1/4	25 ft.	1
1-1/2	30 ft.	2
2	50 ft.	6
2-1/2	100 ft.	12
3	225 ft.	30
4		96
5		180
6		420
8		1200
10		2400
12		4200

Section 8. Size of Combined Soil and Waste Pipe Per Fixture Unit on Any One (1) Stack. The following table, based on the rate of discharge from a lavatory as the unit, shall be employed to determine fixture equivalents.

Pipe Size (In Inches)	(Maximum Developed Length of Combined Soil and Waste and Vent)	Fixture Units
*3	100 ft.	24
4		96
5		180
6		420
8		1200
10		2400
12		4200

*Not more than two (2) water closets or two (2) bathroom groups.

Section 9. Soil and Waste Branch Interval. The total number of fixture units installed on any soil or waste branch interval shall not exceed one-half (1/2) of the fixture units set forth in the table in Section 8, above.

Section 10. Soil and Waste Stacks. Every building in which plumbing fixtures are installed shall have a soil or waste stack, or stacks extending full size through the roof. Soil and waste stacks shall be as direct as possible and free from sharp bends or turns. The required size of the soil or waste stack shall be determined from the total of all fixture units connected to the stack in accordance with the above tables except that no more than two (2) water closets shall discharge into a three (3) inch stack.

Section 11. Future Openings. All openings left or installed in a plumbing system for future openings shall be complete with its soil and/or waste and vent piping and shall comply with all other sections of this code.

Section 12. House Drain. When a three (3) inch house drain enters a building it shall be provided with a three (3) inch stack. One (1) basement floor drain may be added to the house drain with a three (3) inch trap. Seven and one-half (7-1/2) fixture units may be added to the three (3) inch house drain if an additional two (2) inch stack is provided and the fixtures are vented in accordance with the other applicable sections of this code. The center of the last fixture must not exceed five (5) feet from the center line of the house drain.

Section 13. Soil and Waste Stacks, Fixture Connections. All soil and waste stacks and branches shall be provided with correctly faced inlets for fixture connections. Each fixture shall be independently connected to the soil and/or waste system. Fixture connections to water closets, floor-outlet pedestal sinks, pedestal urinals, or other similar plumbing fixtures shall be made by either cast iron, lead, brass, copper, or plastic closet bends. All three (3) inch closet bends shall have a four (4) inch by three (3) inch flange.

Section 14. Changing Soil and Vent Pipes. In an existing building where the soil, waste and vent piping is not extended undiminished through the roof or where there is a sheet metal soil or waste piping such piping shall be replaced with appropriate sizes and materials as prescribed for new work when a fixture or fixtures are changed or replaced.

Section 15. Prohibited Connections. No fixture connection shall be made to a lead bend or a branch of a water closet or a similar fixture. Vent pipes above the highest installed fixture on a branch or main shall not be used as a soil or waste pipe.

Section 16. Soil, Waste and Vent Pipe Protected. No soil, waste, or vent pipe shall be installed or permitted outside a building unless adequate provision is made to protect it from frost. The piping must be wrapped with one (1) layer of heavy hair felt and at least two (2) layers of two (2) ply tar paper, all properly bound with copper wire or in lieu thereof, the vent may be increased to full size, the size of the increaser if it were passing through the roof.

Section 17. Roof Extensions. All roof extensions of soil and waste stacks shall be run full size at least one (1) foot above the roof, and when the roof is used for other purposes than weather protection, such extensions shall not be less than five (5) feet above the roof. All stacks less than three (3) inches in diameter passing through a roof shall be increased. No stack shall be less than three (3) inches. When a change in diameter is made the fitting must be placed at least one (1) inch below the roof.

Section 18. Terminals. If a roof terminus of any stack or vent is within ten (10) feet of the top, bottom, face or side edge of any door, window, scuttle, or air shaft, and not screened from such an opening by a projecting roof or building wall, it shall be extended at least two (2) feet above the top edge of the window or opening.

Section 19. Terminals Adjoining High Buildings. No soil, waste or vent pipe extension of any new or existing building shall be run or placed on the outside of a wall, but shall be carried up in the inside of the building unless the piping is protected from freezing. In the event, the new building is built higher than the existing building, the owner of the new building shall not locate windows within ten (10) feet of any existing vent stack on the lower building.

Section 20. Traps; Protected; Vents. Every fixture trap shall be protected against siphonage and back-pressure. Air circulation shall be assured by means of an individual vent. Crown vents are not permitted.

Section 21. Distance of Trap from Vent. (1) The distance between the vent and the fixture trap shall be measured along the center line of the waste or soil pipe from the vertical inlet of the trap to the vent opening. The fixture trap vent, except for water closets and similar fixtures, shall not be below the dip of the trap, and all ninety (90) degree turns in the water line of the main waste, soil, or vent pipes shall be washed. Each fixture trap shall have a vent located with a developed length not greater than that set forth in the table below:

Size of Fixture Drain (In Inches)	Distance-Trap to Vent
1-1/4	2 ft. 6 in.
1-1/2	3 ft. 6 in.
2	5 ft.
3	6 ft.
4	10 ft.

(2) A fixture branch on a water closet shall not be more than three (3) feet.

Section 22. Main vents to Connect at Base. The main vent or the vent stack shall connect full size at their base to the main soil or waste pipe at or below the lowest fixture branch and shall extend undiminished in size through the roof or shall be re-connected with the main soil or vent stack at least six (6) inches above the rim of the highest fixture. This section shall not apply to one (1) and two (2) story residential installations. When it becomes necessary to increase a vertical vent stack it then becomes a main vent and must comply with other sections of this code.

Section 23. Vents; Required Sizes. (1) The required size of a vent or vent stacks shall be determined by the total number of fixture units it serves and the developed length of the vent, in accordance with the following table, interpolating, when necessary, between permissible length of vent given in the following table.

MAXIMUM PERMISSIBLE LENGTHS OF VENTS

Pipe Size (In Inches)	Maximum Length (In Feet)	Fixture Units
1-1/4	30	2
1-1/2	150	8
2	200	18
2-1/2	250	36
3	300	72
4	400	240
5	600	420
6	800	720

(2) If a fixture opening is installed more than twenty-five (25) feet of developed length from the point where it is connected to the main soil or waste systems, or, if more than ten (10) feet of vertical piping is used, the vent shall be continued full size through the roof or returned full size to the main vent.

Section 24. Branch and Individual Vents. In no instance shall a branch or individual vent be less than one and one-fourth (1-1/4) inches in diameter and shall not exceed the maximum length permitted for a main vent.

Section 25. Vent Pipes Grades and Connections. All vent and branch vent pipes shall be free from drops or sags and be so graded and connected as to drip back to the soil or waste pipe by gravity. Where vent pipes connect to a horizontal soil or waste pipe, the vent branch shall be taken off above the center line of the pipe, and the vent pipe must rise vertically at an angle of forty-five (45) degrees to the vertical, to a point six (6) inches above the fixture it is

venting before offsetting horizontally or connecting to the branch, main, waste, soil or vent.

Section 26. Vents Not Required. Vents will not be required on a back-water trap, or a subsoil catch basin trap, or a basement floor drain provided that the basement floor drain is the first opening on the house drain and that the basement floor drain branches into the house drain so that measuring along the flow line from the center of the stack, the floor drain shall not be closer than five (5) feet to the stack, nor farther than twenty (20) feet. The floor drain line shall be four (4) inches above the house drain. All floor drains on a house drain in between stacks shall be vented. All floor drains shall be the caulk-on-type.

Section 27. When Common Vent Permissible. Where two (2) water closets, two (2) lavatories or two (2) of any fixtures of identical purpose are located on opposite sides of a wall or partition, or directly adjacent to each other within the prescribed distance as set forth in Section 21 of this regulation measured along the center line of the flow of water, the fixtures may have a common soil or waste pipe and a common vent. It shall be vented in accordance with the other sections of this code.

Section 28. Floor Drain Individual Vent Not Required. Manufacturers' floor drains do not require individual vents when they are placed on a waste line for floor drains only within the prescribed distance of ten (10) feet from the main waste line, or stack, provided the base of the stack is washed and the stack or stacks are undiminished through the roof, or connected to a main vent stack.

Section 29. A Basement Floor Drain Does Not Require an Individual Vent. A basement floor drain does not require an individual vent if it conforms to Section 26 of this regulation, or if it is the first floor drain on the main and is ahead of all sanitary openings and is not farther than five (5) feet from the main.

Section 30. House Drain Material. House drains shall be either extra heavy cast iron, service weight cast iron, brass Type (K) or (L) copper, lead, ABS or PVC plastic, or duriron.

Section 31. Indirect Waste Connections. Waste pipe from a refrigerator drain or any other receptacle where food is stored or waste water from a water cooled compressor, shall connect indirectly with the house drain, soil or waste pipe. The drain shall be vented to the outside air. Such waste pipes shall discharge into an open sink or another approved open receptacle that is properly supplied with water in accordance with other sections of this code. Such connections shall not be located in an inaccessible or unventilated area.

Section 32. Bar and Soda Fountain Wastes. Bar and soda fountain wastes, sinks and receptacles shall have a one and one-half (1-1/2) inch P trap and branches. The main shall not be less than two (2) inches. The fresh air pipe shall not be less than one and one-half (1-1/2) inches. The main waste line shall discharge into a properly vented and trapped open receptacle inside or outside a building. Food storage compartment drains shall be indirectly connected through a trapped receptacle whose upper edge is raised at least one (1) inch above the finished floor line.

Section 33. Open Receptacles. Soil or waste piping receiving the discharge from an open receptacle shall be at least six (6) inches above the surface of the ground when it discharges into a septic system.

Section 34. Refrigerator Wastes. Refrigerator waste pipes shall not be less than one and one-half (1-1/2) inches for one (1) to three (3) openings, and at least two (2) inches for four (4) to eight (8) openings. Each opening shall be trapped. Such waste piping shall be provided with sufficient cleanouts to allow for thorough cleaning.

Section 35. Overflow Pipes. Waste from a water supply tank or exhaust from a water lift shall not directly connect to a house drain, soil, or waste pipe. Such waste pipe shall discharge upon a roof or into a trapped open receptacle.

Section 36. Acid and Chemical Wastes. Except as provided herein, no corrosive liquids shall be permitted to discharge into the soil, waste or sewer system. Such waste shall be thoroughly diluted or neutralized by passing through a properly constructed and acceptable dilution or neutralizing pit before entering the house sewer.

Section 37. Laboratory Waste Piping. Laboratory waste piping shall be sized in accordance with the other sections of this code. Each fixture shall be individually trapped. A continuous waste and vent pipe system may be used, provided the waste discharges into a vented dilution pit outside the building with a vent equal to the size of the drain. The vent may be eliminated when a pit has a ventilated cover. If under certain conditions a dilution pit is not required and is not used, each fixture shall be individually vented. If construction conditions permit, the base of the stack of the continuous waste and vent system shall be washed by the last fixture opening, and continue full size independently through the roof. All fixture branches exceeding more than the distance specified in the table in Section 21 of this regulation from the main shall be revented. The distance shall be measured from the center of the main to the center of the vertical riser. Fixture connections shall rise vertically to a height so that the trap will not be lower than twelve (12) inches from the bottom of the sink. Two (2) or more sinks may be connected into a common waste before entering the riser of the continuous waste and vent system, provided the fixtures are not more than five (5) feet from the center of one (1) fixture to the center of the other.

Section 38. Acid Waste Piping. Underground piping for acid wastes shall be extra heavy salt glazed vitrified pipe, silicon iron, lead, polyethylene pipe and fittings conforming to PS 10-69, PS 11-69, and PS 12-69, polypropylene pipe conforming to ASTM D-2146-65T, or other materials approved by the department. Piping for acid wastes and vents above ground shall be of silicon iron, lead, borosilicate, or polyethylene pipe conforming to PS 10-69, PS 11-69, and PS 12-69.

Section 39. Special Vents. Flat or wet vents serving a plumbing fixture may be constructed only with special permission when a plumbing system is being remodeled or when additions are added to an original system.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1975 at 3:52 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:070)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC-7-9
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the methods that must be used in joining certain types of piping materials together as well as denoting the methods that must be used in securing plumbing fixtures to waste piping outlets.

Section 1. Water and Air-Tight Joints. All joints and connections shall be made permanently gas and water tight.

Section 2. Vitrified Pipe Joints; Concrete Pipe Joints; House Sewers-Combined Sewers. Joints in vitrified clay pipe shall conform to ASTM specification C-425. Joints in concrete pipe shall conform to commercial standard C-443. When it is necessary to use piping in other than standard lengths hot poured joints may be used. Joints between cast iron pipe and vitrified clay pipe or concrete pipe shall be made either of hot poured bitumastic compound or by a preformed elastomeric ring. The ring shall completely fill the annular space between the cast iron spigot and the vitrified clay or concrete pipe hub.

Section 3. Caulked Joints. All caulk joints shall be firmly packed with oakum or hemp and shall have at least one inch of pure lead properly caulked. No paint varnish or putty will be permitted until tests have been performed.

Section 4. (1) Screw Joints. All screw joints shall be American Standard screw joints and all burrs or cuttings shall be removed.

(2) Mechanical Joint Couplings for Hot and Cold Water. Mechanical joint couplings for hot and cold water may be used above ground provided the couplings are galvanized and the gaskets conform to ASTM D-735-61, grade N-R-615 BZ.

(3) Mechanical Joint Couplings for Storm Water Piping. Mechanical joint couplings for storm water piping may be used above ground provided the couplings are either black iron or galvanized and the gaskets conform to ASTM D-735-61, grade N-R-615 BZ.

(4) Joints in PVC and ABS Schedule 40 or 80 Pipe and Fittings. Joints in polyvinyl chloride schedule 40 or 80 pipe and fittings shall be solvent welded joints and shall conform to ASTM D-2665-69. Joints in acrylonitrile-butadiene-styrene pipe and fittings shall be solvent welded joints and shall conform to ASTM D-2661-69.

(5) Copper Pipe, Brass and Stainless Steel Tubing Joints. Copper pipe, brass and stainless steel tubing joints shall be soldered joints.

(6) Expansion. Every expansion joint shall be of approved type and its material shall conform with the type of piping in which it is installed.

(7) Brazed Joints. Brazed joints shall be made by first cleaning the surfaces to be joined down to the base metal, applying flux approved for such joints and for the filler metal to be used, and making the joint by heating to a temperature sufficient to melt the approved brazing filler metal on contact.

(8) Tapered Couplings. Every joint in bituminized fiber pipe shall be made with tapered type couplings of the same material as the pipe. Joints between bituminized fiber pipe

and metal pipe shall be made by means of an approved adapter coupling properly caulked.

(9) Joints in Corrugated Polyethylene Subsoil Drainage Tubing. Joints in corrugated polyethylene subsoil drainage tubing shall be made by slip joints using appropriate fittings.

Section 5. Cast Iron Soil Pipe Joints. Joints in cast iron shall either be caulked, screwed, or joints made with the use of neoprene gaskets. Neoprene gaskets shall conform to either ASTM C-564-70 or CS 301-72. Joints that conform to commercial standard 301-69T shall have a stainless steel clamp.

Section 6. Borosilicate Joints. Joints and gaskets used for borosilicate pipe shall be made in a manner approved by the department.

Section 7. (1) Steel, Brass and Copper Connections to Cast Iron Pipe. Steel, brass and copper joints when connected to cast iron pipe shall be either screwed or caulked joints. All caulked joints shall be made by the use of a caulking spigot.

(2) PVC and ABS Pipe and Fitting Connections to Steel, Brass, Copper and Cast Iron Pipe. Polyvinyl chloride and acrylonitrile – butadiene – styrene pipe and fitting connections to steel, brass, copper or cast iron pipe shall either be a screwed or caulk joint. All caulk joints shall be made with the use of either a polyvinyl chloride or acrylonitrile – butadiene – styrene or cast iron caulking spigot.

(3) Stainless Steel Tubing to Cast Iron Pipe to Galvanized Steel Pipe and to Copper Tubing. Stainless steel tubing to cast iron pipe shall be made by caulking spigot. Stainless steel tubing to galvanized steel pipe or copper pipe shall be made by the use of an adaptor.

(4) Joints in Acid Waste Piping. Joints in vitreous glazed piping shall be made in a manner and of a material approved by the department. Joints in polyethylene and polypropylene piping must be made by the heat fusion process. Joints in borosilicate pipe may be a stainless steel mechanical joint. Joints between silicon iron pipe may be either caulk joint or stainless steel mechanical joint.

Section 8. Lead Pipe. Joints in lead pipe or between lead pipe and brass or copper pipes, ferrules, soldering nipples, or trap, shall be fullwiped joints, with an exposed surface of the solder at each side of the joint of not less than three-quarters (3/4) of an inch. The minimum thickness of the thickest part of the joint shall be at least as thick as the material being used. In the event lead pipe is used for acid waste lines the pipe may be joined by burning.

Section 9. Lead Pipe to Cast Iron, Steel, or Wrought Iron Pipe. The joints between lead to cast iron, steel, or wrought iron shall be made by means of a caulking ferrule or a soldering nipple.

Section 10. Wall or Floor Flange Joints. Wall or floor flange joints shall be made by using a lead ring or brass flange and shall be properly soldered.

Section 11. Soil Pipe, Iron Pipe, Copper Pipe; Tubular Trap Joints. Joints between soil pipe, iron pipe, copper pipe and tubular traps shall be made by the use of heavy red cast brass adaptor. Tubular traps shall be soldered to the adaptor in a manner approved by the department.

Section 12. Slip Joints. Slip joints shall be permitted only on the inlet side of a trap.

Section 13. Unions. Unions shall be ground faced and shall not be concealed or enclosed.

Section 14. Roof Joints. The joint at the roof shall be made water-tight by use of copper, lead or other approved flashing or flashing material. It shall extend not less than six (6) inches from the pipe in all directions and shall extend upward twelve (12) or more inches and turn down into the pipe. A hub flashing may be used provided it is constructed so it can be caulked into a hub above the roof.

Section 15. Increasers and Reducers. When different size pipes or pipes and fittings are to be concealed, the proper size increaser or reducer pitched at an angle of forty-five (45) degrees between the two (2) sizes, shall be used.

Section 16. Prohibited Joints and Connections. Any fitting or connection which has an enlargement chamber, or recess with a ledge shoulder, or reduction of the pipe area in the direction of the flow is prohibited.

Section 17. Hangers and Supports. All piping and fixtures shall be adequately supported by hangers or anchors securely attached to the building construction.

Section 18. Welded Pipe for Soil, Waste and Vent Systems. Mild steel pipe may be welded for a soil waste and vent system provided the welds are mechanically sound and the bore of the piping is smooth throughout its length. The welded piping shall be covered with a metallic continuous coating. Written permission shall be secured from the department for such a system.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED: January 8, 1975 at 3:52 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources & Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:080)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC-8-4
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the quality, location and the placing of traps and clean-outs to prevent harmful gases and odors from entering buildings and homes that are served by plumbing systems.

Section 1. Traps, Kind and Minimum Size. Every trap shall be self-cleaning. Traps for bathtubs, lavatories, sinks and other similar fixtures shall either be tubular, cast brass, cast iron, lead or PVC (polyvinyl chloride) or ABS (acrylonitrile-butadiene-styrene) traps. Tubular traps shall be seventeen (17) gauge with ground joints. No tubular, PVC or ABS traps shall be installed below the finished floor serving a fixture. Traps shall have a full-bore, smooth interior waterway. The threads in the cast brass and cast iron traps shall be trapped out of solid metal. Cast iron, brass and lead traps shall be extra heavy.

Section 2. Traps, Prohibited. A trap which depends upon the action of movable parts or concealed interior partitions for its seal shall not be used.

Section 3. Traps, Where Required. Each fixture shall be separately trapped by a water-seal trap placed as near to the fixture as possible not to exceed ten (10) inches from the bottom of the fixture to dip of the seal. In no case shall the waste from a bathtub or other fixture discharge into a water closet bend. No fixture shall be double trapped.

Section 4. Water Seal. A fixture trap shall have a water seal of not less than two (2) inches nor more than four (4) inches.

Section 5. Trap Clean-Outs. Trap clean-outs are optional.

Section 6. Trap Levels and Protection. All traps shall be set true with respect to their water seals and shall be protected from frost and evaporation.

Section 7. Pipe Clean-Outs. The bodies of clean-out ferrules shall be made in standard pipe sizes, conforming in thickness to that of pipe and fittings and shall extend not less than one-quarter (1/4) inch above the hub in which it is placed. The clean-out cap, or plug shall be heavy red brass not less than one-eighth (1/8) inch thick and shall have a raised nut or recessed pocket for removal.

Section 8. Pipe, Clean-Outs, Where Required. A clean-out easily accessible, shall be provided at the base of each vertical waste or soil stack. There shall be at least two (2) clean-outs in the house drain, one (1) at or near the base of the stack and the other with full size Y branch inside the wall or outside the building at a point not beyond two (2) feet from the foundation wall. Clean-outs shall be of the same nominal size as the pipe it serves up to four (4) inches, and not less than four (4) inches for larger pipe.

Section 9. Manholes. All underground clean-outs in a building, except where clean-outs are flush with the floor or wall, shall be made accessible by a manhole or with a proper cover.

Section 10. Clean-Outs (Equivalents). Any floor or wall connection of a fixture trap whether bolted or screwed to the floor or wall, shall be regarded as a clean-out with the exception of the clean-out where the house drain enters a building.

Section 11. Grease Traps. When a grease trap is installed, it shall be placed as near as possible to the fixture it serves and shall be approved by the department. All grease traps used inside a building shall have a sealed cover and shall be properly vented. Grease traps may be installed whenever a private sewage disposal system is used but must be installed to serve restaurants and food handling establishments.

Section 12. Sand Traps. Sand traps shall be designed and located so as to be readily accessible and shall meet the requirements of the department.

Section 13. Basement Floor Drains. A basement floor drain shall connect into a trap so constructed that it can be readily cleaned and of a size to serve efficiently the purpose for which it is intended. When subject to back flow or back

pressure, such drains shall be equipped with an adequate back-water valve. The trap seal shall be at least four (4) inches above the flow line of the house drain.

Section 14. Back Water Valves. A back water valve shall be of non-corrosive metals and so constructed as to insure a positive mechanical seal except when discharging wastes.

Section 15. Utility Room Floor Drains. A utility room floor drain with an individual waste shall be provided with a two (2) inch vent increased to three (3) inches before passing through the roof of a building.

Section 16. Directional Flow Fittings. Kitchen sink units, or fixtures with more than one (1) unit may be connected with a continuous-waste, provided a directional flow fitting is used.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1975 at 3:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Euguene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:090)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC 9-5
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the types of piping, pipe sizes for a potable water supply system and the methods to be used to protect and control it.

Section 1. Quality. The bacteriological and chemical quality of the water supply shall comply with the regulations of the department.

Section 2. Distribution. The water supply shall be distributed through a piping system entirely independent of any other piping system.

Section 3. Water Service. The water service piping to any building shall be not less than three fourths (3/4) inch but shall be of sufficient size to permit a continuous and ample flow of water to all fixtures on all floors at all times. The water service may be laid in the same trench with the house sewer provided the water piping is benched eighteen (18) inches above the sewer.

Section 4. Water Supply to Fixtures. Plumbing fixtures shall be provided with a sufficient supply of water for flushing to keep them in a sanitary condition. Every water closet or pedestal urinal shall be flushed by means of an approved tank or flush valve. The tank or valves shall furnish at least a four (4) gallon flushing capacity for a water closet and at least a two (2) gallon capacity for a urinal. When a water closet, urinal, or similar fixture is supplied directly from the water supply system through a flushometer or other valve, such valves shall be set above the fixture in a manner so as to prevent any possibility of polluting the potable water supply by back siphonage. All such fixtures shall have a vacuum breaker. Plumbing fixtures, devices or appurtenances shall be installed in a manner that will prevent any possibility of a cross connection between the potable water supply system, drainage system or other water system.

Section 5. Water Supply to Drinking Fountains. The orifice of a drinking fountain shall be provided with a protective cowl to prevent any contamination of the potable water supply system.

Section 6. Sizing of Water Supply Piping. (1) The minimum size water service from the property line to the water heater shall be three-fourths (3/4) inch. The hot and cold water piping shall extend three-fourths (3/4) inch in size to the first fixture branch regardless of the kind of material used. When galvanized iron pipe is used the distribution piping shall be arranged so that no two (2) one-half (1/2) inch fixture branches are supplied from any one-half (1/2) inch pipe.
(2) The following schedule shall be used for sizing the water supply piping to fixtures:

Fixture Branches	Size Minimum Inches
Sill Cocks	1/2
Hot water boilers	3/4
Laundry trays	1/2
Sinks	1/2
Lavatories	3/8
Bathtubs	1/2
Water closet tanks	3/8
Water closet flush valves	1

Section 7. Water Supply Pipes and Fittings, Materials. Water supply piping for a potable water system shall be of galvanized wrought iron, galvanized steel, brass, Types K, L, and M copper, cast iron. Types R-K, R-L, and R-M brass tubing, standard high frequency welded tubing conforming to ASTM B-586-73, seamless stainless steel tubing, Grade H conforming to CS A-268-68, Polyethylene plastic pipe conforming to ASTM D-2239-69, PVC plastic pipe conforming to ASTM 1785, and CPVC plastic pipe conforming to CS D-2846-70, plastic pipe and fittings shall bear the NFS seal of approval. Fittings shall be brass, copper, or approved plastic or galvanized cast iron or galvanized malleable iron. Piping or fittings that have been used for other purposes shall not be used for the water distribution system. All joints in the water supply system shall be of the approved type. All joints in the water supply system shall be made of screw, solder, or plastic joints. Cast iron water pipe joints may be caulked, screwed, or machine drawn. When Type M copper pipe, Type R-M brass tubing, standard high frequency welded tubing or stainless steel tubing is placed within a concrete floor or when it passes through a concrete floor it shall be wrapped with an approved material that will permit expansion or contraction. In no instance shall Polyethylene, PVC or CPVC be used below ground under any house or building.

Section 8. Temperature and Pressure Control Devices for Shower Installations. Temperature and pressure control devices shall be installed on all shower installations that will maintain an even temperature and pressure and will provide non-scald protection. Such devices shall be installed on all installations other than in homes or apartment complexes.

Section 9. Water Supply Control. A main supply valve shall be placed inside a foundation wall. Each fixture or each group of fixtures shall be valved and each lawn sprinkler opening shall be valved.

Section 10. Water Supply Protection. All concealed water pipes, storage tanks, cisterns, and all exposed pipes or tanks subject to freezing temperatures shall be protected against freezing. Water services shall be installed at least thirty (30) inches in depth.

Section 11. Temperature and Pressure Relief Devices for Water Heaters. Temperature and pressure relief devices shall be installed on all water heaters on the hot water side not more than three (3) inches from the top of the heater. Temperature and pressure relief devices shall be of a type approved by the department. When a water heater is installed in a location that has a floor drain the discharge from the relief device shall be piped to within two (2) inches of the floor; when a water heater is installed in a location that does not have a floor drain, the discharge from the relief device shall be piped to the outside of the building with an ell turned down and piped to within four (4) inches of the surface of the ground. Relief devices shall be installed on a pneumatic water system.

Section 12. Protection of a Private Water Supply or Source. Private water supplies or sources shall be protected from pollution in a manner approved by the department. Such approval shall be obtained before an installation is made.

Section 13. Water Distribution and Connections to Mobile Homes. (1) An adequate and safe water supply shall be provided to each mobile home conforming to the regulations of the department.
(2) All materials, including pipes and fittings used for connections shall conform with the other sections of this code.
(3) An individual water connection shall be provided at an appropriate location for each mobile home space. The connection shall consist of a riser terminating at least four (4) inches above the ground with two (2) three-fourths (3/4) inch valve outlets with screw connection, one for the mobile home water system and the other for lawn watering and fire control. The ground surface around the riser pipe shall be granded to as to divert surface drainage. The riser pipe shall be encased in an eight (8) inch vitrified clay pipe or equal with the intervening space filled with an insulating material to protect it from freezing. An insulated cover shall be provided which will encase both valve outlets but not prevent connection to the mobile home during freezing weather. A shut-off valve may be placed below the frost depth on the water service line, but in no instance shall this valve be a stop-and waste cock.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1974 at 3:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:100)

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449

SUPERSEDES: PC-10-5

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to outlining the materials that may be used in the construction of house sewers, storm water piping as well as the methods of installation.

Section 1. Independent System. The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from, and independent of, that of any other building except as provided below, and every building shall have an independent connection with either a public or private sewer or sewer system.

Section 2. Exception. Where a building stands in the rear of another building or on an interior lot, and a sewer connection cannot be made available to the rear building through an adjoining alley, court, yard or driveway, the sewer from the front building may be extended to the rear building and it will be considered as one (1) sewer. This exception does not apply to corner lots where a sewer connection is available from the street or alley nor to a new or existing building which abuts a street or alley.

Section 3. Connection with Private Sewage Disposal System. When a sewer is not available, the house drain from a building shall connect with an approved private sewage disposal system.

Section 4. Excavations. All excavations made for the installations of a house sewer shall be open trench work. All such trenches shall be kept open until the piping has been inspected and/or tested and approved.

Section 5. Depth of Sewer at the Property Line. (1) Where possible the sewer at the property line shall be at a sufficient depth to properly serve any plumbing connection that may be installed in the basement of any building unless restricted by anothers authority.

(2) House sewers shall be laid on a grade of not less than one-eighth (1/8) inch nor more than one-fourth (1/4) inch per foot. All sewers must have at least an eighteen (18) inch cover. Sewer piping under a superimposed load condition shall have at least a three (3) feet cover unless constructed of cast iron piping. Sewers shall be backfilled by hand and tamped six (6) inches above the piping, or in lieu thereof may be filled with six (6) inches grillage above the piping. All joints in cast iron, bituminous fiber, vitrified clay pipe and cement asbestos pipe shall be made in a manner to conform to other sections of this code.

Section 6. New House Sewer Connections. House sewers installed where a private sewerage system has been discarded may connect to the house drain, provided in the opinion of the department the existing plumbing system meets this code or a previous one.

Section 7. Materials for House Sewers. House sewers or combined sewers, beginning two (2) feet outside the foundation wall of a building shall be made of either extra heavy cast iron pipe, service weight cast iron, vitrified clay, concrete, bituminous fiber, cement asbestos, PVC or ABS plastic pipe schedules 40 and 80.

Section 8. Material for Storm Sewers Inside Buildings. Material for storm sewers inside of buildings to a point two (2) feet outside a building in sizes eight (8) inches and smaller shall be cast iron pipe. Storm sewers in sizes of ten (10) inches and larger may be either cast iron, vitrified clay or concrete conforming to appropriate commercial standards with approved joints.

Section 9. Change of Direction. Change in direction of a sewer shall be made with long curves, one-eighth (1/8) bends or Y's.

Section 10. Size of House Sewers and Horizontal Branches. The minimum size of a house sewer shall not be less than four (4) inches nor less than that of the house drain. House sewers receiving branches shall be sized in the same manner as house drains. (See 401 KAR 1:060.)

Section 11. Size of Storm Systems. The required sizes of storm sewers shall be determined on the basis of the total drained areas in horizontal projection in accordance with the following table. No storm sewer shall be laid parallel to or within two (2) feet of any bearing wall. The storm sewer shall be laid at a sufficient depth to protect it from freezing.

Diameter of pipe inches	Maximum drained roof area square feet* Slope, 1/8 in. fall to 1 ft.	Slope, 1/4 in. fall to 1 ft.	Diameter of pipe inches	Maximum drained roof area square feet* Slope, 1/8 in. fall to 1 ft.	Slope, 1/4 in. fall to 1 ft.
3	865	1,230	8	11,115	15,745
4	1,860	2,610	10	19,530	27,575
5	3,325	4,715	12	31,200	44,115
6	5,315	7,515	13	42,600	60,000

The calculations in this table are based on a rate of rainfall of four (4) inches per hour.

Section 12. Combined Storm and Sanitary Sewer System. Whenever a combined sewer system is used, the required size of the house drain or house sewer shall be determined by multiplying the total number of fixture units carried by the drain or sewer by the conversion factor corresponding to the drained area and the total fixture units, adding the product to the drained area and applying the sum to the preceding table for storm-water sewers. No combined house drain or house sewer shall be less than five (5) inches in diameter, and no combined house drain or house sewer shall be smaller in size than that required for the same number of fixture units or for the same roof area in separate systems.

CONVERSION FACTORS
FOR COMBINED STORM AND SANITARY SYSTEM

Number of fixture units on sanitary system

Drained roof area in square feet	Up to 6	7 to 18	19 to 36	37 to 60	61 to 96	97 to 144	145 to 216	217 to 324
Up to 120	180	105	60	45	30	22	18	15
121 to 240	160	98	57	43	29	21	17.6	14.7
241 to 480	120	75	50	39	27	20	16.9	14.3
481 to 720	75	62	42	35	24	18	15.4	13.2
721 to 1080	54	42	33	29	20	15	13.6	12.1
1081 to 1620	30	18	16	15	12	11.5	11.1	10.4
1621 to 2430	15	12	11	10.5	9.1	8.8	8.6	8.3
2431 to 3645	7.5	7.2	7.0	6.9	6.6	6.5	6.4	6.3
3646 to 5460	2.0	2.4	3.0	3.3	4.1	4.2	4.3	4.4
5461 to 8190	0	2.0	2.1	2.2	2.3	2.4	2.5	2.6
8191 to 12,285	0	0	2.0	2.1	2.1	2.2	2.3	2.3
12286 to 18,420	0	0	0	2.0	2.1	2.1	2.2	2.2
18421 to 27,630	0	0	0	0	2.0	2.1	2.2	2.2
27631 to 40,945	0	0	0	0	0	2.0	2.1	2.2
40946 to 61,520	0	0	0	0	0	0	2.0	2.1
Over 61,520	0	0	0	0	0	0	0	2.0

Number of fixture units on sanitary system

Drained roof area in square feet	325 to 486	487 to 732	733 to 1098	1099 to 1644	1645 to 2466	2467 to 3702	3703 to 5556	Over to
Up to 120	12	10.2	9.2	8.4	8.2	8.0	7.9	7.8
121 to 240	11.8	9.9	9.1	8.3	8.1	8.0	7.9	7.8
241 to 480	11.5	9.7	8.8	8.2	8.0	7.9	7.8	7.7
481 to 720	10.8	9.2	8.6	8.1	7.9	7.9	7.8	7.7
721 to 1080	10.1	8.7	8.3	8.0	7.8	7.8	7.7	7.6
1081 to 1620	9.8	8.4	8.1	7.9	7.7	7.7	7.6	7.5
1621 to 2430	8.0	7.9	7.8	7.7	7.6	7.5	7.4	7.4
2431 to 3645	6.2	6.3	6.4	6.4	6.8	7.0	7.1	7.2
3646 to 5460	4.5	4.7	5.0	5.1	6.1	6.4	6.9	6.9
5461 to 8190	2.8	3.2	3.7	4.6	5.0	5.6	6.2	6.4
8191 to 12,285	2.4	2.5	2.6	2.7	3.5	4.5	5.2	5.6
12286 to 18,420	2.3	2.3	2.4	2.4	2.6	3.2	4.2	4.7
18421 to 27,630	2.2	2.3	2.3	2.3	2.4	2.5	2.8	3.1
27631 to 40,945	2.2	2.2	2.2	2.2	2.2	2.2	2.3	2.4
40946 to 61,520	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1
Over 61,520	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

Section 13. House Sewer in Undisturbed or Made Ground. House sewers laid in undisturbed ground must be laid on at least four (4) inches of pea gravel, sand or other approved grillage. House sewers laid in made or filled ground shall be embedded to the lower quadrant with at least a four (4) inches concrete pad below the invert, or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock.

Section 14. Storm Sewers in Undisturbed or Made Ground. Storm sewers laid in undisturbed ground will not require grillage. Storm sewers laid in made or filled grounds shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert or other support that may be approved by the department. Supports in filled or made ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock.

Section 15. Drainage Below Sewer Level. In buildings, in which the whole or part of the house drain and plumbing system thereof lies below the level or the main sewer, sewage and waste shall be lifted by an approved artificial means and discharged into the house sewer.

Section 16. Drainage Below Sewer Level (Residential). In

homes where the house sewer level is above the basement floor, waste water shall be lifted by means of an approved sump pump. The sump pit shall be provided with a two (2) inch vent which may also act as a waste and vent for a laundry tray. The pump shall discharge into a two (2) inch cast iron pipe extended inside the building at least twelve (12) inches above the outside grade. The sump well shall be provided with a tight-fitting concrete cover. On the outside of the building this connection shall be provided with a four (4) inch by two (2) inch soil tee extended to the grade, with a vent cap and a four (4) inch trap properly connected to the house sewer.

Section 17. Sumps and Receiving Tanks. All subsoil drains shall discharge into an air tight sump or receiving tank so located as to receive the sewage by gravity. The sewage shall be lifted and discharged into the house sewer by a pump, ejector or any equally efficient method. Such sumps shall automatically discharge.

Section 18. Ejectors, Vented. All ejectors shall be vented with a three (3) inch vent. Fixtures or appliances connected thereto shall be vented in accordance with other sections of this code.

Section 19. Ejector Power: Motors, Compressors, Etc. All motors, air compressors and air tanks shall be located where they are open for inspection and repair at all times. The air tanks shall be proportioned so as to furnish sufficient air at suitable pressure to the ejector to completely empty the sump or storage tank with the compressor not operating. The end pressure in the tank shall be not less than two (2) pounds for each foot of height through which sewage is raised.

Section 20. Ejectors for Sub-Soil Drainage. When sub-soil catch basins are installed below the sewer level, automatic ejectors, of an approved type, may be used. Such ejectors or any device raising sub-soil water shall discharge into a properly trapped fixture or into a storm-water drain.

Section 21. Drainage of Yards, Areas and Roofs. All roofs, paved areas, courts, and courtyards shall be drained into a storm water system or a combined sewerage system, but not into sewers intended for sewage only. When drains are connected to a combined sewerage system, they shall be trapped. If roof leaders, conductors, or gutter openings are located more than ten (10) feet from a window, scuttle, or air shaft, a trap shall not be required. Traps shall be set below the frost line or on the inside of the building. Where there is no storm or combined sewer available, it may discharge into a drainage area unless otherwise prohibited by the proper authorities. When such drains are not connected to a combined sewer a trap is not required.

Section 22. Size of Rain Water Leader. No inside leader shall be less size than the following:

AREA OF ROOF (In Square Feet)	Leader, Diameter (Inches)
Up to 90	1 1/2
91 to 270	2
271 to 810	3
811 to 1,800	3 1/2
1,801 to 3,600	4
3,601 to 5,500	5
5,501 to 9,600	6

Section 23. Inside Conductors or Roof Leaders. When conductors and roof leaders are placed within the walls of any building, or in an interior court or ventilating pipe shaft they shall be constructed of cast iron pipe, galvanized wrought iron, galvanized steel, or copper pipe.

Section 24. Outside Conductors. When outside sheet metal conductors or downspouts are connected to a house drain, they shall be connected by means of a cast-iron pipe extending vertically at least one (1) foot above the grade line. Along public driveways, without sidewalks, they shall be placed in niches in the walls, protected by wheel guards, or enter the building through the wall at a forty-five (45) degree slope at least twelve (12) inches above the grade.

Section 25. Defective Conductor Pipes. When an existing sheet metal conductor pipe within the walls of any building becomes defective, such a conductor shall be replaced by one which conforms to this code.

Section 26. Vent Connections with Conductors Prohibited. A conductor pipe shall not be used as a soil, waste or vent pipe, nor shall any soil, waste, or vent pipe be used as a conductor.

Section 27. Overflow Pipes. Overflow pipes from cisterns, supply tanks, expansion tanks, or drip pans shall connect only indirectly with any house sewer, house drain, soil or waste pipe.

Section 28. Subsoil Drains, Below Sewer Level. Subsoil drains shall discharge into a sump or receiving tank. It shall be automatically lifted and discharged into the storm drainage system or upon the ground outside the building that it serves.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974

RECEIVED BY LRC: January 8, 1975 at 3:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources & Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:110)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC-11-1
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to tests and inspections that are necessary in order to cause compliance with other regulations of this code.

Section 1. Inspections and Tests. The water distribution system, the soil, waste and vent system, the fixtures and fixture traps, appurtenances and all connections there to in the plumbing system shall be inspected and tested by the department to insure compliance with all the sections of this code. In buildings condemned by the department because of unsanitary conditions of the plumbing system, the alterations to the system shall be considered as new plumbing.

Section 2. Material and Labor for Tests. All equipment, material and labor necessary for inspections and tests shall be furnished by the holder of the plumbing construction permit.

Section 3. Systems of Tests. The soil, waste and vent system of the plumbing system including the house sewer shall be tested with water, smoke, or other tests approved by the department before it is concealed or covered within the floors, walls, or other areas adjacent to the building. After the plumbing fixtures have been set and their traps filled with water, the entire system other than the house sewer shall be subjected to a final air pressure test. The department may require the removal of any cleanouts to ascertain whether or not the pressure has reached all parts of the system.

Section 4. Methods of Testing. (1) A water test shall be applied to the entire soil, waste and vent system or in sections. If applied to the entire system, all openings in the piping shall be closed, except the highest opening. The system shall be filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged, except the highest opening and it shall be tested with not less than a ten (10) feet head of water or with five (5) pounds of air pressure. In testing successive sections, at least the upper ten (10) feet of the preceding section shall be retested, so that no joint or pipe in the building shall have been subjected to less than a ten (10) feet head of water or five (5) pounds of air pressure.
(2) In lieu of a water test an air test may be made by attaching an air compressor or test apparatus to any suitable opening. All other inlets and outlets to the system shall be closed, forcing air into the system until there is a uniform pressure sufficient to balance a column of mercury ten (10) inches in height on the entire system. This pressure shall be maintained for fifteen (15) minutes.
(3) Final Air Test. The entire soil, waste and vent system shall be tested by connecting an air machine to any suitable opening or outlet and applying air pressure equivalent to a one (1) inch water column. It shall be maintained for at least fifteen (15) minutes. If there is no leakage or forcing of trap seals as indicated by the function of the drum, float, or water column, the system shall be deemed air-tight.
(4) A garage drainage system shall be tested in the same manner as the soil, waste and vent system.
(5) House Sewer Test. The house sewer shall be tested with water, smoke or other tests approved by the department. After the sewer has been installed it shall be subjected to a ten (10) feet of water, a smoke test or other tests approved by the department. After the sewer trench has been back filled at least two (2) feet above the sewer, it shall again be retested. A four (4) inch test tee or Y connection shall be provided at the property line for testing.
(6) Test of Water Distribution System. The entire water distribution system shall be tested under a pressure of not less than the maximum working pressure under which it is to be used and be free from leaks.

Section 5. Order of Tests. Tests may be made separately or as follows: (1) The house sewer and its branches from the property line to the house drain.
(2) The house drain including its branches.
(3) The soil, waste, and vent system and the inside rain water conductor.
(4) Final air test including the complete plumbing system exclusive of the house sewer.

Section 6. Tests of Alterations or Extensions. Any alterations, repairs, or extensions that require more than ten (10) feet of soil, waste or vent piping, shall be inspected and

tested.

Section 7. Covering of Work. No part of a plumbing system shall be covered until it has been inspected, tested, and approved as herein provided.

Section 8. Uncovering of Work. If the house drain or any part of the plumbing system is covered before being inspected, tested, and approved, it shall be uncovered and tested as required herein.

Section 9. Defective Work. If an inspection or a test shows a defect, the defective work or material shall be replaced and the inspections and the tests repeated.

Section 10. Defective Plumbing. An air test shall be used in testing the condition of the plumbing system of all buildings where there is reason to believe that it has become defective.

Section 11. Inspections and Test Not Required for Exhibition Purposes. Tests and Inspections shall not be required where a plumbing system or a part thereof is for exhibition purposes and is not directly connected to a sewerage system; nor after the repairing or replacing of an old fixture, faucets or valves or repairing leaks.

Section 12. Certificate of Approval. Upon the satisfactory completion and final test of the plumbing system, a certificate of approval may be issued by the Department.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1975 at 3:54 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources & Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:120)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC-12
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to the size, type and construction of private and commercial septic systems.

Section 1. (1) The design, structure and material used in the construction of all septic tanks must be approved by the department. Written approval must be obtained for the manufacturer of prefabricated and commercial septic tanks. Septic tanks shall have a minimum working capacity of 500 gallons. If a garbage grinder is used, the septic tank capacity shall be increased fifty (50) percent.

(2) A disposal field serving a septic tank shall consist of not less than 200 feet of lateral drain with a two (2) feet trench having 400 square feet of ditch botton. The lateral system shall be constructed of either four (4) inch farm tile, perforated bituminous fiber pipe or other approved material laid in not less than six (6) inches of No. 3 rock, top and bottom of the piping. All lateral lines shall be laid level. If farm tile is used, the top of the joints shall be covered with a three (3) inch strip of tar paper. If two (2) or more lines are laid parallel, the trenches shall be at least six (6) feet apart. A distribution box shall be installed following a septic tank and in installations placed in other than level terrain. The minimum size shall be eighteen (18) inches square and the bottom shall be six (6) inches lower than the outlets to the drain field. Distribution boxes shall be constructed with a tight cover and shall be of concrete, brick, or salt glaze tile or other approved material. Roof drains shall not discharge into a septic tank or drain field.

(3) The location of a septic tank shall not be closer than ten (10) feet from a building nor fifty (50) feet from a well or cistern. The location of a lateral drainage system shall not be closer than twenty (20) feet from a building, nor five (5) feet from a property line, nor seventy (70) feet from a well or cistern. The location of a seepage pit shall not be closer than twenty-five (25) feet from a building nor 100 feet from a well or a cistern.

(4) A house sewer shall not be installed within a radius of fifteen (15) feet of a well or cistern. All house sewers in between a fifteen (15) feet and fifty (50) feet radius of a well or cistern shall be constructed of extra heavy or service weight cast iron pipe with approved joints. All house sewers beyond a fifty (50) feet radius of a well or cistern may be salt glased vitrified pipe, bituminous fiber pipe, cement asbestos pipe or other material approved by the department with approved joints.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1975 at 3:54 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:130)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC-13-1
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation provides the standard for the sewer and waste connections in the construction of mobile home parks as well as the connections of mobile homes to the waste connection provided by the parks and certain standards for the installation of individual mobile homes. It provides the type of sewer system that would be required in the absence of a municipal sewer as well as the manner in which the mobile home would be connected to a sewerage system.

Section 1. Materials. All materials shall conform to other sections of this code.

Section 2. Sewers. A sewer serving branch sewers for the connections of mobile homes shall be laid at a uniform grade and alignment. All joints shall be water tight. Clean-outs shall be provided at intervals not to exceed 100 feet. They shall extend to grade with cast iron pipe and shall be provided with a brass clean-out plug. A four (4) inch concrete pad, eighteen (18) inches square, shall be provided around each clean-out at intervals not to exceed 400 feet. A four (4) inch cast iron or galvanized steel stack shall be provided at each 100 feet intervals of the sewer line or part thereof, and at the end of each sewer line. The base of the stack shall be washed. Vent stacks shall be of a minimum height of ten (10) feet but in no instance shall they be less than six (6) inches higher than the height of the mobile home that they serve. Each stack must be supported by a concrete pier that extends at least six (6) inches in all directions from the vent stack. The pier shall be placed on a concrete pad twenty-four (24) inches by twenty-four (24) inches by four (4) inches installed beneath the sewer. The pier must extend from this pad to a height of twenty-four (24) inches above the pad. The pier and the pad must be an integral unit. Each mobile home shall be provided with a four (4) inch sewer extended to one (1) inch above the grade line with cast iron pipe through the concrete pad. A four (4) inch cast iron mobile home connection shall be provided using ferrule with a three (3) inch standard thread. A three (3) inch screw plug shall be fastened by a chain to the concrete pad which must be used when the mobile home opening is not in use. The waste pipe connection between the mobile home and the sewer waste opening provided by the park shall be a water proof connection and of a material approved by the department.

Section 3. Individual Residential Mobile Home Waste System and Connection. An individual residential mobile home shall either be connected to a municipal sewer system or to an approved private sewage disposal system in accordance with other sections of this code. Each mobile home must be provided with at least a three (3) inch cast iron waste connection that will connect to the house sewer. This waste connection must be provided with at least a three (3) inch stack extending six (6) inches above the mobile home that it serves, constructed of either cast iron or schedule 40 galvanized steel pipe. All piping that does not have at least an eighteen (18) inch cover shall be cast iron pipe. Waste connections between the permanent cast iron piping and the mobile home waste connection must be a water proof connection and of a material approved by the department.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:140)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090 and Executive Order 74-449
SUPERSEDES: PC-14
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regu-

lation concerns itself with waste other than sanitary wastes.

Section 1. Commercial Laundry Wastes. Waste from commercial and institutional washing machines and extractors may discharge into an open trench, provided the trench is drained into at least a four (4) inch trap, with a full size vent. The trench shall be constructed of a material resistant to alkaline waste.

Section 2. Semi-Commercial Laundries (Automatic). Waste from semi-commercial laundries shall discharge into a four (4) inch waste line for washing machines only. The waste line shall have a full size vent and the base of the stack shall be washed by either a washing machine or starch sink. A four (4) inch trap shall be provided in the waste line to serve not more than two (2) washing machines. Floor drains may be placed in the waste line. If they are the pump type, a stand pipe shall be provided to the height of the machine. Each four (4) inch trap shall constitute four (4) fixture units. In no instance shall such washing machines be permitted to discharge into a trench.

Section 3. Washing Machines, Automatic, Residential (New Buildings). When an automatic washing machine is installed in a new building, it shall have a two (2) inch trap and shall be vented in accordance with other sections of this code. The trap shall be installed twelve (12) inches above the floor with a two (2) inch stand pipe extended to the height of the washer. If a washing machine discharges into a private disposal system, fifty (50) feet additional lateral must be added to the sewage system.

Section 4. Washing Machines, Automatic, Residential (Old Buildings). When an automatic washing machine is installed in an old building, it may be connected to the house sewer by the use of a four (4) inch cast-iron P-trap, placed on the outside of the building on the opposite side of the wall of the washing machine. The trap shall have a vented cover extending three (3) inches above the grade line. A four (4) inch by two (2) inch tee shall be installed in the inlet side of the trap with a two (2) inch waste pipe extending into the building through the floor to the height of the washing machine. All waste piping shall conform with other sections of this code.

Section 5. Air Conditioning Equipment. Air conditioning equipment installed with a water supply and waste shall conform with the other sections of this code.

Section 6. Garage Sand Trap. A garage sand trap shall be constructed of concrete with a heavy cover or grate. The minimum size shall be two (2) feet by four (4) feet and it shall have sufficient depth so that there is at least a ten (10) inch vertical distance between the bottom of the outlet ell and the bottom of the trap. Sand traps shall be provided with a four (4) inch vent.

Section 7. Inflammable Waste. Liquid waste from buildings using gasoline, benzine, naphtha or other inflammable oils or compounds shall discharge into a separator before it enters a sanitary sewer. The waste line receiving such waste must be trapped and vented in accordance with other sections of this code. The separator shall be provided with a three (3) inch vent.

Section 8. Hot Water, Steam Blow-Offs or Exhaust. Hot water or steam or exhaust blow-offs shall discharge into a tank or basin before entering the house drain or sewer. The tank or basin shall have an air-tight cover and be provided with a four (4) inch vent independent of any other venting system.

Section 9. Stable Manure Pits. All liquid waste from barns, stable manure pits and stable yard drains shall discharge through a separator before entering the house sewer.

THOMAS O. HARRIS, Secretary

ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1975 at 3:55 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene F. Perkins, Director, Division of Plumbing, Department for Natural Resources & Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Quality
Division of Plumbing
(401 KAR 1:150)

RELATES TO: KRS Chapter 318
PURSUANT TO: KRS 13.082, 318.130, 211.090, and Executive Order 74-449
SUPERSEDES: PC-75
NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation denotes the kind and quantity of plumbing fixtures needed in various types of public buildings.

Section 1. Theatres, Assembly Halls, Libraries, Museums and Art Galleries. Theatres, and assembly halls having seating capacities or other accommodations shall be provided with sanitary facilities conforming to the following schedule:

(1) A separate water closet and lavatory shall be provided for males and females in the stage area.

(2) A drinking fountain shall be provided in the stage and auditorium area and a drinking fountain shall be provided on each floor level for each four hundred (400) persons or fractions thereof.

(3) Toilet rooms shall be provided in the auditorium in each tier or level and they shall be provided as follows:

(a) One (1) water closet and one (1) lavatory for each one hundred and fifty (150) females or less.

(b) One (1) water closet and one (1) lavatory for each three hundred (300) males or less.

(c) One (1) urinal for each two hundred (200) males or less.

(d) The number of fixtures shall be based upon the maximum seating capacity assuming it will be equally divided between males and females.

(4) In libraries, museums and art galleries there shall be provided the following:

(a) One (1) water closet and one (1) lavatory for each one hundred (100) females or less.

(b) One (1) water closet and one (1) lavatory for each two hundred (200) males or less.

(c) One (1) urinal for each two hundred (200) males or less.

(d) The above shall be based upon the actual number of persons to be accommodated.

(5) Toilet rooms for males shall be clearly marked "men" and for females, "women."

Section 2. School Buildings. (1) A drinking fountain shall be provided on each floor of a building and additional drinking fountains shall be provided for each seventy-five (75) pupils or fraction thereof. They shall be provided with a protective cowl and the orifice shall be one (1) inch above the overflow rim of the fountain.

(2) Grade school buildings shall be provided with the following:

(a) Water closets for males shall be installed in the following proportions:

1. One (1) water closet for each twenty-five (25) pupils or fraction thereof.
2. Two (2) water closets for each fifty (50) pupils or fraction thereof.
3. Two (2) water closets for each one hundred (100) pupils or fraction thereof.
4. Three (3) water closets for each two hundred (200) pupils or fraction thereof.
5. Four (4) water closets for each three hundred (300) pupils or fraction thereof.
6. Five (5) water closets for each four hundred (400) pupils or fraction thereof.
7. Six (6) water closets for each five hundred (500) pupils or fraction thereof.
8. One (1) water closet for each one hundred (100) pupils or fraction thereof in excess of five hundred (500).

(b) Urinals for males shall be installed in the following proportions:

1. One (1) urinal for each twenty-five (25) pupils or fraction thereof.
2. Two (2) urinals for each fifty (50) pupils or fraction thereof.
3. Four (4) urinals for each one hundred (100) pupils or fraction thereof.
4. Six (6) urinals for each two hundred (200) pupils or fraction thereof.
5. Eight (8) urinals for each three hundred (300) pupils or fraction thereof.
6. Ten (10) urinals for each four hundred (400) pupils or fraction thereof.
7. Twelve (12) urinals for each five hundred (500) pupils or fraction thereof.
8. One (1) urinal for each fifty (50) pupils or fraction thereof in excess of five hundred (500).

(c) Water closets for females shall be installed in the following proportions:

1. Two (2) water closets for each twenty-five (25) pupils or fraction thereof.
2. Three (3) water closets for each fifty (50) pupils or fraction thereof.
3. Six (6) water closets for each one hundred (100) pupils or fraction thereof.
4. Eight (8) water closets for each two hundred (200) pupils or fraction thereof.
5. Ten (10) water closets for each three hundred (300) pupils or fraction thereof.
6. Twelve (12) water closets for each four hundred (400) pupils or fraction thereof.
7. Fourteen (14) water closets for each five hundred (500) pupils or fraction thereof.
8. One (1) water closet for each forty (40) pupils or fraction thereof in excess of five hundred (500).

(d) Lavatories for male or female pupils shall be installed in the following proportions:

1. One (1) lavatory for each twenty-five (25) pupils or fraction thereof.
2. Two (2) lavatories for each fifty (50) pupils or fraction thereof.
3. Three (3) lavatories for each one hundred (100) pupils or fraction thereof.
4. Five (5) lavatories for each two hundred (200)

pupils or fraction thereof.

5. Six (6) lavatories for each three hundred (300) pupils or fraction thereof.
6. Eight (8) lavatories for each four hundred (400) pupils or fraction thereof.
7. Nine (9) lavatories for each five hundred (500) pupils or fraction thereof.
8. One (1) lavatory for each seventy-five (75) pupils or fraction thereof in excess of five hundred (500).

(3) High School buildings shall be provided with the following:

(a) Water closets for males shall be installed in the following proportions:

1. One (1) water closet for each twenty-five (25) pupils or fraction thereof.
2. One (1) water closet for each fifty (50) pupils or fraction thereof.
3. Two (2) water closets for each one hundred (100) pupils or fraction thereof.
4. Three (3) water closets for each two hundred (200) pupils or fraction thereof.
5. Four (4) water closets for each three hundred (300) pupils or fraction thereof.
6. Five (5) water closets for each four hundred (400) pupils or fraction thereof.
7. Six (6) water closets for each five hundred (500) pupils or fraction thereof.
8. One (1) water closet for each one hundred (100) pupils or fraction thereof in excess of five hundred (500).

(b) Urinals for males shall be installed in the following proportions:

1. One (1) urinal for each twenty-five (25) pupils or fraction thereof.
2. Two (2) urinals for each fifty (50) pupils or fraction thereof.
3. Four (4) urinals for each one hundred (100) pupils or fraction thereof.
4. Six (6) urinals for each two hundred (200) pupils or fraction thereof.
5. Eight (8) urinals for each three hundred (300) pupils or fraction thereof.
6. Ten (10) urinals for each four hundred (400) pupils or fraction thereof.
7. Twelve (12) urinals for each five hundred (500) pupils or fraction thereof.
8. One (1) urinal for each fifty (50) pupils or fraction thereof in excess of five hundred (500).

(c) Water closets for females shall be installed in the following proportions:

1. One (1) water closet for each twenty-five (25) pupils or fraction thereof.
2. Two (2) water closets for each fifty (50) pupils or fraction thereof.
3. Five (5) water closets for each one hundred (100) pupils or fraction thereof.
4. Seven (7) water closets for each two hundred (200) pupils or fraction thereof.
5. Nine (9) water closets for each three hundred (300) pupils or fraction thereof.
6. Eleven (11) water closets for each four hundred (400) pupils or fraction thereof.
7. Thirteen (13) water closets for each five hundred (500) pupils or fraction thereof.
8. One (1) water closet for each forty-five (45) pupils or fraction thereof in excess of five hundred (500).

(d) Lavatories for male or female pupils shall be installed in the following proportions:

1. One (1) lavatory for each twenty-five (25) pupils or fraction thereof.
2. One (1) lavatory for each fifty (50) pupils or fraction thereof.
3. Two (2) lavatories for each one hundred (100) pupils or fraction thereof.
4. Four (4) lavatories for each two hundred (200) pupils or fraction thereof.
5. Five (5) lavatories for each three hundred (300) pupils or fraction thereof.
6. Seven (7) lavatories for each four hundred (400) pupils or fraction thereof.
7. Eight (8) lavatories for each five hundred (500) pupils or fraction thereof.
8. One (1) lavatory for each seventy-five (75) pupils or fraction thereof in excess of five hundred (500).

(4) One (1) slop sink shall be installed on each floor of a building.

(5) In accordance with the foregoing schedule, water closets, lavatories and urinals shall be installed as shown by the following table:

WATER CLOSET, LAVATORY, AND URINAL REQUIREMENTS

GRADE SCHOOLS

FOR MALE PUPILS				FOR FEMALE PUPILS		
No. of Pupils	Water Closets	Urinals	Lav.	No. of Pupils	Water Closets	Lav.
25	1	1	1	25	2	1
50	2	2	2	50	3	2
100	2	4	3	100	6	3
200	3	6	5	200	8	5
300	4	8	6	300	10	6
400	5	10	8	400	12	8
500	6	12	9	500	14	9

HIGH SCHOOLS

FOR MALE PUPILS				FOR FEMALE PUPILS		
No. of Pupils	Water Closets	Urinals	Lav.	No. of Pupils	Water Closets	Lav.
25	1	1	1	25	1	1
50	1	2	1	50	2	1
100	2	4	2	100	5	2
200	3	6	4	200	7	4
300	4	8	5	300	9	5
400	5	10	7	400	11	7
500	6	12	8	500	13	8

(6) Toilet accommodations for males and females shall be placed in separate rooms, with a traveling distance between the entrance doors of not less than twenty (20) feet.

(7) Juvenile or short closets shall be provided in pre-grade school buildings.

(8) In buildings accommodating males and females it shall be presumed that the occupants will be equally divided between males and females.

(9) All types of buildings shall be provided with toilet rooms on each floor. The number of plumbing fixtures shall be in ratio to the number of persons to be accommodated.

(10) Toilet rooms for males shall be clearly marked "boys" or "men" and for females "girls" or "women."

Section 3. Public Garages and Service Stations. Separate toilet rooms with at least a water closet and lavatory shall be provided for men and women. These floors in these rooms must be made of a non-absorbent material. The traveling distance between the entrance doors to male and female employee's toilet rooms shall be not less than twenty (20) feet.

Section 4. Churches. (1) Sanitary facilities shall be provided in churches as follows:

(a) One (1) drinking fountain for each four hundred (400) persons or fraction thereof.
(b) One (1) water closet for each one hundred and fifty (150) females or fraction thereof.
(c) One (1) water closet for each three hundred (300) males or fraction thereof.
(d) One (1) urinal for each one hundred and fifty (150) males or fraction thereof.

(2) The above schedule is based upon the maximum seating capacity of the church, assuming that the occupants will be equally divided between males and females. Toilet accommodations for males and females shall be located in separate rooms and shall be clearly marked "men" or "women."

Section 5. Hotels and Motels. (1) Sanitary facilities shall be provided on each floor level and shall conform to the following:

(a) One (1) lavatory for each twenty (20) persons or fraction thereof.
(b) One (1) water closet for each twenty (20) females or fraction thereof.
(c) One (1) water closet for each twenty-five (25) males or fraction thereof.
(d) One (1) urinal or one (1) additional water closet for each fifty (50) males or fraction thereof.
(e) One (1) drinking fountain on each floor level.

Section 6. Hospitals, Nursing Homes and Institutions. (1) Sanitary facilities shall be provided on each floor level and shall conform to the following:

(a) One (1) water closet for each twenty (20) persons or fraction thereof.
(b) One (1) lavatory for each ten (10) persons or fraction thereof.
(c) One (1) bath tub or shower for each fifteen (15) persons or fraction thereof.
(d) One (1) drinking fountain on each floor level.

(2) Floors shall be of a non-absorbent material and the walls and ceilings shall be smoothly finished. The traveling distance between the entrance doors to male and female employee's toilet rooms shall be not less than twenty (20) feet.

Section 7. Workshops, Factories, Mercantile and Office Buildings. (1) Sanitary facilities shall be provided on each floor level and shall conform to the following:

(a) One (1) water closet for each twenty-five (25) males or fraction thereof.
(b) Two (2) water closets for each fifty (50) males or fraction thereof.
(c) Three (3) water closets for each seventy-five (75) males or fraction thereof.
(d) Four (4) water closets for each one hundred (100) males or fraction thereof.
(e) One (1) lavatory for each twenty-five (25) males or fraction thereof.
(f) Two (2) lavatories for each fifty (50) males or fraction thereof.
(g) Three (3) lavatories for each seventy-five (75) males or fraction thereof.
(h) Four (4) lavatories for each one hundred (100) males or fraction thereof.
(i) One (1) urinal for each twenty-five (25) males or fraction thereof.
(j) One (1) urinal for each fifty (50) males or fraction thereof.
(k) Two (2) urinals for each seventy-five (75) males or

fraction thereof.
(l) Two (2) urinals for each one hundred (100) males or fraction thereof.
(m) One (1) drinking fountain for each fifty (50) employees.
(n) When employees are in excess of one hundred (100), one (1) water closet for each thirty (30) males or fraction thereof and one (1) lavatory for each additional fifty (50) males thereof.
(o) One (1) lavatory for each twenty-five (25) females or fraction thereof.
(p) Two (2) lavatories for each fifty (50) females or fraction thereof.
(q) Three (3) lavatories for each seventy-five (75) females or fraction thereof.
(r) Four (4) lavatories for each one hundred (100) females or fraction thereof.
(s) One (1) water closet for each fifteen (15) females up to one hundred (100).
(t) When in excess of one hundred (100), one (1) water closet per thirty (30) females or fraction thereof.

(2) Sanitary facilities should never be more distant from place of employment than one (1) floor above or one (1) floor below.

(3) One (1) drinking fountain in each story for each one hundred (100) persons or fraction thereof.

(4) Individual sinks or wash troughs may be used in lieu of lavatories. If troughs are used, faucets shall be placed on eighteen (18) inch centers and will be considered the equivalent of an equal number of lavatories. Toilet rooms shall be clearly marked "men" or "women."

(5) No sanitary toilet or urinal shall be located within twenty (20) feet of an occupied building.

Section 8. Toilet Floor Construction Requirements. Toilet room floors in all public buildings and places of employment shall be constructed of non-absorbent materials. When more than (1) water closet and one (1) lavatory is installed, such a toilet room shall have at least one (1) floor drain and one (1) accessible hose bibb.

THOMAS O. HARRIS, Secretary
ADOPTED: December 20, 1974
RECEIVED BY LRC: January 8, 1975 at 3:56 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Eugene P. Perkins, Director, Division of Plumbing, Department for Natural Resources and Environmental Protection, 6th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 10:010)

RELATES TO: KRS 156.100
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 99.100
NECESSITY AND FUNCTION: Section 131 of Title III of P.L. 89-10, amended by P.L. 91-230, specifies that a state plan must be updated on an annual basis and approved by the Commissioner of Education, U.S. Office of Education. The new plan was submitted, including all necessary changes, to the commissioner for approval; therefore, it supersedes the previous year's plan. The FY 75 Plan received substantial approval by the Commissioner of Education on July 1, 1974.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.100 the Kentucky State Plan for ESEA Title III incorporated in (P.L. 89-10 as amended by P.L. 91-230) for the period effective July 1, 1974 through June 30, 1975 is presented herewith for filing with Legislative Research Commission, and incorporated by reference.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:34 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 15:010)

RELATES TO: KRS 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 43.015, 43.030(1), 43.081
NECESSITY AND FUNCTION: KRS 161.025 establishes a process for developing standards and procedures for the approval of college and university programs for the preparation of professional school personnel. This regulation establishes a procedure for evaluating the college and university programs in terms of the standards for teacher preparation as established by the Kentucky Council on Teacher Education and Certification and adopted by the State Board of Education.

Section 1. (1) All institutions of higher education offering curricula for the preparation of school personnel shall be regularly evaluated by the Superintendent of Public Instruction or his representatives to determine whether such institutions are meeting the requirements of law, the regulations of the State Board of Education, and standards recommended by the Kentucky Council on Teacher Education and Certification and adopted by the State Board of Education.

(2) An institution of higher education which meets the prescribed standards for teacher preparation as determined through the evaluation process shall be recommended by the Superintendent of Public Instruction for approval by the State Board of Education as a state accredited teacher education institution.

(3) For the evaluation of teacher education institutions the Superintendent of Public Instruction shall use the standards of the National Council for the Accreditation of Teacher Education and of the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(4) The Division of Teacher Education and Certification of the State Department of Education shall be authorized to appoint an advisory committee or committees to assist in developing standards and criteria to be used in evaluating teacher education programs and to appoint committees to participate in the evaluation of teacher education programs.

(5) Teacher education institutions offering approved programs for certification at the graduate level shall be accredited for graduate study by the regional accrediting association as well as by the State Board of Education.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:38 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 15:020)

RELATES TO: KRS 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 43.020
NECESSITY AND FUNCTION: KRS 161.025 and 161.030 establish the processes for prescribing teacher preparation curricula. This regulation establishes the process for insuring that the curricula offered by the teacher education institutions meet the requirements as prescribed by the Kentucky Council on Teacher Education and Certification and adopted by the State Board of Education.

Section 1. (1) Each college or university accredited by the State Board of Education for the preparation of professional school personnel shall submit each proposed teacher preparation curriculum on forms prepared by the Superintendent of Public Instruction.

(2) The Superintendent of Public Instruction shall evaluate each proposed curriculum in terms of the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(3) The Superintendent of Public Instruction shall recommend each acceptable curriculum to the State Board of Education for approval. Upon approval by the State Board of Education the teacher preparation curriculum shall become the basis for the institutional recommendation to the State Department of Education for the issuance of the teacher certification corresponding to that curriculum.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:38 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 15:030)

RELATES TO: KRS 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 43.022(1)
NECESSITY AND FUNCTION: KRS 161.025 and 161.030 authorize the Kentucky Council on Teacher Education and Certification and the State Board of Education to establish the standards for teacher preparation programs. These agencies have determined that it is conceivable that the standards might be achieved by alternate types of programs that might be quite different from the standard prescribed curricula; consequently, this regulation establishes a process for the consideration of alternative proposals for teacher preparation.

Section 1. Teacher education institutions are encouraged to conduct experimental programs and to conduct demonstration programs relating to teacher preparation; however, if the programs are different from the prescribed curricula a written proposal shall be submitted in advance to the Superintendent of Public Instruction for approval. Whenever a proposal contains significant variations from the usual prescribed curricula the institution shall present the proposal to the Kentucky Council on Teacher Education and Certification for approval.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:38 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 15:040)

RELATES TO: KRS 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 43.051
NECESSITY AND FUNCTION: A period of supervised internship is a common component required in all teacher preparation programs. This regulation authorizes teacher education institutions to take into account the prior experience of teacher candidates and to modify the internship requirement accordingly.

Section 1. A teacher education institution is authorized to evaluate any prior experience of a teacher candidate in public or private schools and to make appropriate adjustments in the preparation program: (1) For teacher candidates who have completed at least one (1) year of successful teaching experience, the institution may offer other desirable laboratory experiences in lieu of the student teaching requirement.
(2) For teacher candidates who have completed a minimum of four (4) years of successful teaching experience, and who present a recommendation from the local school administration, the institution may accept such experience in lieu of four (4) semester hours of the required student teaching.

Section 2. A teacher education institution is authorized to evaluate an applicant's prior teaching experience at the kindergarten level as a basis for modifying the requirement for practicum in kindergarten education. A teacher whose certification for the elementary school level was issued with an effective date prior to September 1, 1971, and who has completed four (4) or more years of experience in a public school kindergarten or in a licensed kindergarten program may request an evaluation by the teacher education institution. Upon satisfactory evaluation the teacher education institution may accept the experience in lieu of the usual practicum in kindergarten education.

Section 3. The teacher education institution is authorized to offer other desirable laboratory experiences in lieu of the practicum in kindergarten education for persons who have completed one (1) or more years of teaching experience in a public school kindergarten or in a licensed kindergarten program.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 15:050)

RELATES TO: KRS 158.070
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 41.010, SBE 41.020
NECESSITY AND FUNCTION: KRS 158.070 provides that a portion of the school term might be utilized for the in-service training and professional work for teachers within the regulations adopted by the State Board of Education. This regulation implements this portion of the statute by establishing the procedures and conditions for approving the utilization of this portion of the school term.

Section 1. (1) Two (2) of the three (3) days of the school term authorized by KRS 158.070 for in-service training and professional work shall be devoted to conferences and activities designed for the improvement of instruction. Plans for these conferences and activities shall be prepared and submitted at least fifteen (15) days in advance to the State Department of Education for approval.
(2) The State Department of Education shall not approve plans for an in-service conference or professional activity which is scheduled during any school year prior to the final date for textbook selection within the school district in which an employee of a textbook publisher is to serve as a consultant when said publisher will have a textbook in a particular field that is to be considered for adoption and which is to be discussed.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:42 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 15:080)

RELATES TO: KRS 161.010, 161.030, 161.044
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 43.532
NECESSITY AND FUNCTION: KRS 161.044 directs the State Board of Education to establish a plan for the utilization of paraprofessional personnel in the schools. This regulation prescribes the guidelines by which local school districts may employ and supervise paraprofessional personnel.

Section 1. Local boards of education may employ adult paraprofessional personnel in accordance with KRS 161.044 and 161.010(6)(7) and subject to these regulations: (1) For each paraprofessional employee the local school district shall prepare and maintain an up-to-date job description which outlines the duties that the individual is authorized to perform and which further describes the formal preparation or professional judgments of competency that corroborate the qualifications of the individual to perform those duties. The professional administrative and teaching staff may establish formal evaluation procedures to arrive at the professional judgments of competency that are to be entered into the written job description.
(2) The professional administrative and teaching staff, as well as the paraprofessional personnel, shall have copies of the job descriptions of the paraprofessional personnel under their direction and shall limit the work assignment of the paraprofessional personnel to the duties outlined in the job descriptions.
(3) Paraprofessional personnel may be assigned within the limitations of their competency to assist with classroom instruction as personally supervised by the professional administrative and teaching staff. Such assistance shall not include the continuing day-to-day responsibility for teaching a particular academic subject or group of pupils in the role ordinarily ascribed to a teacher.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:37 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:005)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.011, 42.012, 42.013, 42.014, 42.016, 42.017, 42.018, 42.100, 42.110, 42.126, 42.302, 42.303, 42.304, 42.326, 42.331, 42.340, 42.361, 42.366, 42.367, 42.368, 42.370, 42.375, 42.381, 42.386, 42.390, 42.400, 42.421, 42.422, 42.423, 42.424, 42.425, 42.426, 42.427, 42.428, 42.429, 42.430, 42.451, 42.585, 42.735, 42.740, 42.750, 42.760, 42.770, 42.837, 42.838, 42.840, 42.855, 42.857, 43.060
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes the standards and procedures which are to be used for the approval of the various teacher preparation programs offered by the colleges and universities.

Section 1. Pursuant to the statutory authority placed upon the Superintendent of Public Instruction, the State Board of

Education, and the Kentucky Council on Teacher Education and Certification under KRS Chapter 161, there is hereby devised, created, and incorporated by reference a Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel which shall include the standards and procedures for the approval of college and university curricula for the preparation of professional school personnel for purposes of teacher certification as prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. The Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel shall be published by the Superintendent of Public Instruction and copies furnished upon request directed to his office.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:52 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:010)

RELATES TO: KRS 157.390
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.851
NECESSITY AND FUNCTION: KRS 157.390 directs the State Department of Education to classify teachers in ranks. This regulation establishes the responsibility of individual teachers to supply the credentials necessary for making these ranking classifications.

Section 1. (1) It shall be the responsibility of the individual teacher to place on file with the State Department of Education and with the local school superintendent all official transcripts of approved college credits that affect qualifications for ranking purposes under the foundation law.
(2) The State Department of Education shall maintain and evaluate transcripts of college credits for ranking purposes. Transcripts submitted for emergency certification for substitute teaching shall be evaluated and recorded and thereafter may be returned to the employing school district.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:015)

RELATES TO: KRS 157.390, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.855
NECESSITY AND FUNCTION: KRS 157.390 authorizes the State Board of Education to determine equivalent qualifications for the salary ranks. This regulation defines approved graduate work for the Rank I classification and defines an equivalent program for Rank I.

Section 1. (1) The Rank I classification shall require the completion of either:
(a) Thirty (30) semester hours approved graduate level credit in addition to the requirements for a Rank II classification, or
(b) Sixty (60) semester hours approved graduate level credit including a master's degree.
(2) The appropriate official designated by the teacher education institution shall certify to the State Department of Education when the curriculum requirements have been completed for the Rank I program at the institution.
(3) Of the thirty (30) semester hour program at least fifteen (15) semester hours shall be taken at the college making the recommendation. The remaining fifteen (15) semester hours credit may be taken at the same institution or, upon approval of the college adviser, at other institutions.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:020)

RELATES TO: KRS 157.390, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.857
NECESSITY AND FUNCTION: KRS 157.390 authorizes the State Board of Education to determine equivalent qualifications for the salary ranks. This regulation defines an equivalency for the Rank II salary classification.

Section 1. (1) The Planned Fifth Year Program required for the renewal of provisional teaching certificates shall be accepted as an equivalency for a Rank II classification under the foundation law and may be satisfied by Plan I or Plan II as defined in this section.
(2) Plan I shall be the completion of a master's degree from a regionally accredited college or university.
(3) Plan II shall consist of a program completed in accordance with the following guidelines.
(a) The fifth year program shall be planned individually with each applicant by the teacher education institution which shall be an institution approved for offering programs leading to the standard teaching certificates.
(b) The fifth year program shall consist of thirty-two (32) semester hours credit with an academic standing of no less than is required at the planning institution for the teacher education graduates and of the total program at least eighteen (18) semester hours must be earned at the planning institution; at least twelve (12) semester hours shall be graduate level course work; at least twelve (12) semester hours shall be in professional education; and at least twelve (12) semester hours shall be from the area of the teacher's specialization.
(c) Once the fifth year program has been planned with the individual, the planning institution may authorize in advance the completion of a maximum of six (6) semester hours of the program at a senior college.
(d) Course work earned by the applicant prior to planning the fifth year program may be evaluated for acceptance by the planning institution.
(e) Credit earned by correspondence shall not apply toward the fifth year program.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:025)

RELATES TO: KRS 157.390, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.860
NECESSITY AND FUNCTION: KRS 157.390 authorizes the State Board of Education to determine equivalent qualifications for the salary ranks and directs that consideration be given to the apprenticeship and work experience of vocational teachers. This regulation defines equivalency for Rank III and Rank II classifications taking into account the factors of apprenticeship and work experience.

Section 1. For a Rank III classification under the foundation law a vocational trade instructor shall hold a regular one (1) year trade and industrial education certificate to teach a specific trade based on high school graduation or equivalent plus three (3) years trade experience as a recognized journeyman beyond the learners level in the trade to be taught. In the absence of a high school diploma, equivalency of high school graduation shall be determined by submitting evidence of an acceptable score of a GED Test administered by an approved testing center.

Section 2. For a Rank II classification a vocational trade instructor shall hold a ten (10) year trade and industrial certificate and shall have completed thirty-two (32) semester hours of approved courses.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:030)

RELATES TO: KRS 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.005(8), 43.022(2)
NECESSITY AND FUNCTION: The traditional and formal means of recognizing competency and proficiency for teacher preparation is in terms of standard college credits and the teacher certification requirements are generally stated in terms of college credits. This regulation provides a means for recognizing competency and proficiency that might have been attained in some manner other than college preparation.

Section 1. (1) A state accredited teacher education institution may evaluate and accept competency for teacher certification purposes for any of the specific curriculum requirements when the teacher candidate can demonstrate proficiency by reason of previous education, unusual experience, or proficiency examination at a level comparable to the usual requirements in that curriculum area.

(2) For persons whose teacher preparation was done outside the state of Kentucky, a Certification Review Committee appointed by the Superintendent of Public Instruction shall be empowered to evaluate and accept competency for teacher certification purposes for any of the specific curriculum requirements when the teacher candidate can demonstrate proficiency by reason of previous education, unusual experience, or proficiency examination at a level comparable to the usual requirements in that curriculum area.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:035)

RELATES TO: KRS 161.030, 161.124
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.005(4), (6), (7)
NECESSITY AND FUNCTION: A significant proportion of the teachers employed in the Kentucky schools were prepared in out-of-state colleges and universities; consequently, this regulation is designed to accommodate to certain deficiencies that exist in the certification requirements among the several states.

Section 1. The Kentucky State Department of Education shall determine whether an applicant whose professional preparation was completed outside the Commonwealth of Kentucky has completed a teacher education program substantially equivalent to that required for a particular Kentucky certificate and shall be empowered to issue the certificate on an equivalency basis or on a conditional basis. When a certificate is issued on a conditional basis its duration shall be limited to not more than two (2) years during which time deficiencies specified by the Department of Education shall be completed by the applicant.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:040)

RELATES TO: KRS 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.845
NECESSITY AND FUNCTION: This regulation is designed to assure that instruction in professional courses for teachers be associated with laboratory experiences with pupils.

Section 1. For purposes of issuance or renewal of teacher certification credit earned by correspondence shall not be accepted for teaching of reading, children's literature, school art, school music, library science, human growth and development, and professional courses requiring observation and participation with pupils.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:045)

RELATES TO: KRS 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.005(1), 42.008
NECESSITY AND FUNCTION: Establishes an orderly system of submitting credentials for teacher certification.

Section 1. (1) Application for teacher certification shall be made on official forms prepared by the Department of Education.

(2) The application shall be supplemented by official transcripts showing all college credits necessary for the requested certification.

(3) The Superintendent of Public Instruction may authorize a teacher education institution to present certificates to applicants at the time the certification requirements are completed, provided the applications have been approved in advance by the Department of Education and provided the institution files the official transcripts of credits with the Department of Education within thirty (30) days.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:050)

RELATES TO: KRS 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.830, 42.884, 42.885
NECESSITY AND FUNCTION: There is need to assure continuing eligibility for teacher certification for a reasonable period of time after meeting the initial qualifications and to specify an alternate course of action once a reasonable period of time has elapsed. This regulation provides for a continuing period of eligibility after initial qualifications and specifies the alternatives for persons who delay application for many years after first establishing eligibility.

Section 1. A person who completes a particular program of teacher preparation before the prescribed deadline date shall continue to be eligible for a period of five (5) years for the issuance of the certificate which corresponds to the particular program completed (dating from September 1 following the time of graduation). If application is made later than five (5) years after completion of a particular teacher preparation program the applicant must meet the current requirements in order to qualify for the corresponding certificate.

Section 2. A person who completed the requirements for a certificate which is currently issued on the basis of a four (4) year program of preparation may be issued the corresponding certificate up to ten (10) years after the completion of the requirements provided that any deficiencies for meeting the current requirements must be made up within a two (2) year period.

Section 3. A person who has completed a four (4) year program of teacher preparation ten (10) or more years prior to the date of application for certification shall be issued the comparable current Kentucky certificate bearing the condition that twelve (12) semester hours of additional preparation selected from a planned fifth year program be completed at a minimum rate of six (6) semester hours a year within a two (2) year period subject to the following modifications:

(1) The twelve (12) semester hour condition shall be reduced by the amount of graduate level credit completed during the previous ten (10) year period.

(2) The twelve (12) semester hour condition shall be reduced by the amount of full-time teaching experience at the appropriate level completed during the previous ten (10) year period (at the rate of one (1) full year for four (4) semester hours).

(3) A person who has held a Kentucky teaching certificate which was issued upon the basis of a four (4) year program of teacher preparation, which certificate expires prior to July 1, 1976, without having met renewal requirements, shall be reissued the comparable current Kentucky certificate under the same conditions outlined above.

(4) The certificates expiring after July 1, 1976, shall not be subject to reissuance under this regulation inasmuch as a planned fifth year program is required for renewal.

(5) Any certificate bearing the condition for completing additional academic preparation which expires without the conditions being satisfied shall not be subject to reissuance under this regulation until all of the original conditions have been satisfied.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:055)

RELATES TO: KRS 161.020, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.005(2)
NECESSITY AND FUNCTION: KRS 161.020 requires professional school personnel to be qualified for certification as of the date of employment. This regulation is proposed to avoid any ambiguity and to establish a precise system of dating teaching certificates.

Section 1. (1) Certificates shall ordinarily be issued to begin on July 1 of the first year of duration and to expire on June 30 of the last year of duration.
(2) If the requirements for a certificate are completed on any date from July 1 to September 1 inclusive the certificate may be issued with a beginning date of July 1.
(3) If the requirements for a certificate are completed after September 1 of the school year for which the certificate is to be initially issued the certificate shall be valid from the date the requirements were completed and shall expire on June 30 of the last year of duration.
(4) In determining the date of expiration the calendar year of the date on which the certificate becomes initially valid shall be used as the base year and the certificate shall expire on June 30 of the calendar year derived by adding the years of duration to the base year.

Section 2. Academic credits earned on or before September 1 of the year of certificate expiration shall be applicable toward the renewal requirements of a certificate which expires on June 30 of the same year.

Section 3. For teacher certification purposes an applicant shall be considered as holding the bachelor's degree or other academic degree from the date of the completion of the degree requirements as attested by the registrar of the institution.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:060)

RELATES TO: KRS 161.020, 161.030, 161.035
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.821, 42.825, 42.826, 42.882, 42.887
NECESSITY AND FUNCTION: KRS 161.020(3) and 161.035 safeguard the validity of certificates previously issued from any impairment arising from later changes in certification provisions. This regulation continues and preserves the legislative intent for certificates issued subsequent to these acts and also establishes certificate renewal provisions for certain unusual circumstances.

Section 1. The validity of any certificate for professional school personnel which has been issued under the authority of the Kentucky State Board of Education shall not be impaired by the repeal or revision of the certification requirements and such certificate may continue to be renewed in accordance with the provisions in effect at the date of the issuance of such certificate.

Section 2. When the renewal of any provisional teaching certificate requires the completion of additional academic course work in lieu of teaching experience, the credits shall be selected from the planned fifth year program.

Section 3. The following classes of certificates originally issued for three (3), four (4), and five (5) year periods may be renewed for ten (10) year periods upon completion of the respective renewal requirements: provisional and standard elementary and secondary teaching certificates when the holder has a bachelor's degree; librarian certificates; and special education certificates.

Section 4. Regular certificates may be reinstated for one (1) time only for one (1) year upon recommendation by the employing school superintendent upon completion of at least one-third (1/3) of the renewal requirements. The remainder of the renewal requirements shall be completed within the one (1) year period of reinstatement.

Section 5. (1) Experience in the armed forces of the United States of America may be accepted toward the renewal of teaching certificates in lieu of required teaching experience provided the applicant held a valid certificate prior to entering military services.
(2) The validity period of a certificate held by a person at the time of entry into the armed forces of the United States of America shall be extended for the same period of time for which it was valid at the time of entry, beginning from the date of discharge.

Section 6. For certificates requiring teaching experience for renewal experience as a substitute teacher may be accepted if the holder of the certificate was employed officially by the local board of education, was paid through the board of education, and substituted no less than thirty (30) teaching days distributed over two (2) semesters of a regular school term.

Section 7. The Superintendent of Public Instruction shall approve the types of experiences which may be accepted under the law and regulations of the State Board of Education in renewing certificates.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:065)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.100
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The standard high school certificate shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.
(2) The standard high school certificate shall be issued initially for a duration period of ten (10) years and shall be extended for life upon three (3) years of successful teaching experience on a regular teaching certificate completed prior to the expiration of the certificate. If the requirements for life extension have not been completed by the end of the ten (10) year period, the certificate may be renewed at the end of each ten (10) year period upon completion of two (2) years of successful teaching experience or upon six (6) semester hours graduate credit for each of the years required experience.
(3) The standard high school certificate shall be valid for teaching in grades seven (7) through twelve (12).

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction

(704 KAR 20:070)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.010
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The provisional high school certificate shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.
(2) The provisional high school certificate shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the planned fifth year program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of the planned fifth year program.
(3) The provisional high school certificate shall be valid for teaching in grades seven (7) through twelve (12).

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:075)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.841
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. This regulation provides a means by which a person who is qualified for teaching at the elementary school level may become qualified also for the high school level.

Section 1. An endorsement for teaching at the secondary school level shall be issued to an applicant who holds a certificate valid for classroom teaching at the elementary school level, and who has completed a course in the fundamentals of secondary education and a secondary teaching major or minor as attested by the preparing institution.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:080)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.115
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The provisional middle school-junior high school certificate shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.
(2) The provisional middle school-junior high school certificate shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the planned fifth-year program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of the planned fifth-year program.
(3) The provisional middle school-junior high school certificate shall be valid for teaching in grades five (5) through eight (8) and shall be endorsed for grades nine (9) through twelve (12) for any subject assignment in which the teacher holds a regular high school teaching major or minor.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:085)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.370
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The standard elementary certificate shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.
(2) The standard elementary certificate shall be issued initially for a duration period of ten (10) years and shall be extended for life upon three (3) years of successful teaching experience on a regular teaching certificate completed prior to the expiration of the certificate. If the requirements for life extension have not been completed by the end of the ten (10) year period, the certificate may be renewed at the end of each ten (10) year period upon completion of two (2) years of successful teaching experience or upon six (6) semester hours graduate credit for each of the years required experience.
(3) The standard elementary certificate shall be valid for teaching in grades one (1) through eight (8).

LYMAN V. GINGER
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:090)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.360
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The provisional elementary certificate shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The provisional elementary certificate shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the planned fifth-year program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a planned fifth-year program.

(3) The provisional elementary certificate shall be valid for teaching in grades one (1) through eight (8).

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:095)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.840
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. An endorsement for classroom teaching at the elementary school level shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds a certificate valid for classroom teaching at the high school level and who has completed the approved program of preparation for the elementary endorsement at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:100)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.720, 42.730, 42.733, 42.735, 42.740, 42.750, 42.760, 42.770
NECESSITY AND FUNCTION: KRS 161.020, 161.025, 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The professional certificate for school administration and supervision shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation for one of the school leadership positions—elementary school principal, middle school-junior high school principal, secondary school principal, director of pupil personnel, or school superintendent—at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The professional certificate for school administration and supervision shall be endorsed for the specific position for which the program of preparation has been completed. Once the certificate has been issued and endorsed for one (1) position it may be further endorsed for any of the other school leadership positions upon completion of the corresponding program of preparation. The professional certificate for school administration and supervision may also be endorsed to show other programs of preparation-certification for which the holder is qualified.

(3) As a prerequisite to the issuance of the professional certificate for school administration and supervision with an endorsement for the position of school superintendent the applicant shall have completed five (5) years successful school teaching and/or school administrative experience. As a prerequisite to the issuance of the certificate with an endorsement for any of the other school leadership positions the applicant shall have completed three (3) years of successful teaching experience.

(4) The duration of the professional certificate for school administration and supervision shall be for continuing service.

Section 2. The professional certificate for school administration and supervision, endorsed for secondary school principal, may be endorsed for a one (1) year period for the position of elementary school principal upon completion of at least eight (8) semester hours graduate credit selected from the endorsement curriculum and upon recommendation from the superintendent of the school district in which the applicant is to be employed as an elementary school principal. The endorsement may be extended for subsequent years upon completion of at least six (6) semester hours graduate credit annually until the total program has been completed.

Section 3. The older type certificates which are still in force and valid for the position of secondary school principal may be endorsed for the position of elementary school principal in accordance with the same provisions outlined in Section 2 of this regulation.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:51 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:105)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.839
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the

State Board of Education. This regulation provides a means by which a person qualified for teaching art at the high school level may qualify for teaching art at the elementary school level.

Section 1. An endorsement for teaching art at the elementary school level shall be issued to an applicant who holds a certificate valid for teaching art at the secondary level, and who has completed:
(1) A course dealing with the elementary school curriculum;
(2) A course in the materials and methods of teaching art at the elementary school level;
(3) A course in child growth and development.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:110)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.600
NECESSITY AND FUNCTION: KRS 161.020, 161.025, 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The standard certificate for school business administrator shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has had at least two (2) years successful experience in government, business, or education as required for provisional certification and in addition has completed three (3) years experience as a school business administrator and who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.
(2) The duration period for the standard certificate for school business administrator shall be for continuing service.

Section 2. (1) The provisional certificate for school business administrator shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has a bachelor's degree and at least two (2) years successful experience in government, business, or education and who has completed at least eighteen (18) semester hours credit selected from the curriculum required for the standard certificate and in accordance with the program requirements of the preparing institution.
(2) The provisional certificate for school business administrator will be issued on the condition that upon employment in the position the holder will participate fully in the work conference held by the State Department of Education as in-service education.
(3) The provisional certificate shall have a duration period of four (4) years and will be subject to renewal once upon completion of eight (8) semester hours credit selected from the curriculum for the standard certificate.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:115)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.837
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. An endorsement for teaching driver education shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds a provisional or standard teaching certificate and who has completed the approved program of preparation for the driver education endorsement at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:120)

RELATES TO: KRS 161.100
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.810
NECESSITY AND FUNCTION: KRS 161.100 provides for the employment of school personnel in the event that regularly qualified persons are not available for specific positions. This regulation establishes the procedures by which the local boards of education and the State Board of Education may comply with the statute.

Section 1. (1) In order to comply with KRS 161.100 in establishing the need for employing emergency teaching personnel the superintendent of the local school district and the board of education shall make the following declaration to the Superintendent of Public Instruction on request forms supplied by his office:
(a) No qualified teachers have applied for the vacant position and to our knowledge qualified teachers are not available for the position.
(b) Diligent efforts have been made to recruit a qualified teacher for the vacant position, and furthermore, this vacancy has been made known locally by appropriate means.
(c) The local school district has been unsuccessful in recruiting teachers for the vacant position either from the listings of teachers supplied by the State Department of Education or by means of the placement services of the teacher education institutions.
(d) The position will be filled by the best qualified person available, giving preference to the factors of academic preparation, prior teaching experience or related educational work, and personal attributes compatible with the demands of the teaching profession.
(2) The Superintendent of Public Instruction, depending upon his assessment of the need for the position and the availability or anticipated availability of qualified personnel, shall approve or disapprove a request for the employment of emergency teaching personnel. The term of validity of an emergency certificate may be limited to a period less than the full school year; the beginning date shall be no earlier than the date the request form is received in the Department of Education.
(3) A separate application form signed by the local school superintendent and approved by the local board of education shall be submitted for each anticipated emergency position. The application shall be accompanied by official transcripts of all college credits earned by the prospective emergency teacher.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:41 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:125)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.842
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. This regulation authorizes the Superintendent of Public Instruction to approve the assignment of selected high school teachers to certain experimental programs at the elementary school level.

Section 1. The Superintendent of Public Instruction may approve an experimental program in new patterns of organization or instruction in the elementary school in which experienced high school teachers may be assigned to serve at the elementary school level in the experimental program provided:
(1) The local school superintendent submits to the Bureau of Instruction before July 15 a written proposal for the experimental program which shows the need for using successful high school personnel in the program.
(2) A commitment is made by the local school superintendent to submit a progress report at end of midterm (presumably by February 1) which includes an evaluation of the effectiveness of the teaching assignment.
(3) The proposal receives written approval by the head of the Bureau of Instruction prior to the opening of the school term.

Section 2. The qualifications of the high school teachers assigned to such experimental programs shall be ranked on the basis of their preparation and their high school certification.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:44 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:130)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.381
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) An endorsement as provisional certification for the position of guidance counselor shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds certification as an elementary or secondary teacher and has completed at least one (1) year of full-time classroom teaching experience and who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.
(2) The endorsement as provisional certification for the position of guidance counselor shall be valid for the same grade levels as the teaching certificate used as the base for the endorsement. Applicants using an elementary school certificate as the base shall follow the curriculum emphasis provided for the elementary level and applicants using a secondary teaching certificate as the base shall follow the curriculum emphasis provided for the secondary level as provided in the state plan.
(3) The endorsement as provisional certification for the position of guidance counselor shall have a duration period of five (5) years and may be renewed upon completion of a minimum of eight (8) semester hours of graduate credit every five (5) years selected from the program leading to the standard guidance certificate.

Section 2. (1) The standard guidance certificate shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed at least one (1) year of experience as a full-time guidance counselor with provisional certification as a guidance counselor and who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.
(2) The duration period for the standard guidance certificate shall be for continuing service.

LYMAN V. GINGER
Superintendent of Public Instruction
ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:49 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:135)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.375
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. An endorsement for teaching kindergarten shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds a certificate valid for classroom teaching at the elementary school level and who has completed the approved program of preparation for the kindergarten endorsement at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 2. (1) The provisional certificate for kindergarten teaching shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.
(2) The provisional certificate for kindergarten teaching shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the planned fifth year program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience at the kindergarten level on a regular certificate and upon completion of the planned fifth year program.
(3) The provisional certificate for kindergarten teaching shall be valid for teaching only at the kindergarten level.

Section 3. The certificates issued for a duration period beginning prior to September 1, 1971, and valid for classroom teaching at the elementary school level, shall continue to be valid for teaching kindergarten. Certificates issued for a duration period beginning after September 1, 1971, and valid for classroom teaching at the elementary school level, shall be valid for teaching kindergarten only upon completion of the endorsement program for kindergarten teaching.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:140)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

SUPERSEDES: SBE 42.390, 42.110, 42.400

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. A certificate that is valid for classroom teaching at the high school level may be endorsed for the position of high school librarian upon completion of the approved program of preparation which corresponds to this endorsement at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel. When endorsed for the position of high school librarian the certificate may be further endorsed for the position of elementary school librarian upon completion of at least six (6) semester hours credit including the teaching of reading and the elementary school curriculum.

Section 2. A certificate that is valid for classroom teaching at the elementary school level may be endorsed for the position of elementary school librarian upon completion of the approved program of preparation which corresponds to this endorsement at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel. When endorsed for the position of elementary school librarian the certificate may be further endorsed for the position of high school librarian upon completion of a course dealing with the secondary school curriculum.

Section 3. (1) The standard certificate for school librarianship, valid for the position of high school librarian, shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved programs of preparation for the provisional high school certificate and for the standard certificate for school librarianship at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel. The standard certificate for school librarianship, valid for the position of high school librarian, may be further endorsed for the position of elementary school librarian upon completion of at least six (6) semester hours credit including the teaching of reading and the elementary school curriculum.

(2) The standard certificate for school librarianship, valid for the position of elementary school librarian, shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved programs of preparation for the provisional elementary certificate and for the standard certificate for school librarianship at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel. The standard certificate for school librarianship, valid for the position of elementary school librarian, may be further endorsed for the position of high school librarian upon completion of a course dealing with the secondary school curriculum.

(3) The standard certificate for school librarianship shall be issued initially for a duration period of ten (10) years and shall be extended for life upon three (3) years of successful experience as a teacher or librarian on a regular certificate completed prior to the expiration of the certificate. If the requirements for life extension have not been completed by the end of the ten (10) year period, the certificate may be renewed at the end of each ten (10) year period upon completion of two (2) years of successful experience as a teacher or librarian or upon six (6) semester hours graduate credit for each of the years required experience.

Section 4. Persons enrolled for any of the school librarian preparation programs described in this regulation prior to the 1975-76 school terms must complete the entire program by September 1, 1979, in order to qualify for certification. Persons intending to prepare for a professional position relating to school library services and beginning the program of preparation during the 1975-76 school term or thereafter shall follow the program of preparation-certification for the position of school media librarian or school media specialist.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:47 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:145)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.301

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The provisional certificate for school media librarian shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The provisional certificate for school media librarian shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the planned fifth year program. The certificate may be extended for life upon completion of three (3) years of successful experience as a media librarian within the duration period of the certificate and upon completion of the planned fifth year program.

(3) The provisional certificate for school media librarian shall be valid for serving as media librarian in grades kindergarten through grade twelve (12).

Section 2. The program of preparation for the provisional certificate for school media librarian shall become effective for persons intending to prepare for a position of professional school library services and who begin the preparation program during the 1975-76 school terms and thereafter.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:150)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.325

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The standard certificate for school media specialist shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher

education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The standard certificate for school media specialist shall be issued initially for a duration period of ten (10) years and shall be extended for life upon three (3) years of successful experience as a school media librarian or as a school media specialist completed prior to the expiration of the certificate. If the holder fails to meet the requirements for life extension by the end of the ten (10) year period the certificate may be renewed for another ten (10) year period on the basis of two (2) years of experience as a school media librarian or as a school media specialist or on the basis of four (4) semester hours additional graduate credit for each of the years of required experience.

(3) The standard certificate for school media specialist may be endorsed to include the qualifications for school media librarian and shall be valid for serving as a school media librarian or as a school media specialist.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:155)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.330
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The professional certificate for media supervisor shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed three (3) years of successful experience in school media-library services while holding a certificate valid for such experience and who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The duration of the professional certificate for media supervisor shall be for continuing service.

(3) The professional certificate for media supervisor shall be valid for the supervision of media-library services in all grades, kindergarten through grade twelve (12).

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:160)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.839
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. This regulation provides a means by which a person qualified for teaching art at the high school level may qualify for teaching art at the elementary school level.

Section 1. An endorsement for teaching art at the elementary school level shall be issued to an applicant who holds a certificate valid for teaching art at the secondary level, and who has completed:

(1) A course dealing with the elementary school curriculum;
(2) A course in the materials and methods of teaching art at the elementary school level;
(3) A course in child growth and development.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:165)

RELATES TO: KRS 161.020, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.510
NECESSITY AND FUNCTION: KRS 161.020 requires appropriate certification for each professional school position; however, new positions are often created in advance of the establishment of a state-wide certification program for the position. This regulation empowers the Superintendent of Public Instruction to determine interim qualifications until such time as a certification program is designed for the position in question.

Section 1. The Superintendent of Public Instruction shall be authorized to determine the qualifications and certification requirements for positions in which no program of preparation-certification has yet been established by the Kentucky State Board of Education.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:170)

RELATES TO: KRS 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.009
NECESSITY AND FUNCTION: KRS 161.030 directs that appropriate certification be issued for teachers employed in non-tax supported schools. This regulation creates an appropriate certificate in keeping with the intent of the statute.

Section 1. The certificate for teaching in non-tax supported schools valid for any position of administrator, supervisor, or teacher in the specific non-tax supported school in which the teacher is to be employed shall be issued on the basis of the completion of a bachelor's degree program in an accredited college upon application and recommendation by the chief administrative officer of the school.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:37 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:175)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.838
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certif-

icates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. An endorsement for teaching physical education at the elementary school level, grades K-8, shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds a certificate valid for teaching physical education at the high school level and who has completed the approved program of preparation for the elementary physical education endorsement at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 2. A one (1) year endorsement may be made upon completion of at least six (6) semester hours credit selected from the endorsement plan; subsequent one (1) year endorsements may be made upon completion of six (6) semester hours additional credit selected from the endorsement plan.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:180)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.340
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The endorsement for reading specialist shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds a teaching certificate based upon the completion of a four (4) year program of preparation, who has completed at least three (3) years of successful classroom teaching experience which may include one (1) year of equivalent clinical experience, and who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The endorsement for reading specialist shall be valid for the same teaching level as the teaching certificate used as a base for the endorsement and shall have the same duration period as the base certificate.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:47 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:185)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.386
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) Certification for school psychometrist shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) Certification for school psychometrist shall be issued initially for a duration period of five (5) years and may be renewed for subsequent five (5) year periods upon completion within each period of two (2) years experience as a school psychometrist. If any portion of the renewal experience is not completed, the certificate may be renewed upon completion of six (6) semester hours of additional graduate credit appropriate for the position of school psychometrist.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:190)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.060
SUPERSEDES: SBE 42.585
NECESSITY AND FUNCTION: KRS 161.020, 161.025, 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The standard certificate for rehabilitation counselors shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved programs of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The standard certificate for rehabilitation counselors shall be issued initially for a duration period of three (3) years. Subsequent renewals shall be made for a duration period of ten (10) years each, upon completion of three (3) years of successful experience within each duration period.

Section 2. (1) The provisional certificate for rehabilitation counselors shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has a bachelor's degree in an academic field relating to the assignment, as determined by the Bureau of Rehabilitation Services.

(2) The provisional certificate shall have a duration period of two (2) years and shall be renewed for a ten (10) year period upon completion of the agency regional counselor induction training program consisting of six (6) weeks intensive classroom experience plus six (6) weeks supervised field practice and/or other in-service training as recommended and conducted by the State Department of Education, Bureau of Rehabilitation Services. Subsequent ten (10) year renewals shall be made upon the recommendation of the State Department of Education, Bureau of Rehabilitation Services, on the basis of satisfactory performance.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:195)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.590
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The provisional certification for school social worker shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to this certification at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The provisional certification for school social worker shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the planned fifth year program. This certification may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a planned fifth year program.

(3) The provisional certification for school social worker shall be issued to an applicant who holds a regular teaching certificate for the elementary, middle school, or high school level and who completes eighteen (18) semester hours credit, including supervised practice in school social work, from the curriculum for school social worker emphasizing the social work portion of the program rather than the portion dealing with professional education.

Section 2. Provisional certification for school social worker may be issued for a one (1) year period on the basis of a professional commitment made by the applicant to complete the usual program of preparation at a minimum rate of six (6) semester hours each year provided the applicant holds a bachelor's degree, has completed at least six (6) semester hours credit from the approved curriculum for school social work, and secures an agreement from a prospective employer to adjust the annual work load to provide opportunity for earning the additional college credits on schedule and for participating in the work conferences conducted by the State Department of Education for school social workers.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:200)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.451
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. The endorsement for special education supervisor shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who qualifies for certification as a teacher of special education and has completed at least two (2) years of successful experience as a teacher of special education, and who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:205)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.420, 42.441, 42.444, 42.446, 42.448
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. Special education certification for teachers of exceptional children shall be identified by the designation "special education" followed by the designation of the particular category of exceptionality for which the program of preparation is designed. The separate special education categories of exceptionality for teacher certification purposes are designated as follows:

(1) Special Education—Educable mentally retarded;
(2) Special Education—Trainable mentally retarded;
(3) Special Education—Orthopedically handicapped;
(4) Special Education—Partially seeing;
(5) Special Ecucation—Blind;
(6) Special Education—Hard of hearing;
(7) Special Education—Deaf;
(8) Special Education—Neurologically impaired;
(9) Special Education—Emotionally disturbed;
(10) Special Education—Speech and hearing.

Section 2. (1) The basic pattern of preparation for special education teachers of exceptional children shall be preparation for one of the designated special education categories of exceptionality listed in Section 1 and also preparation for regular classroom teaching at either the elementary, junior high, or high school level.

(2) As an alternate pattern for the category of "Special Education—Speech and Hearing" the preparation program may be made up of a four (4) year program with a Bachelor's degree which includes the General Education Component and the Component for Special Education—Speech and Hearing; however, the validity of a certificate based upon this alternate program shall be limited to teaching only in the special education assignment corresponding to the preparation and not for regular classroom teaching.

Section 3. Certification as a teacher of exceptional children shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed an approved program of preparation for either the provisional elementary certificate, the junior high school certificate, or the provisional high school certificate, and who has also completed the corresponding approved program of preparation for a designated category of special education at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 4. The standard certificate for special education shall be issued initially for a duration period of ten (10) years and shall be extended for life upon three (3) years of successful teaching experience on a regular teaching certificate completed prior to the expiration of the certificate. If the requirements for life extension have not been completed by the end of the ten (10) year period, the certificate may be renewed at the end of each ten (10) year period upon completion of two (2) years of successful teaching experience or

upon six (6) semester hours graduate credit for each of the years required experience.

Section 5. Provisional certification for special education shall be issued as an endorsement to the base classroom teaching certificate for a duration period coinciding with that of the base certificate.

Section 6. (1) Effective with the preparation programs completed after September 1, 1975, certification for teaching special education shall be valid for teaching in the grades and subjects covered by the regular classroom teacher preparation program used as the base, and for teaching the designated special education category in the same grades as the base program, that is: elementary, grades one (1) through eight (8); junior high school, grades five (5) through nine (9); and high school, grades seven (7) through twelve (12).

(2) Effective for preparation programs completed prior to September 1, 1975, certification for teaching special education shall be valid for teaching in the grades and subjects covered by the regular classroom teacher preparation program used as the base, and for teaching the designated special education category in grades one (1) through twelve (12).

(3) As an exception, certification for the category of "Special Education--Speech and Hearing" shall be valid for grades K through twelve (12) for the special education assignment.

Section 7. (1) A certificate endorsement for teaching a specific category of special education for one (1) year shall be issued to an applicant who holds a regular classroom teaching certificate and who has completed at least six (6) semester hours credit from the approved preparation program for the corresponding special education category.

(2) The endorsement shall be valid for teaching the specific special education category in the same grades covered by the certificate used as the base for the endorsement.

(3) Subsequent one (1) year endorsements shall be issued to the applicant upon completion each year of an additional six (6) semester hours credit selected from the approved preparation program for the specific special education category.

(4) As a prerequisite for issuing a one (1) year endorsement for the category "Special Education--Speech and Hearing" the application shall be accompanied by a statement from the local board of education and the superintendent of the local school district declaring that an emergency exists as described in the regulations governing emergency teacher certification.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:49 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:210)

RELATES TO: KRS 161.020, 161.100
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.815
NECESSITY AND FUNCTION: KRS 161.100 provides for the emergency certification of personnel, including substitute teachers, when regularly qualified personnel are not available. This regulation is designed to insure that in the utilization of substitute teachers the local school district shall give priority to the better qualified personnel.

Section 1. Whenever substitute teachers must be employed to serve during the absence of the teacher of record for the position the following priority shall be observed in their selection and employment:

(1) Teachers who are regularly certified for the position.

(2) Teachers who are regularly certified for some other teaching position.

(3) Persons certified on an emergency basis for substitute teaching and who have sixty-four (64) semester hours credit or more of college preparation.

(4) If no teacher can be found with qualifications in subsections (1), (2) and (3), a person with less than sixty-four (64) semester hours credit may be certified for substitute teaching upon specific approval of the Superintendent of Public Instruction.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:41 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:215)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.126
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The certificate for administration, supervision, and coordination of vocational education shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has at least two (2) years of teaching experience in a vocational education teaching assignment and who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The certificate for administration, supervision, and coordination of vocational education does not of itself qualify the holder for any vocational education position but rather it is designated as one of the several requirements for certain positions of administration, supervision, and coordination as identified in the Kentucky State Plan for Vocational Education.

(3) The duration of the certificate for administration, supervision, and coordination of vocational education shall be for continuing service.

(4) The certificate for administration, supervision, and coordination of vocational education programs may be issued for an initial period of one year upon completion of eight (8) semester hours of credit selected from the prescribed curriculum and upon completion of the other non-academic prerequisites. The remaining curriculum requirements shall be completed by September 1 of the calendar year following the year of initial issuance. The certificate may then be renewed for continuing service.

(5) When a qualified person is not available for a critical administrative position, the Superintendent of Public Instruction may approve a one (1) year endorsement of a vocational teaching certificate for the administration, supervision, and coordination of vocational education, provided the application includes a plan of in-service growth and development showing how the applicant and his employer will work toward meeting the full requirements.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:52 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Instruction
(704 KAR 20:220)

RELATES TO: KRS 161.020, 161.025, 161.030
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160
SUPERSEDES: SBE 42.120, 42.121, 42.122, 42.123, 42.124, 42.125
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.130 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education. This regulation establishes the qualifications for teachers of vocational education subjects and the corresponding certificates.

Section 1. The certificate for vocational education is established for the following subject areas:

(1) Health--any recognized occupational area for which programs may be offered under the State Plan for Vocational Education.

(2) Technical--any recognized occupational area for which programs may be offered under the State Plan for Vocational Education.

(3) Trades and industry--any recognized occupational area for which programs may be offered under the State Plan for Vocational Education.

Section 2. (1) A certificate for vocational education valid for one (1) year shall be issued initially upon high school graduation or its equivalence determined by evidence of an acceptable score on a GED test administered by an approved testing center and three (3) years of successful and appropriate occupational experience in the area to be taught. Adequacy of work experience shall be determined by the Department of Education. One year of occupational experience shall be equated with 2,000 clock hours. The certificate will be valid for teaching only the subject stated on the face of the certificate.

(2) A maximum of one (1) year of the required work experience may be satisfied by completion of one (1) year of additional education beyond high school graduation or its equivalence in the state approved preparatory vocational education program for the occupation to be taught. The one (1) year of additional education beyond high school graduation may be equated with thirty (30) semester hours of college credit or 1,320 clock hours of other approved postsecondary instruction.

(3) A graduate of the state approved preparatory vocational education program for the occupation to be taught plus the completion of an associate degree program approved for the preparation of vocational technical teachers may be certified to teach in a particular vocational field.

Section 3. (1) The first renewal of the one (1) year certificate for vocational education shall be made for full-time instructors upon satisfactory teaching experience gained during the life of the certificate and upon completion of six (6) semester hours of additional credit in professional education earned as a part of an approved curriculum for vocational teacher preparation.

(2) Subsequent renewals for full-time instructors shall be made upon completion of four (4) semester hours of additional credit from an associate degree or baccalaureate degree program approved for vocational teacher preparation.

(3) Upon request of the teacher and prior approval by the Department of Education, the one (1) year certificate may be renewed upon completion of four (4) semester hours of additional credit in a course or institute designed to give special assistance to the specific needs of the teacher and is accepted for credit in an approved vocational teacher education institution. These credit hours do not reduce the number of hours of credit in professional education required for the ten (10) year certificate.

(4) If the applicant has completed all course requirements, the certificate may be renewed upon satisfactory teaching experience gained each year during the life of the certificate until the teaching requirement is met for the ten (10) year certificate.

(5) When the teaching position cannot be filled by a fully qualified teacher with a bonafide certificate, then an applicant holding a one (1) year certificate for vocational education but who is unable to meet the renewal requirements of four (4) additional semester hours, may have the certificate renewed when the extenuating circumstances have been adequately documented and the renewal has been approved by the Department of Education.

Section 4. (1) A certificate for vocational education may be issued for a ten (10) year period when the applicant has completed four years of satisfactory teaching experience in an approved program operated under the state plan for vocational education and has completed one of the following educational programs:

(a) If an undergraduate, completion of twenty-four (24) semester hours of credit in professional courses or eighteen (18) semester hours of credit in professional courses and six (6) semester hours of credit in basic or technical courses included in an approved curriculum for vocational teacher preparation;

(b) If a graduate of an approved associate degree program in vocational education, completion of eighteen (18) semester hours credit in professional courses included in an approved curriculum for vocational teacher preparation;

(c) If a college graduate with a baccalaureate degree, completion of eighteen (18) semester hours credit in professional courses included in an approved curriculum for vocational teacher preparation.

(2) The program offerings constituting the approved professional education courses shall be drawn from the following curriculum areas and shall include minimum preparation as indicated: vocational education foundations—four (4) semester hours; vocational education curriculum and course construction—four (4) semester hours; method in teaching—four (4) semester hours; research—two (2) hours; vocational guidance; personnel placement; administration; and supervision.

Section 5. The ten (10) year certificate for vocational education may be renewed for a ten (10) year period upon three (3) years of successful experience in a vocational education program operated under the State Plan for Vocational Education provided the applicant can show that he has kept abreast of modern practices in the vocational subject he is teaching, or it may be renewed upon completion of six (6) semester hours of approved college work in the area of his need. Two (2) semester hours of approved college work in the area of his need may be substituted for one (1) of the years of successful experience in an approved vocational education program.

Section 6. When requirements have been met for the issuance or renewal of a one (1) year or a ten (10) year certificate in a vocational education field, a holder of a high school certificate may have that certificate validated for the same subject and for the same length of time as provided for under regulations for issuance or renewal of the certificate for vocational education.

Section 7. Certification for a part-time or short-term special vocational education teacher shall be issued upon high school graduation or its equivalence and two (2) years of responsible work experience in the occupation to be taught. The certificate shall be valid for one (1) year for teaching the special subject stated on the face of the certificate.

Section 8. Certification for a vocational education specialist shall be issued upon the basis of unique knowledge or experience or special preparation that qualifies the person to be outstanding in the vocational subject to be taught. The determination of such qualifications shall be made by the Department of Education. The certificate shall be valid for one (1) year for teaching the specific subject stated on the face of the certificate.

Section 9. The one (1) year and ten (10) year certificates for vocational education shall be issued and renewed only for vocational teachers employed by public schools or by the State Department of Education.

Section 10. (1) The validity of any T and I certificate which is in force on June 30, 1971, shall not be impaired by the revisions of July 1, 1971, and such certificates shall be renewed on the basis of the statutes and regulations under which the certificate was originally issued.

(2) All teachers of industrial arts, who hold the two (2) year T and I certificates issued on or before the effective date of the new school code, September, 1935, may have their certificates renewed every two (2) years on the basis of two (2) years' teaching experience or completion of six (6) semester hours of standard college work. A teacher of industrial arts as used in this regulation means a teacher employed in the public schools to teach industrial arts to full-time, regularly enrolled students in junior high schools and/or senior high schools, that do not meet the requirements of the State Plan for Trade and Industrial Education (adopted September 21, 1945).

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:51 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 2:090)

RELATES TO: KRS 156.070, 156.265, 163.020
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: To establish the responsibility for routine audits of vocational education funds.

Section 1. Audits shall be conducted on a routine basis by the Audits Unit, Division of Fiscal Control and Financial Accounting, Bureau of Vocational Education. Such audits shall be correlated with the policies and procedures of the federal government and the State Auditor of Public Accounts. Generally accepted accounting practices shall be followed.

Section 2. Audits shall be made on vocational programs, services, activities, equipment, facilities, and financial records and reports at least twice each fiscal year, or as prescribed by the Assistant Superintendent for Vocational Education.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:34 a.m.

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 3:010)

RELATES TO: KRS 156.070, 157.320, 163.010, 163.030
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 73.100
NECESSITY AND FUNCTION: To define terms pertinent to vocational education facilities and equipment in Kentucky.

Section 1. The following definitions apply for vocational education facilities in Kentucky: (1) "Area vocational edu-

cation school" means one (1) of the following facilities:

(a) A "public specialized high school" used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market; or

(b) The "department of a public high school" exclusively or principally used for providing vocational education in no less than five (5) different occupational fields to persons who are available for study in preparation for entering the labor market. A department of a public high school may be described under the following types:

1. A department constructed as a separate facility to serve two (2) or more high schools in a single local school district,
2. A department constructed as a separate facility to serve two (2) or more high schools in two (2) or more local school districts,
3. A department constructed as a separate facility to serve only one (1) high school for a single local school district, or
4. A department constructed as an addition to the high school facility which is owned and operated by a single local school district for the benefit of only one (1) high school; or

(c) A "public vocational or technical school" used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market; or

(d) The "department or division of a public junior college or community college or university" which provides vocational education in no less than five (5) different occupational fields, under the supervision of the State Board of Education, leading to immediate employment but not necessarily leading to a baccalaureate degree.

(2) "State vocational-technical school" means a school which is state owned and state operated and generally meets the definition in subsection (1)(c). In some situations, it may be used to meet the purposes as described in subsection (1)(b).

(3) "Area vocational education center" means a facility which provides the vocational component of the education program for secondary students. The center will primarily meet the purposes described in subsection (1)(b); however, it may be used to meet the purposes described in subsection (1)(c).

(4) "Residential school facility" means a facility used for residential vocational education purposes. It includes shops, laboratories, classrooms and related facilities (including initial equipment), dormitories, cafeterias, recreational facilities, and such other facilities which are appropriate for a residential vocational education school.

(5) "Vocational facility" means shops, laboratories, classrooms, and related facilities (including initial equipment and interests in the land on which such facilities are constructed). This term shall not include any facility intended primarily for events for which admission is to be charged to the general public.

Section 2. The facilities defined in Section 1 of this regulation may be constructed if they are available to all residents of the state or an area of the state designated and approved by the State Board of Education and if, in the case of a school, department, or division described in subsection (1)(c) or (d), it admits as regular students both persons who have completed high school and persons who have left high school.

Section 3. The following definitions apply to vocational education construction, maintenance, operation, equipment and supplies in Kentucky: (1) "Construction" means construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement as well as architect fees.

(2) "Facility maintenance" refers to maintenance of the facility which includes all equipment and systems considered to be permanently installed as part of the facility. "Maintenance" means repairing, servicing, or replacing any or all parts of the facility including the permanently installed equipment and systems and appropriate insurance as needed to assure proper protection and adequate and safe operating conditions. Maintenance shall be in accordance with approved educational specifications and construction plans for the facility which were approved by the State Board of Education and included in contractual agreements with the state board or its designated representatives.

(3) "Operation" means all aspects of maintenance and operation of the facility, excluding those things included in the definition of "maintenance." It includes management of the educational program offered in the facility and providing the necessary ancillary services, including the cost of salaries, equipment, supplies, materials, and transportation of students which are involved in the instructional program. It may include, but is not limited to, other reasonable costs of services and supplies needed in providing janitorial services, replacement of expendable supplies, such as light bulbs, fuses, and utilities.

(4) "Equipment" means a movable or fixed unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which meet all of the following conditions:

(a) It retains its original shape and appearance with use;

(b) It is nonexpendable. That is, if the article is damaged or some of its parts are lost or worn, it is usually more feasible to repair it rather than replace it with an entirely new unit;

(c) It costs fifty dollars ($50) or more; and

(d) It does not lose its identity through incorporation into a different or more complex unit or substance.

(5) "Supplies" means any article or material which meets any one (1) or more of the following conditions:

(a) It is consumed in use;

(b) It loses its original shape or appearance with use;

(c) It is expendable. That is, if the article is damaged or some of its parts are lost or worn, it is usually more feasible to replace it with an entirely new unit rather than repair it;

(d) It costs less than fifty dollars ($50); or

(e) It loses its identity through incorporation into a different or more complex unit or substance.

(6) "New facility equipment" means those equipment items necessary to begin operation of vocational education programs in a newly constructed facility plus the initial complement of items normally possessing characteristics of equipment but costing less than fifty dollars ($50).

(7) "Replacement equipment" means those equipment items purchased to replace items that already exist in a vocational program. The item replaced must be removed from its original location and disposed of by trade-in, sale (in compliance with state regulations), cannibalization, or in some limited cases transfer to another vocational program. In most cannibalization or transfer instances, the item will lose its identity as a unit.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:29 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 3:020)

RELATES TO: KRS 156.070, 157.320, 163.010, 163.030
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 73.310
NECESSITY AND FUNCTION: To establish minimum standards for the establishment of an area vocational education school planned and operated as a public specialized high school.

Section 1. A public specialized high school may be established when the following standards are met: (1) The school shall be used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market.

(2) The school shall serve a minimum of one thousand five hundred (1,500) students in grades nine (9) through twelve (12), with a minimum of five hundred (500) students in the eleventh and twelfth grades.

(3) All students enrolled in the school must have an objective of occupational preparation for entering the labor market.

(4) All students in the school shall be enrolled in a program of occupational orientation, exploration, and work experience, or occupational preparation leading to job entry skills.

(5) The school shall offer a minimum of twelve (12) different vocational preparation programs. The types of programs shall be approved by the Assistant Superintendent for Vocational Education.

(6) The total school curriculum shall meet the minimum State Board of Education standards for high school accreditation.

(7) The administrator and assistant administrator shall hold a certificate for the administration, coordination, and supervision of vocational education.

(8) Each vocational education program offered in the school shall meet the minimum State Board of Education requirements for teachers, curriculum, and equipment.

(9) The school shall be available to all residents of the area designated and approved by the State Board of Education.

(10) The school shall be available, on a need basis, to offer programs for postsecondary students and adults within the designated area.

(11) A minimum of twenty (20) acres of usable land shall be provided for building, expansion, and parking. In an urban or mountain area, this standard may be waived by the State Board of Education upon recommendation of the Superintendent of Public Instruction if the twenty (20) usable acres are not available and it is determined that there is sufficient space available for building, expansion, and parking.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 3:030)

RELATES TO: KRS 156.070, 157.320, 163.010, 163.030
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 73.320
NECESSITY AND FUNCTION: To establish minimum standards for the establishment of an area vocational education school as a department of a public high school or an area vocational education center.

Section 1. A department of a public high school or area vocational education center may be established when the following standards are met: (1) The facility shall be used exclusively or principally for providing vocational education in no less than five (5) different occupational fields to persons who are available for study in preparation for entering the labor market.

(2) The facility shall serve an area with high schools having a minimum enrollment of one thousand two hundred (1,200) students in grades nine (9) through twelve (12). The distance for transporting students from the parent high school to the facility shall not exceed twenty-five (25) miles or a driving time of thirty (30) minutes.

(3) The facility shall provide the vocational preparation component of the educational program for a minimum of one hundred eighty (180) high school students who are fifteen (15) years of age or older.

(4) The facility shall provide for a minimum of five (5) different vocational preparation programs and the appropriate related instruction. The types of programs and related instruction to be offered shall be approved by the Assistant Superintendent for Vocational Education.

(5) Each vocational education program offered in the facility shall meet the minimum state requirements for teachers, curriculum, and equipment.

(6) For a department constructed as a separate facility to serve two (2) or more high schools in a single local school district, a department constructed as a separate facility to serve two (2) or more high schools in two (2) or more local school districts, and a department constructed as a separate facility to serve only one (1) high school for a single local school district, the administrator of the center must hold the certificate for administration, supervision, and coordination of vocational education. For a department constructed as an addition to the high school facility which is owned and operated by a single local school district for the benefit of only one (1) high school, the assistant high school principal or vocational education department head may be charged with supervision of the total vocational program; but he must have the administration, supervision, and coordination certificate for vocational education.

(7) The facility shall be available to all residents of the area designated and approved by the State Board of Education.

(8) The center shall be available, on a need basis, to offer programs for postsecondary students and adults within the designated area.

(9) A minimum of five (5) acres of usable land shall be provided for building, expansion, and parking.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 3:040)

RELATES TO: KRS 156.070, 157.320, 163.010, 163.030
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 73.330
NECESSITY AND FUNCTION: To establish minimum standards for the establishment of an area vocational education school as a public vocational or technical school or state vocational-technical school.

Section 1. A public vocational or technical school or state vocational-technical school may be established when the following standards are met: (1) The area to be served by the school shall have a minimum of one hundred thousand (100,000) total population.

(2) The school shall be used exclusively or principally to provide vocational or technical education for persons who have completed or left high school and who are available for study in preparation for entering the labor market.

(3) The school shall offer a minimum of twelve (12) different vocational preparation programs and the appropriate related instruction.

(4) The school shall serve a minimum of five hundred (500) postsecondary students (FTE) during the regular school day. (FTE means six (6) hours of instruction per day per student.)

(5) The school facility shall meet minimum standards for space and adaptability for the programs to be offered.

(6) A minimum of twenty (20) acres of usable land shall be provided for building, expansion, and parking. In an urban or mountain area, this standard may be waived by the State Board of Education upon recommendation of the Superintendent of Public Instruction if the twenty (20) usable acres are not available and it is determined that there is sufficient space available for building, expansion, and parking.

(7) The school administrator(s) shall hold a certificate for the administration, supervision, and coordination of vocational education.

(8) Each vocational education program offered in the school shall meet the minimum state requirements for teachers, curriculum, and equipment.

(9) The school shall be available to all residents of the state with priority given to the area designated and approved by the State Board of Education.

(10) The school shall be available for high school students when they do not have ready access to an area vocational education center.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 3:050)

RELATES TO: KRS 156.070, 157.320, 163.010, 163.030
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 73.340
NECESSITY AND FUNCTION: To establish minimum standards for the establishment of a department or division of a public junior college or community college or university.

Section 1. A department or division of a public junior college or community college or university may be established when the following standards are met: (1) The area to be served by the department or division shall have a minimum of one hundred thousand (100,000) total population.

(2) The department or division shall offer a minimum of twelve (12) different vocational preparation programs and the appropriate related instruction. The types of programs shall be approved by the Assistant Superintendent for Vocational Education.

(3) The facility shall meet minimum standards for space and adaptability for the programs to be offered.

(4) Each vocational program offered shall meet the minimum state requirements for teachers, curriculum, and equipment.

(5) Although no certificate for administrators is required, the person charged with responsibility for supervision of the vocational programs shall meet the same qualifications as required for the certificate for the administration, supervision, and coordination of vocational education.

(6) The department or division shall be available to all residents of the state with priority given to the area of the state designated and approved by the State Board of Education.

(7) The department or division shall admit as regular students both persons who have completed high school and persons who have left high school.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 3:060)

RELATES TO: KRS 156.070, 157.320, 163.010, 163.030
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 73.350 and 73.355
NECESSITY AND FUNCTION: To establish minimum standards for the establishment of an area vocational education school as a department of a public high school which has been designated to serve remote high schools.

Section 1. A department of a public high school may be established as part of a remote high school to serve one (1) or more public high schools in a public school system when the following conditions exist and minimum standards are met: (1) The public high school(s) to be served by the department is more than twenty-five (25) miles distance from any area vocational education center or the time required for transporting high school students from the parent high school to the area vocational education center exceeds thirty (30) minutes.

(2) The department shall be constructed as a definitely identified wing, pod, or section of the high school facility and will serve a single local school district.

(3) The public high school(s) to be served has no local

school districts adjacent to it with which it can cooperate to meet the minimum standards for establishing a department of a public high school or area vocational education center.

(4) The facility shall serve an area with high schools having a minimum enrollment of six hundred (600) students in grades nine (9) through twelve (12).

(5) The facility shall be used exclusively or principally for providing vocational education in no less then five (5) different occupational fields to a minimum of one hundred fifty (150) high school students, fifteen (15) years of age or older, who are available for study in preparation for entering the labor market. The types of programs and related instruction to be offered shall be approved by the Assistant Superintendent for Vocational Education.

(6) Each vocational education program offered in the facility shall meet the minimum state requirements for teachers, curriculum, and equipment.

(7) The head of the department must hold the certificate for administration, supervision, and coordination of vocational education. This department head may be charged with the supervision of the total vocational program in the high school(s) served by this department.

(8) The facility shall be available to all residents of the area designated and approved by the State Board of Education.

(9) The department shall be operated by the local school district as a regular part of the high school program and shall be available for postsecondary and adult education programs after the regular school day.

Section 2. Provisions that must be met for the construction, maintenance, and operation of area vocational education schools which are designated as departments of public high schools to serve one (1) or more remote high schools in isolated local school districts are as follows: (1) The total cost for construction of the department shall be paid from local school district and eligible federal funds. The matching basis shall be determined by requirements of the federal funding source or sources.

(2) The total cost of the equipment required to meet the minimum standards of the program areas included in the department shall be paid from local school district and eligible federal funds. The matching basis shall be determined by requirements of the federal funding source or sources.

(3) The local school district shall furnish the required reports and inventory information on the use of the facility and use and location of the equipment partially financed with federal funds in accordance with state and federal guidelines and regulations.

(4) The local school district shall be responsible for the complete maintenance of the department and all of the equipment in accordance with state and federal guidelines and regulations.

(5) The local school district will be eligible to receive federal vocational funds which may be available to support special programs, services, and activities on a project basis. Availability of such funds and the guidelines to be followed in securing them will be made known to the superintendents of local school districts at the appropriate time each year.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 3:080)

RELATES TO: KRS 156.010, 156.015, 162.060
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 73.400
NECESSITY AND FUNCTION: To establish requirements, procedures, and responsibilities in relation to construction of area vocational education schools.

Section 1. Any local educational agency preparing to construct an area vocational education school shall submit to the Assistant Superintendent for Vocational Education an appropriate application with proper explanation and supporting evidence to justify the need. Each local educational agency shall complete the necessary surveys to determine the needs, interests, and abilities of the potential enrollees, the demands of the labor market, and the facilities that can be provided.

Section 2. All applications which meet the requirements of the "state plan for the administration of vocational education," as approved by the State Board of Education, shall be presented to the Superintendent of Public Instruction for his consideration and recommendation to the state board for appropriate action.

Section 3. The State Board of Education shall approve applications for area vocational education schools before any financial resources available to the state board may be used for construction of a facility. Any local educational agency using local funds for the construction of an area vocational education school shall submit an application for program approval of the facility if operating expenses are anticipated from the financial resources available to the state board.

Section 4. Facilities which are constructed exclusively or principally for providing vocational education in less than the minimum number of vocational preparation programs as required in regulations pertaining to minimum standards for establishing such facilities must be constructed without federal financial assistance. Such facilities do not constitute area vocational education schools which are eligible for federal financial support of construction costs. The programs to be offered in the facilities must be approved under normal procedures for operating vocational programs by the local educational agency.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 5:020)

RELATES TO: KRS 156.070, 163.030
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 73.200
NECESSITY AND FUNCTION: To establish authority for administration of area vocational education schools.

Section 1. The overall administration of area vocational education schools shall be under the direction of the Assistant Superintendent for Vocational Education.

Section 2. Area vocational education schools defined as "a public specialized high school" and as a "department of a public high school" constructed as an addition to the high school facility which is owned and operated by a single local school district for the benefit of only one (1) high school shall be directly administered by a local board of education being responsible for the education program in the area served by the school.

Section 3. Area vocational education schools defined as a "department of a public high school" constructed as a separate facility to serve two (2) or more high schools in two (2) or more local school districts and as a "public vocational or technical school" shall be directly administered by the State Department of Education, Bureau of Vocational Education, through the regional staff for vocational education which is responsible for the vocational programs in the region in which the school is located.

Section 4. Area vocational education schools defined as a "department or division of a public junior college or community college or university" shall be directly administered by the appropriate board of trustees or board of regents being responsible for the operation of the institution of higher education constructing the facility.

Section 5. Area vocational education schools defined as a "department of a public high school" constructed as a separate facility to serve two (2) or more high schools in a single local school district and as a "department of a public high school" constructed as a separate facility to serve only one (1) high school for a single local school district may be operated by either: (1) The State Department of Education, Bureau of Vocational Education, through the regional staff for vocational education which is responsible for the vocational education programs in the region in which the school is located, or

(2) The local board of education that holds title to the facility when it has demonstrated in its application and operation plan that it has the ability to provide the financial and supervisory resources necessary to maintain the vocational programs at the level that they would be operated by the State Department of Education, Bureau of Vocational Education, through the regional staff for the vocational education, which is under the direction of the Assistant Superintendent for Vocational Education.

LYMAN V. GINGER
Superintendent of Public Instruction

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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 5:040)

RELATES TO: KRS 156.070, 163.030
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 73.210
NECESSITY AND FUNCTION: To establish responsibilities of steering committees for area vocational education centers.

Section 1. Each area vocational education center that is operated by the State Department of Education, Bureau of Vocational Education, shall have an official steering committee appointed by the Superintendent of Public Instruction upon recommendation of the Assistant Superintendent for Vocational Education. It shall provide systematic contact with and participation by responsible leaders in the cooperating local school districts. The center steering committee shall be composed of the superintendent of schools, one (1) member of the local board of education, the principal of a cooperating secondary school, and one (1) lay citizen from each participating local school district; and a member of the Regional Advisory Committee on Vocational Education.

Section 2. The center steering committee shall be authorized to consult, counsel, and advise with the coordinator of the area vocational education center, the regional director of vocational education and his staff, and the director of the Division of Program Management in the Bureau of Vocational Education, State Department of Education, on all matters pertaining to the operation of the center.

Section 3. The steering committee shall consult, counsel, and advise with the administrators responsible for the operation of the center on such things as: (1) Annual and long-range program planning for the center;
(2) Procedures to be followed in implementing the program plans; and
(3) Management procedures in handling the details pertaining to program operations.

Section 4. The management procedures referred to in the preceding section of this regulation include such areas as determining the programs to be offered, curriculum development, employment of personnel, in-service training of personnel, enrollment quotas for secondary school students from the different participating local school districts, discipline of students, class and school schedules, transportation of students, equipping and maintaining the facilities, program evaluation, student counseling and guidance, records and reports, and other areas of concern pertaining to the operation of the center.

Section 5. The center steering committee shall be used to provide for active exchange of information, views, problem identification, and future requirements for program improvements. It shall serve as a forum for the resolution of issues, identification of needs, and the development of common understandings and approaches, and serve as a catalyst for cooperative support and assistance. The committee shall supplement and assist, but not supplant, administrative and program responsibilities assigned to the Assistant Superintendent for Vocational Education and his staff.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 7:020)

RELATES TO: KRS 156.070, 156.485
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 78.100
NECESSITY AND FUNCTION: To establish the means whereby adults can be tested by official GED testing centers to determine their eligibility for receiving a High School Equivalency Certificate.

Section 1. (1) The GED test shall provide a valid means of measuring the educational achievement of adults who are non-high school graduates and of comparing their competency with that of high school graduates. The tests shall be high school level batteries consisting of five (5) comprehensive examinations: English, literature, mathematics, natural science, and social studies.
(2) The GED test shall be administered to any person seventeen (17) years of age or older who has been out of a formal classroom situation for a period of one (1) year before making application, or whose high school class (the class of which he was or would have been a member) has graduated, and one (1) of the following:
(a) Who has completed a program of instruction provided by such agencies as the Job Corps and the Postal Service Academy, an apprenticeship program, or other similar programs of instruction for which completion of training is certified by the director of the program and presented to a chief examiner of an official GED center with a request that the subject adult be tested;
(b) Who presents a written request from an employer certifying that the applicant for job opportunity must establish high school equivalency on the basis of GED test scores;
(c) Who presents a written request from a college or university official certifying that the institution will consider accepting the applicant for admission on the basis of GED test scores;
(d) Who presents a written request for testing from a recruiting official for the subject adult who wishes to enter a branch of the Armed Forces for which high school equivalency is a prerequisite; or
(e) Who is a resident of Kentucky.
(3) Official GED testing centers shall be established under contract with the GED Testing Service of the Commission on Accreditation with locations authorized by the State Board of Education. GED testing services for individuals confined to state correctional and health institutions shall be provided by the State Board of Education.
(4) Testing fees shall be established by official GED testing centers. The State Board of Education shall charge no fee for testing services provided for individuals confined to state correctional and health institutions.
(5) Applicants seeking a high school equivalency certificate must complete the appropriate application form provided for this purpose prior to taking the GED test. This form shall be available upon request from local school superintendents or the State Board of Education. Military personnel shall not be required to complete the application form prior to taking the test; however, the application form must be completed before a high school equivalency certificate will be issued.
(6) If an applicant passes all five (5) tests with a minimum test score of thirty-five (35) but does not attain an average standard score of forty-five (45), he shall be eligible to retake any one (1) or all tests in an attempt to raise the overall standard score to meet the requirements. However, the testing center proctor will recommend which test or tests to be retaken.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 7:030)

RELATES TO: KRS 156.070, 156.485
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 78.200
NECESSITY AND FUNCTION: To establish the means whereby a High School Equivalency Certificate can be issued to adults who pass the GED test.

Section 1. All reports on GED test scores from official testing centers shall be sent to the State Department of Education. The State Department of Education shall provide a high school equivalency certificate to local boards of education to be issued to each applicant who has taken the GED test and meets the following qualifications: (i) has scored at least thirty-five (35) on each of the five (5) GED tests and has an overall average standard score of forty-five (45) on all five (5) tests when they are considered as a whole; (ii) is at least seventeen (17) years of age or older who has been out of a formal classroom situation for a period of one (1) year; or (iii) whose high school class (the class of which he was or would have been a member) has graduated.

Section 2. There shall be no minimum age requirement for issuance of a high school equivalency certificate to military personnel or veterans.

Section 3. GED test scores shall be accepted as official only when they are reported by official testing centers; the United States Armed Forces Institute; directors of Veterans Administration hospitals; and, in special cases, the GED testing service.

Section 4. There shall be no charge for the issuance of a high school equivalency certificate.

LYMAN V. GINGER
Superintendent of Public Instruction
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EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 8:010)

RELATES TO: KRS 164.740 to 164.764
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: To establish responsibility for the administration of student financial aid to postsecondary students enrolled in public vocational education institutions.

Section 1. The administration of student financial aid to postsecondary students enrolled in public vocational education institutions shall be the responsibility of the Superintendent of Public Instruction or his designated agent, the Assistant Superintendent for Vocational Education. Administration of such financial aid programs shall be in compliance with rules and regulations as published in the Federal Register and any amendments thereto.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:34 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Vocational Education
(705 KAR 10:020)

RELATES TO: KRS 163.330
PURSUANT TO: KRS 13.082
SUPERSEDES: SBE 79.810 and SBE 79.815
NECESSITY AND FUNCTION: In order of issue an agent's permit, it is necessary to obtain and ascertain that the school's representative has met the rules, regulations, and criteria set forth.

Section 1. (1) Every agent or solicitor representing any school, whether the school is located in Kentucky or outside the state, shall make an initial application or renewal to the State Board of Education in writing upon forms prepared and furnished by the State Board of Education.
(2) The State Board of Education shall issue an agent's permit upon receipt of the application which has been certified as being true and correct in content and said agent has complied with the provisions as outlined in KRS 163.330.
(3) The agent shall complete a separate application for each school represented.

LYMAN V. GINGER
Superintendent of Public Instruction

ADOPTED: December 4, 1974
RECEIVED BY LRC: December 17, 1974 at 11:33 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Samuel Alexander, Secretary, Kentucky Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
(803 KAR 1:066)

RELATES TO: KRS 337.275, 337.285
PURSUANT TO: KRS 337.295, 13.082
NECESSITY AND FUNCTION: KRS 337.320 requires employers to keep records of hours of work and wages paid to employes subject to the provisions of the new law. The statute provides for the commissioner to determine what information is needed. The function of this regulation is to set forth the record-keeping requirements for employers subject to the law.

Section 1. No particular order or form of records is prescribed by this regulation. However, every employer who is subject to any of the provisions of the Act is required to maintain records for at least one (1) year after entry. Each employer shall keep the records required by these regulations safe and accessible at the place or places of employment, or at one or more established central recordkeeping offices where such records are customarily maintained. Where the records are maintained at a central recordkeeping office, other than in the place or places of employment, such records shall be made available within seventy-two (72) hours following notice from the commissioner or his authorized representative.

Section 2. Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employe subject to the Act:
(1) Name in full, and on the same record, the employe's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
(2) Social Security number;
(3) Home address, including zip code;
(4) Date of birth, if under eighteen (18);
(5) Sex and occupation in which employed;
(6) Time of day and day of week on which the employe's workweek begins. If the employe is part of a work force or employed in or by an employer all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole work force will suffice. If, however, any employe or group of employes has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employe or group of employes;
(7) Hours worked each workday and each workweek (for purposes of this section, a "workday" shall be any consecutive twenty-four (24) hours);
(8) Regular rate of pay and total straight-time earnings or wages for all hours worked during the workweek;
(9) Total overtime excess compensation for the workweek, that is, the excess compensation for overtime worked which amount is over and above all straight-time earnings or wages for the workweek;
(10) Total additions to or deductions from wages paid each pay period. Every employer making additions to or deductions from wages shall also maintain, in individual employe accounts, a record of the dates, amounts, and nature of the items which make up the total additions and deductions;
(11) Total wages paid each pay period and date of payment.

Section 3. Every employer who makes retroactive payment of wages or compensation due under KRS 337.275 and 337.285 shall:
(1) Prepare a report of each such payment showing the amount of such payment to each employe, the period covered by such payment, and the date of payment.
(2) The employer shall: (a) file the original, which shall evidence payment by the employer and receipt by the employe, with the commissioner or his authorized representative within ten (10) days after payment is made, (b) deliver a copy to the employe, and (c) preserve a copy as part of the employer's records.

Section 4. With respect to employes working on fixed schedules, an employer may maintain records showing instead of the hours worked each day and each week, the schedule of daily and weekly hours the employe normally works, and
(1) In weeks in which an employe adheres to this schedule, indicate by checkmark, statement, or other method that such hours were in fact actually worked by him, and
(2) In weeks in which more and less than the scheduled hours are worked, shows the exact number of hours worked each day and each week.

JAMES R. YOCOM, Commissioner

ADOPTED: December 6, 1974
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: January 6, 1975 at 10:44 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Director, Division of Labor Standards, Kentucky Department of Labor, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(902 KAR 10:020)

RELATES TO: KRS Chapter 221
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
SUPERSEDES: San-3
NECESSITY AND FUNCTION: KRS Chapter 221 authorizes the Department for Human Resources to regulate frozen food locker plants. The purpose of this regulation is to provide uniform requirements for the regulation of frozen food locker plants in Kentucky.

Section 1. Citation of Regulation. This regulation may be cited as the "Kentucky Frozen Food Locker Regulation."

Section 2. Plan Review of Future Construction. No person shall construct, remodel or extensively alter the construction of any frozen food locker plant until the plans and specifications in triplicate have first been submitted to the department, through the appropriate local health department, and approved in writing.

Section 3. Display of Licenses. Frozen food locker plant licenses issued by the department under the provisions of KRS Chapter 221 shall be displayed in a conspicuous place in the plant.

Section 4. Construction and Sanitation Requirements. (1) Construction requirements of walls, ceilings and floors. The side walls and ceilings of every frozen food locker plant shall be so constructed that they can easily be kept clean. Every building, room or enclosure occupied or used for the preparation, manufacture, packing, storage, freezing, sale or distribution of food in frozen food locker plants shall have an impermeable floor made of material that can be flushed and washed clean with water.
(2) Ventilation. All frozen food locker plants shall be adequately ventilated excluding areas devoted exclusively to refrigeration.
(3) Lighting. All working surfaces shall be provided with at least twenty (20) foot candles of non-glare artificial light. The storage rooms including those under refrigeration shall have at least ten (10) foot candles of artificial light.

measured at a distance of thirty (30) inches from the floor. All light fixtures in rooms under refrigeration shall be provided with vapor-proof globes.

(4) Water supply. All frozen food locker plants shall be supplied with adequate hot and cold running water under pressure from a source approved by the Department for Natural Resources and Environmental Protection.

(5) Lavatory and toilet facilities.

(a) Adequate, conveniently located, lavatory and toilet facilities that comply with the sanitary requirements relating thereto promulgated by the Department for Human Resources shall be provided for employees.

(b) Toilet facilities including rooms and fixtures shall be kept in a clean condition and in good repair. Toilet tissue, cleansers, towels or hand drying devices and covered waste receptacles shall be provided.

(6) Construction of utensils and equipment. All utensils and equipment used in the processing of food shall be of such construction so as to be easily cleaned and kept in good repair. Utensils containing or plated with cadmium or lead shall not be used except that solder of low lead content may be used for jointing.

(7) Cleaning and bactericidal treatment of utensils and equipment. All utensils and equipment shall be subjected to the cleaning and bactericidal treatment provided by regulations relating thereto promulgated by the department.

(8) Plumbing. All plumbing shall be installed in accordance with the state Plumbing Code.

(9) Waste disposal. Garbage, trash, sewage and other wastes shall be disposed of in an approved manner in accordance with the regulations of the department, and the Department for Natural Resources and Environmental Protection.

Section 5. Refrigeration Controls. (1) The refrigeration system for a frozen food locker plant shall be equipped with accurate and reliable controls and shall be of adequate capacity to provide under extreme conditions of outside temperatures and under peak load conditions in the normal operations of the plant for the automatic maintenance of uniform temperatures in the various refrigerated rooms. An accurate self-recording or self-registering thermometer shall be provided in the locker room. The temperature records of these thermometers shall be kept at the plant and shall be preserved for at least one year from the date of the recording. The thermometer in the locker room shall be placed in a position where it may be readily observed by the patrons. Temperatures shall be maintained in conformity with the provisions of KRS 221.080.

(2) Recording thermometers in use at all frozen food locker plants shall: continually record temperatures in such plants for a period of not less than seven (7) days; be enclosed in moisture-proof cases, permanently fastened to a substantial wall in the vestibule or waiting room; and be installed in such a manner as to be visible at all times. The instrument must be kept locked at all times except when changing recording dials or charts, inking, or repairing. Charts shall: be changed once each week; be properly dated so as to indicate the period for which temperatures were recorded; be signed by the operators; and be made available for inspection for at least one (1) year.

(3) The sensitive bulb used to determine temperatures shall be located in the locker room and installed in such a manner as to insure efficient and proper operation at all times. The bulb shall not be placed directly in front of any door or blower.

(4) When more than one (1) room or one (1) section of lockers is maintained in a frozen food plant, which rooms or sections of lockers are refrigerated independently of each other, a sensitive bulb properly connected to an accurate recording thermometer shall be installed in each room or section of lockers in such a manner as to give accurate recordings or temperatures in each such room or section of lockers.

Section 6. Storage and Handling of Food. (1) No food shall be placed in a locker for storage unless it has been inspected by the operator and sharp-frozen.

(2) The lockers in any plant shall be so constructed as to protect the contents from contamination, deterioration, or injury. Lockers with perforated bottoms shall be provided with a suitable unperforated liner or tray.

(3) All meats shall be wrapped in paper or other wrapping material suitable for wrapping meats that are to be frozen or stored. All fruits and vegetables shall be wrapped or packed before they are placed in a locker. Each wrapped portion shall be marked or stamped with the correct locker number and the date of wrapping.

(4) When the operator comes into the custody or possession of fresh carcass meats they shall be identified with a suitable tag or stamp. If the meats are not clean they shall be washed in cold water or otherwise suitably cleaned or rejected. If accepted, the carcass shall be placed in the chill room, sufficiently long enough to lose body heat.

(5) In applying marks directly to meats or other food products, the operator shall use only non-toxic ink or other harmless substances.

(6) Before being frozen, vegetables shall be cleaned, blanched if required, and immediately cooled with cold water and packed in suitable containers for freezing.

(7) Before being frozen, fruit shall be cleaned and packed in suitable containers for freezing.

(8) All fish shall be promptly washed with clean water, wrapped, frozen and marked with the date and the patron's locker number.

(9) Foods not intended for human consumption, shall be stored in a room or locker specifically set apart for that purpose. Such foods shall not be stored in the chill room, aging room, sharp-freeze room or locker room of any frozen food locker plant where foods intended for human consumption are stored.

(10) Patrons shall not be permitted to handle meats or foods, other than their own (unless specifically authorized by the owner) which are stored in the chill room, or are in the process of preparation or freezing for storage.

(11) Foods stored shall be protected from filth, flies, dust, dirt, insects, vermin and other contamination. No food shall be stored in such condition or manner as to cause injury to, or deterioration of food in adjacent lockers.

(12) Whenever refrigeration coils or plates are located directly above a patrons locker, they shall be defrosted in such a manner so that contents of the locker are not contaminated.

(13) Patrons renting lockers, who are directly or indirectly engaged in the selling of food, shall declare this fact to the operator and suitable entry shall be made on the operator's record.

Section 7. Employee Health and Cleanliness. (1) Frozen food locker plant operators shall not permit any person who has a communicable skin disease or is a carrier of a communicable disease, or who is suffering from any infected wound, to work in any capacity in a frozen food locker plant or a branch frozen food locker plant.

(2) Every person employed in a frozen food locker plant and engaged in direct physical contact with the food during its preparation, processing or storage, shall be clean in person and wear clean washable outer garments and suitable head coverings, which are to be used only for that purpose.

Section 8. Miscellaneous Requirements. (1) All frozen food locker plants shall be provided with adequate lockers or dressing rooms for employees separate and apart from any room in which food is prepared, processed, chilled, frozen or stored.

(2) Tobacco shall not be used in any room where food is processed or stored.

(3) No room used for the preparation, processing, storage, display or sale of foods shall be used as a living or sleeping room.

(4) No dogs, cats or other animals shall be permitted in a frozen food locker plant.

(5) Any plant using a toxic gas refrigerant shall have at least one (1) gas mask of a type approved by the department and shall have the gas mask placed where it will be readily accessible.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975
RECEIVED BY LRC: January 15, 1975 at 4:27 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 10:030)

RELATES TO: KRS 223.010 to 223.080, 223.990
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
SUPERSEDES: San 6-1
NECESSITY AND FUNCTION: KRS 223.010 to 223.080 and 223.990 authorizes the Department for Human Resources to establish minimum standards and qualifications for registered sanitarians. This regulation provides uniform standards for registered sanitarians and procedures for processing applications.

Section 1. Definitions. As used in this regulation: (1) "Committee" means the Sanitarian Examining Committee consisting of five (5) members who are appointed in accordance with KRS 223.020.

(2) "Department" means the Department for Human Resources.

(3) "Registered Sanitarian" means a person trained in the field of public health sanitation who has qualified for registration in accordance with the provisions of KRS 223.010 to 223.080 and 223.990, and the regulations promulgated thereunder.

(4) "Secretary" means the Secretary of the Department for Human Resources.

Section 2. Minimum Standards and Qualifications. In addition to the specific requirements provided by KRS 223.030, an applicant for registration as a sanitarian shall:

(1) Have graduated from an accredited college or university with a baccalaureate or higher degree, which shall include satisfactory completion of at least twenty-seven (27) quarter hours, or eighteen (18) semester hours, of academic training in the basic physical, chemical, biological, or sanitary sciences; provided, however, that any sanitarian employed full-time in the field of public health sanitation on the effective date of this regulation who does not meet the

requirements of this subsection, may be registered if he meets all other requirements of this regulation; and, provided further, that he files an application for registration within thirty (30) months after the effective date of this regulation; and

(2) Be of good moral character.

Section 3. Applications for Registration. Applications for registration as a registered sanitarian shall be submitted to the committee on forms prepared and issued by them. Each application fee shall be remitted by a Post Office or express money order, bank draft, or check payable to the order of the department. The committee may correspond with any references given on the applicant's application and may also contact any former employer of the applicant concerning his prior service in the field of public health sanitation.

Section 4. Examinations. The committee shall conduct examinations at least once a year at such time and place as it may deem expedient. The examination may be either oral, written, or both.

Section 5. Certificates of Registration. After the committee has approved an application and all the requirements provided by law are fulfilled, the committee shall certify such fact to the secretary, who in turn shall issue a certificate of registration. The secretary shall also issue a small card to the approved applicant certifying that he holds a certificate of registration. The committee shall assign serial numbers to each certificate of registration.

Section 6. Renewals. It shall be the duty of the secretary-treasurer of the committee to notify all registered sanitarians at least thirty (30) days prior to the expiration date of their certificate that they renew their certificate of registration as provided by law.

Section 7. Revocation of Certificates of Registration. In any action involving the revocation of a certificate of registration, the secretary shall refer the matter to the committee. The committee is authorized to set the time and place of a hearing and the respondent shall be given at least thirty (30) days prior notice. At the conclusion of the hearing, the committee shall make a recommendation to the secretary in writing. The secretary is authorized to affirm, reverse, cancel, or modify the recommendation of the committee.

Section 8. Expenditure of Funds. Expenditures for examinations, clerical expenses, training and reference materials, including approved home study courses, and for affiliation with any national sanitarian registration organization, may be made out of the trust and agency fund created by KRS 223.050.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975
RECEIVED BY LRC: January 15, 1975 at 4:27 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 20:005)

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 24
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Certificates of Need, 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. Definitions: (1) "Certificate of need" means an authorization by the board to an applicant to construct, expand, or modify a health facility, or to initiate, expand or modify a health service.

(2) "Construction or modification" means the erection, building, alteration, reconstruction, modernization, improvement, extension or establishment of a health facility or service, or the purchase or acquisition of diagnostic or therapeutic equipment, the inspection and supervision thereof, and the studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary thereto, which:

(a) Requires the total capital expenditure in excess of $100,000; or

(b) Will either

1. initiate or expand the scope or type of services rendered, or
2. increase or decrease the bed complement of a health facility or health service.

(3) "Health facility and health service" means any program, institution, place, building, or agency or portion thereof, public or private, whether organized for profit or not, used, operated or designed to provide medical diagnosis, treatment, nursing, rehabilitative or preventive care to any person or persons. This shall include, but not be limited to health facilities and health services commonly referred to as hospitals, extended care and recuperation centers, nursing homes, personal care homes, homes for the aged and infirm, intermediate care facilities, outpatient clinics, ambulatory care facilities, emergency care centers and services, community mental health and mental retardation centers, home health agencies, health maintenance organizations and others providing similarly organized services regardless of nomenclature.

Section 2. Requirement of Certificate of Need: (1) Construction or modification of health facilities or health services whether public, non-profit, private or investor owned shall not be commenced unless a certificate of need has been issued therefor, in accordance with the provisions of KRS 216.405 to 216.485.

(2) A certificate of need shall be issued or denied by the board only upon the approval or disapproval of the application by the regional health planning council for the area in which the project is proposed and such action further ratified by the state health planning council. In all cases where a regional or the state health planning council disapproves an application for certificate of need, council shall set forth in detail reasons for such decision. If the board's action is inconsistent with the recommendation of either of the health planning councils, regional or state, the board shall set forth in detail in writing the reason for its action.

Section 3. Procedures to Follow to Obtain A Certificate of Need: (1) Prior to preparation of applications for certificates of need, potential applicants are urged to discuss with designated staff or representatives of regional comprehensive health planning councils their interest in developing the facility or service and obtain the advice and assistance of the regional comprehensive health planning council in formulation of the elements of the proposed project.

(2) The application shall be prepared by the applicant pursuant to instructions as to form and content and utilizing application materials provided by the regional comprehensive health planning council. The regional comprehensive planning council shall offer its services to the extent available to assist the applicant in the preparation of such applications.

(3) Upon completion of its preparation, the application shall be filed by the applicant with the regional comprehensive health planning council for its review, processing and transmittal with its recommendations, in writing, to the state comprehensive health planning council.

(4) Regional comprehensive health planning councils shall be responsible for completing the review, processing, and transmittal of applications to the state comprehensive health planning council in accordance with schedules, time limits, and procedures to be established by the state comprehensive health planning council.

(5) The state comprehensive health planning council shall receive applications only from the regional comprehensive health planning councils. Applications shall be reviewed in such detail, depth, and manner as the state comprehensive health planning council may deem to be necessary and appropriate to constitute adequate basis for providing assurances to the certificate of need and licensure board regarding compliance with criteria for determining need.

(6) The state comprehensive health planning council shall establish appropriate time limits for completion of its review and processing of applications.

(7) Upon completion of its review, the state comprehensive health planning council shall transmit applications with its recommendations to the certificate of need and licensure board. Such transmittal shall set forth the basis of the state comprehensive health planning council's recommendations, including its findings with respect to criteria for determining need as currently established.

(8) The certificate of need and licensure board shall receive applications only from the state comprehensive health planning council. Applications shall be reviewed and acted upon by the certificate of need and licensure board within appropriate time limits as established by the certificate of need and licensure board. Questions or need for supplemental information arising from the boards's review of applications shall be addressed to the state comprehensive health planning council.

(9) Applicants shall be notified by the certificate of need and licensure board of its final action on applications and of any conditions with respect to progress reports, time limitations on proceeding with the development of the facility or service, and/or other factors.

(10) The certificate of need and licensure board shall establish procedures for the hearing of appeals from applicants whose applications have been denied by the board as set forth in 902 KAR 20:125.

(11) An application which has been filed with the regional comprehensive health planning council may be withdrawn by the applicant at any point in the foregoing procedures, otherwise the application shall be forwarded through all levels of the review procedure and the applicant shall be informed of the disposition at each level of review.

Section 4. Criteria for Determining Need. For the purpose of providing for the orderly development of all health facilities and services in accordance with the needs of the various regions of the Commonwealth, the following general criteria are established for the issuance of certificates of

need: (1) The proposal for development of the health facility/service clearly defines, in terms of established classifications, the functions and role in the regional or state health care system which the projected facility/service would fulfill and for which the applicant is prepared to assume ongoing responsibility;

(2) The proposal for development of the facility/service meets all or a defined and appropriate part of an identified gap or inadequacy in a defined geographical area and is located with concern for providing needed access to services and for achieving a rational configuration of health care resources in the region and state;

(3) The proposal for development of the facility/service would serve to accomplish appropriate and effective linkages with other services, facilities, and elements of the health care system in the region and state accompanied by assurance of effort to achieve comprehensive care, proper utilization of services and efficient functioning of the health care system;

(4) The proposal for development of the facility/service is not inconsistent either with defined priorities or with appropriately established plans for the development of health facilities and/or services in the region or state, including such plans as the Kentucky State Plan for Health Facilities Development, Development Disabilities Services Plan, and Community Mental Health Centers;

(5) The proposal for development of the facility/service, when measured against alternatives for meeting needs, is judged to be an effective and economical use of resources, not only of capital investment, but also in terms of ongoing requirements for health manpower and operational financing; and

(6) The applicant is prepared to and capable of:

(a) undertaking and carrying out the responsibilities involved in the proposal in a manner consistent with appropriate standards and requirements, and

(b) participating appropriately in the future development and coordination of the regional health care system.

Section 5. Conditions Relative to A Certificate of Need. (1) A certificate of need is not transferable and is issued only to the person(s) and premises and for the purpose(s) stated on the certificate. In the event of change in ownership of a facility/service, whether existing or proposed, having a current certificate of need, re-application through the regional and state comprehensive health planning councils shall be required prior to final approval by the board. Change in ownership for certificates of need shall be defined as follows:

(a) Sole proprietorship: Where a health facility/service is owned by a single individual, a transfer of any part of the title to the facility/service to another person or firm shall constitute a change in ownership.

(b) Partnership: Where a health facility/service is owned by a partnership, the addition, deletion or the substitution of any individual or transfer of any part of the title to the facility/service to another person or firm shall constitute a change in ownership.

(c) Closely held corporation: Where a health facility/service is owned by a corporation of ten (10) or less stockholders, any change of shares of stock or transfer of any part of the title to the facility/service to another person or firm shall constitute a change in ownership.

(d) Proprietary corporation: Where the health/service is owned by a corporation of more than ten (10) stockholders, any transfer of any part of the title to the facility/service to another person or firm as well as any consolidation with another corporation or change of name or transfer of any part of the title to the facility/service shall constitute a change in ownership.

(e) Lease: Where any person or firm leases the health facility/service or any part thereof to another person or firm it shall constitute a change in ownership.

(2) A certificate of need shall remain valid only if documentation of implementation is provided as may be required by any condition(s) or stipulation(s) attached to the issuance of such certificate of need by the certificate of need and licensure board.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board

ADOPTED: December 12, 1974
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:25 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
Certificate of Need and Licensure Board
(902 KAR 20:015)

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082

SUPERSEDES: HPHS 4

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Hospital Services, 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 - Hospitals, General: Establishments with organized medical staffs with permanent facilities that include inpatient beds; and with medical services, including physician services and continuous nursing services, to provide diagnosis and treatment for patients who have a variety of medical conditions, both surgical and nonsurgical.

Section 2. The Essential Characteristics of a Hospital : The essential characteristics of a hospital are as follows: (1) The primary function of the institution is to provide diagnostic and treatment services for patients who have a variety of medical conditions, both surgical and nonsurgical.

(2) The institution maintains inpatient beds.

(3) There is a governing authority legally responsible for the conduct of the institution.

(4) There is an administrator to whom the governing authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.

(5) There is an organized medical staff to which the governing authority delegates responsibility for maintaining proper standards of medical care.

(6) Each patient is admitted on the medical authority of, and is under the supervision of, a member of the medical staff.

(7) Registered professional nurse supervision and other nursing services are continuous.

(8) A current and complete medical record is maintained for each patient.

(9) Pharmacy service is maintained in the institution and is supervised by a registered pharmacist.

(10) Diagnostic x-ray service, with facilities and staff for a variety of procedures, is maintained in the institution.

(11) Clinical laboratory service, with facilities and staff for a variety of tests and procedures, is maintained in the institution, and anatomical pathology services are regularly and conveniently available.

(12) Operating room and/or obstetrical room service, with facility and staff, is maintained in the institution except within specialty hospitals, included but not limited to tuberculosis, psychiatric, etc.

(13) Food service to patients meets their nutritional requirements, and special diets are regularly available.

Section 3. Minimum Standards for Operation : The following Minimum Standards of Operation as set forth in this regulation shall apply to all hospitals: (1) Food service. The hospital shall comply with the existing laws, rules and regulations governing the handling of food and food products in the State of Kentucky. The facilities shall be adequate to serve as many patients as the hospital accommodates.

(2) Garbage disposal:

(a) The garbage disposal system must be approved by the Bureau for Health Services. Adequate provision shall be made to prevent obvious odors, the spread of disease and unsanitary conditions resulting from the improper handling of garbage and other refuse.

(b) All containers for garbage shall be made of metal or other impervious material and shall be watertight, rodent proof, and have tight fitting covers.

(c) All garbage from tuberculosis hospitals or tuberculosis wards of other hospitals or institutions shall be disposed of in accordance with the following provisions: by incineration on the grounds of the hospital or institution, or by some other method which is approved in writing by the Bureau for Health Services. All garbage that is to be sold or used as feed for livestock shall be treated on the grounds by heating to a temperature of at least 212 degrees F. and held there at least thirty (30) minutes in apparatus and by methods approved in writing by the Bureau for Health Services.

(3) Laundry and noise control. The hospital shall make provision for the proper cleaning of linen and other washable goods with special provision for handling contaminated linen. Hospitals maintaining and operating laundries shall provide ventilation for the elimination of steam and odors and proper insulation to prevent the transmission of noises to patient areas.

(4) Sanitation:

(a) All bedside equipment shall be cleaned after each use. All bedpans and urinals shall be sterilized after each use unless assigned to an individual patient. Approved methods of sterilizing such equipment may be one of the following: submersion in boiling water for a minimum of thirty (30) minutes; autoclaving at fifteen (15) pounds steam pressure for twenty (20) minutes; live steam sterilization for bedpans in an approved bedpan washer-sterilizer or submersion for two (2) minutes in a chlorine rinse which contains at least 100 parts per million of available chlorine.

(b) The bed linens shall be changed at least once every three (3) days or when obviously soiled.

(5) Rodent control. The premises must be kept free from rodent and insect infestation. Bath and toilet facilities

must be maintained in a clean and sanitary condition at all times.

(6) Drug and controlled substances. An adequate supply of drugs and other medicinal agents shall be available at all times to meet the requirements of the hospital. They shall be stored in a safe manner and kept properly labeled and accessible. Narcotics and other controlled substances and poisons shall be handled in a safe manner to protect against their unauthorized use. There shall be adequate refrigeration for biologicals and drugs which require refrigeration. The existing laws, rules and regulations governing controlled substances and poisons shall be complied with.

(7) X-ray facilities. If x-ray facilities are provided in any hospital, there shall be ample space for the x-ray equipment, film storage, view boxes and dark room equipment. Proper precautions to protect patients and hospital personnel against undue radiation shall be taken.

(8) Laboratory; morgue. If a laboratory is provided, there shall be ample space, equipment and supplies to meet the requirements of the hospital. If unembalmed bodies are held for more than twenty-four (24) hours, a proper well ventilated morgue with refrigerated compartments shall be provided.

(9) Complementary departments. If there are operating and delivery rooms, they shall be provided with adequate equipment to meet the requirements of the hospital both in quality and in quantity.

(10) Patient accommodations:

(a) The hospital shall provide suitable accommodations for all its patients. There shall be adequate floor space, furnishings, bed linens, and such other utensils, equipment and supplies as is reasonably required for the proper care of the patients accommodated. Proper precaution shall be taken to prevent the spread of disease. There shall be provision for the proper sterilization of supplies, utensils and equipment and for storing them in a clean, convenient and orderly manner. An adequate system for bed patients to use in calling nurses and attendants shall be maintained.

(b) A satisfactory bed and mattress and one or more pillows of at least fifteen (15) inches by twenty (20) inches shall be provided for each patient. There shall be at least one (1) chair per patient in all patient rooms. There shall be at least one (1) employee awake and on duty at all times in each institution. In cases where restraints are used to prevent injury to the patients or personnel, these restraints shall be of a type which can be quickly removed in case of fire. Doors to patient rooms shall not be locked when the rooms are occupied, except in psychiatric or detention units.

(11) Water supply. The water supply shall be approved by the Department for Natural Resources and Environmental Protection. There shall be an ample supply of hot water available at all times for general use.

(12) Isolation and quarantine facilities. All of the existing laws, rules and regulations of the Department for Human Resources shall be complied with as related to the control of the spread of communicable diseases. If patients are accepted with communicable diseases, suitable isolation and quarantine facilities shall be provided. Every effort shall be made to prevent the spread of disease in the hospital and to prevent the spread of disease from patients in the hospital to persons outside the hospital. Every reasonable safeguard shall be provided for the maintaining and protection of the health of the personnel of the hospital. Dishes and eating utensils used by patients having, or suspected of having, a communicable disease, shall be handled separately from other soiled dishes and eating utensils, and in such a way as to protect hospital personnel and patients from infection.

(13) Employee health examination. No person who is infected with a communicable disease shall be employed in any hospitals. Prior to employment, or immediately following, each person shall submit to a test for turberculosis to determine his freedom from communicable tuberculosis. All employees shall have an annual test for tuberculosis. Nothing in this section shall affect any rule or regulation of any hospital which requires other examinations or tests to determine their employees' freedom from other communicable diseases.

(14) Reports. Each institution shall furnish an annual report to the Department for Human Resources on forms supplied by the department for this purpose. This report shall consist of the total number of admissions per year, the total number of discharges per year, bed capacity, average percentage of bed occupancy, total patient days, average length of patient stay in the hospital, and such other statistical information that is requested.

(15) Medical records:

(a) Organization: The responsibility for supervision, filing and indexing of medical records shall be delegated to a responsible employee of the hospital.

(b) Indexing: Medical records shall be properly indexed and systematically filed for ready access to properly authorized persons.

(c) Ownership: Records of patients are the property of the institution and shall not be taken from the hospital except by court order. This does not preclude the routing of the patient's record or portion thereof, including x-ray film, to physicians for consultation. Medical records shall be made available, when requested, for inspection by duly authorized representatives of the licensing board.

(d) Content: Adequate and complete medical records shall be prepared for all patients admitted to the hospital (or newborn delivered in the hospital). All notes shall be legibly written or typed and signed. A minimum medical record shall include the following information:

1. Name and address of person or agency responsible for patient;
2. Identification data (name, address, age, sex, marital status);
3. Date of admission;
4. Date of discharge;
5. Referring and attending physicians' names;
6. History and physical examination;
7. Special examinations, if any, such as consultations, clinical, laboratory, x-ray;
8. Provisional or working diagnosis;
9. Doctor's orders, dated and signed by the physician;
10. Progress notes, dated and signed by the physician;
11. Nurses' notes;
12. Complete surgical record signed by the operating surgeon, including anesthesia record, preoperative diagnosis, operative procedure and findings, post-operative diagnosis and tissue diagnosis by a qualified pathologist on all specimens surgically removed;
13. Temperature chart including pulse and respiration;
14. Final diagnosis;
15. Condition on discharge; and
16. in case of death, autopsy findings, if performed.

(e) Physician's responsibility: It shall be the responsibility of each attending physician or dentist to complete and sign the medical record of each patient as soon as practicable after discharge.

(f) Orders for medication: All medical records shall contain the orders for medication and treatment written in ink and signed by the prescribing physician or dentist, and if given verbally, undersigned by him upon his next visit to the institution. A record of medication administered to the patient shall be included in the record.

(g) Retention of records: All medical records shall be retained for a minimum of five (5) years and for such addition time as deemed necessary by the governing body of the facility concerned based upon all relevant factors.

(16) Fire control or disaster plan. The hospital 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 helpless patients, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift.

(a) The plan shall be developed with the assistance of qualified fire and safety experts.

(b) All personnel shall be trained to perform assigned tasks.

(c) Simulated drills testing the effectiveness of the plan shall be conducted on each shift at least three (3) times a year.

(d) The plan shall be posted throughout the facility.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board

ADOPTED: December 12, 1974
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:20 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
Certificate of Need and Licensure Board
(902 KAR 20:025)

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 6

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Extended Care and Recuperation Center Services, 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: Extended Care and Recuperation Center Services, General: Establishments with medical staffs; with permanent facilities that include inpatient beds; and with medical services, including physician services and continuous nursing services, to provide treatment for patients who require inpatient care but are not in an acute phase of illness, who currently require primarily convalescent or restorative services, and who have a variety of medical conditions.

Section 2. Essential Characteristics for an Extended Care and Recuperation Center Services: The essential characteristics for extended care and recuperation center services are

as follows: (1) The primary function of the institution shall be to provide treatment for patients who require inpatient care but who are not in an acute phase of illness; who currently require primarily convalescent or restorative services; and who have a variety of medical conditions.

(2) There shall be arrangements for transfer of patients in need of hospital care for acute phases of illness.

(3) The institution shall maintain inpatient beds.

(4) There shall be a governing authority legally responsible for the conduct of the institution.

(5) There shall be an administrator to whom the governing authority shall delegate the full time responsibility for the operation of the institution in accordance with established policy.

(6) There shall be medical staff of the institution, or one that serves the institution through an affiliation, to which the governing authority shall delegate responsibility for maintaining proper standards of medical care.

(7) Each patient shall be admitted on the medical authority of, and shall be under the supervision of a physician.

(8) A current and complete medical record shall be maintained for each patient.

(9) Registered professional nurse supervision and other nursing services shall be continuous.

(10) Diagnostic x-ray service and clinical laboratory service shall be regularly and conveniently available.

(11) There shall be control of the storage and dispensing of narcotics and other medications.

(12) Food served to patients shall meet their nutritional requirements, and special diets shall be regularly available.

Section 3. Administrative Management: The facility shall have an effective governing body legally responsible for the conduct of the facility, which designates an administrator and establishes administrative policies. However, if the facility does not have an organized governing body, the persons legally responsible for the conduct of the facility shall carry out or have carried out the functions herein pertaining to the governing body.

(1) Governing body. There shall be a governing body which assumes full legal responsibility for the overall conduct of the facility. The ownership of the facility shall be fully disclosed to the state licensure agency. In the case of corporations, the corporate officers shall be made known. The governing body shall be responsible for compliance with the applicable laws and regulation of legally authorized agencies.

(2) Full time administrator. The governing body shall appoint a full time administrator who shall be qualified by training and experience and shall delegate to him the internal operation of the facility in accordance with established policies.

(a) The administrator shall be at least twenty one (21) years old, shall be capable of making mature judgments, and shall have no physical or mental disabilities or personality disturbances which interfere with carrying out his responsibilities.

(b) The administrator shall be licensed as a nursing home administrator as provided by KRS 216A.070.

(c) The administrator's responsibilities for procurement and direction of competent personnel shall be clearly defined.

(d) An individual competent and authorized to act in the absence of the administrator shall be designated.

(e) The administrator may be a member of the governing body.

(3) Personnel policies. There shall be written personnel policies, practices, and procedures that adequately support sound patient care. Current employee records shall be maintained and include a resume of each employee's training and experience. Files shall contain evidence of adequate health supervision such as results of pre-employment and periodic physical examination, including T.B. test, and records of all illnesses and accidents occurring on duty. Work assignments shall be consistent with qualifications.

(4) Notification of changes in patient status. There shall be appropriate written policies and procedures relating to notification of responsible persons in the event of significant changes in patient status, patient charges, billings, and other related administrative matters. Patients shall not be transferred or discharged without prior notification of next of kin or sponsor. Information describing the care and services provided by the facility shall be accurate and not misleading.

Section 4. Patient Care Policies: There shall be policies to govern the skilled nursing care and related medical or other services provided, which shall be developed with the advice of professional personnel, including one (1) or more physicians and one (1) or more registered professional nurses. A physician, a registered professional nurse, or a medical staff shall be responsible for the execution of these policies.

(1) Policies regarding nursing and medical care:

(a) The facility has written policies which shall be developed with the advice of (and with provision for review of such policy from time to time by) a group of professional personnel, including at least one (1) or more physicians and one (1) or more registered professional nurses, to govern the skilled nursing care and related medical or other services it provides. Policies shall reflect awareness of and provision for meeting the total needs of patients. These shall be reviewed at least annually and cover at least the following:

1. Admission, transfer, and discharge policies including categories of patients accepted and not accepted by the facility.
2. Physician services.
3. Nursing services.
4. Dietary services.
5. Restorative services.
6. Pharmaceutical services.
7. Diagnostic services.
8. Dental services.
9. Social services.
10. Patient activities.
11. Clinical records.
12. Transfer agreement.
13. Utilization review.

(b) The group of professional personnel responsible for patient care policies shall include health personnel such as social workers, dieticians, pharmacists, speech pathologists and audiologists, physical and occupational therapists, and mental health personnel. Pharmacy policies and procedures shall be developed with the advice of a subgroup of physicians and pharmacists, serving as a pharmacy and therapeutics committee.

(c) Some members of this group shall be neither owners nor employees of the facility.

(d) The group shall meet at regularly scheduled intervals and minutes of each meeting shall be recorded.

(e) The group may serve one (1) or more facilities.

(2) Responsibilities: Execution of patient care policies. The facility shall have a physician, a registered professional nurse, or a medical staff responsible for the execution of patient care policies established by the professional group referred to in this section. If the organized medical staff is responsible, an individual physician shall be designated to maintain compliance with overall patient care policies. If a registered professional nurse is responsible, the facility shall make available an advisory physician from whom she receives medical guidance.

Section 5. Physician Services: Patients in need of skilled nursing care shall be admitted only upon the recommendation of a physician; their health care shall continue under the supervision of a physician; and the facility shall have a physician available to furnish necessary medical care in case of emergency.

(1) Medical findings and physician's orders. There shall be made available to the facility, prior to or at the time of admission, patient information which includes current medical findings, diagnoses, rehabilitation potential, a summary of the course of treatment followed in the hospital, and orders from a physician for the immediate care of the patient.

(a) If the above information is not available in the facility upon admission of the patient, it shall be obtained by the facility within forty eight (48) hours after admission.

(b) If medical orders for the immediate care of a patient are unobtainable at the time of admission, the physician with responsibility for emergency care shall give temporary orders.

(c) A current hospital discharge summary containing the above information shall not be acceptable.

(2) Supervision by physician. The facility shall have a requirement that the health care of every patient is under the supervision of a physician who, based on an evaluation of the patient's immediate and long-term needs, prescribes a planned regimen of medical care which covers indicated medications, treatments, restorative services, diet, special procedures recommended for the health and safety of the patient, activities, plans for continuing care and discharge.

(a) The medical evaluation of the patient shall be based on a physical examination done within forty eight (48) hours of admission unless such examination was performed within five (5) days prior to admission.

(b) The charge nurse and other appropriate personnel involved in the care of the patient shall assist in planning his total program of care.

(c) The patient's total program of care shall be reviewed and revised at intervals appropriate to his needs. Attention shall be given to special needs of patients such as foot, sight, speech, and hearing problems.

(d) Orders concerning medications and treatments shall be in effect for the specified number of days indicated by the physician but in no case exceed a period of thirty (30) days unless recorded in writing by the physician.

(e) Telephone orders shall be accepted only when necessary and only by licensed nurses. Telephone orders shall be written into the appropriate clinical record by the nurse receiving them and shall be countersigned by the physician within forty eight (48) hours.

(f) Patients shall be seen by a physician at least once every thirty (30) days. There shall be evidence in the clinical record of the physician's visits to the patient at appropriate intervals.

(g) There shall be evidence in the clinical record that the physician has made arrangements for the medical care of the patient in the physician's absence.

(h) To the extent feasible, each patient or his sponsor shall designate a personal physician.

(3) Availability of physicians for emergency care. The facility shall provide for having one (1) or more physicians

available to furnish necessary medical care in case of emergency if the physician responsible for the care of the patient is not immediately available. A schedule listing the names and telephone numbers of these physicians and the specific days each shall be on call shall be posted in each nursing station. There shall be established procedures to be followed in an emergency, which cover immediate care of the patient, persons to be notified, and reports to be prepared.

Section 6. Nursing Services: The facility shall provide twenty four (24) hour nursing services which shall be sufficient to meet the nursing needs of all patients. There shall be at least one (1) registered professional nurse employed full time and responsible for the total nursing service. There shall be a registered professional nurse or practical nurse who is a graduate of a state approved school of practical nursing in charge of nursing activities during each tour of duty. The terms "licensed practical nurse(s)" and "practical nursing" as used in this section are synonymous with "licensed vocational nurse(s)" and vocational nursing.

(1) Full time nursing. There shall be at least one (1) registered professional nurse employed full time. If there is only one (1) registered professional nurse, she shall serve as director of the nursing service, shall work full time during the day, and shall devote full time to the nursing service of the facility. If the director of nursing has administrative responsibility for the facility, she shall have a professional nurse assistant so that there shall be the equivalent of a full time director of nursing service. The director of nursing shall be trained or experienced in areas such as nursing service, administration, rehabilitation nursing, psychiatric or geriatric nursing.

(2) Director of nursing service. The director of the nursing service shall be responsible for:

(a) Developing and/or maintaining nursing service objectives, standards of nursing practice, nursing procedures manuals, and written job descriptions for each level of nursing personnel;

(b) Recommending to the administrator the number and level 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 personnel;

(d) Participating in planning and budgeting for nursing care;

(e) Participating in the development and implementation of patient care policies and bringing patient care problems requiring changes in policy to the attention of the professional policy advisory groups;

(f) Coordinating nursing services with other patient care services such as physician, physical therapy, occupational therapy, and dietary;

(g) Planning and conducting orientation programs for new nursing personnel, and continuing inservice education for all nursing personnel;

(h) Participating in the selection of prospective patients in terms of nursing services they need and nursing competencies available;

(i) Assuring that a nursing care plan shall be established for each patient and that his plan shall be reviewed and modified as necessary.

(3) Supervising nurse. Nursing care shall be provided by or under the supervision of a full time registered professional nurse currently licensed to practice in the state. The supervising nurse shall be trained or experienced in areas such as nursing administration and supervision, rehabilitation nursing, psychiatric or geriatric nursing. The supervising nurse shall make daily rounds to all nursing units performing such functions as visiting each patient, reviewing clinical records, medication cards, patient care plans, and staff assignments, and to the greatest degree possible accompanying physicians when visiting patients.

(4) Charge nurse. There shall be at least one (1) registered professional nurse or qualified licensed practical nurse who is a graduate of a state approved school of practical nursing on duty at all times and in charge of the nursing activities during each tour of duty.

(a) A state approved school of practical nursing shall be one whose standards of education meet those set by the appropriate state nurse licensing authority.

(b) It shall be desirable that the nurse in charge of each tour of duty be trained or experienced in areas such as nursing administration and supervision, rehabilitation nursing, psychiatric or geriatric nursing.

(c) The charge nurse shall have the ability to recognize significant changes in the condition of patients and to take necessary action.

(d) The charge nurse shall be responsible for the total nursing care of patients during her tour of duty.

(5) Twenty four hour nursing service. There shall be twenty four (24) hour nursing service with a sufficient number of nursing personnel on duty at all times to meet the total needs of patients. Nursing personnel shall include registered professional nurses, licensed practical nurses, aides and orderlies. The amount of nursing time available for patient care shall be exclusive of nonnursing duties. Sufficient nursing time shall be available to assure that each patient:

(a) Shall receive treatments, medications and diets as prescribed;

(b) Shall receive proper care to prevent decubiti and shall be kept comfortable, clean and well-groomed;

(c) Shall be protected from accident and injury by the adoption of indicated safety measures;

(d) Shall be treated with kindness and respect.

Licensed practical nurses, nurse's aids, and orderlies shall be assigned duties consistent with their training and experience.

(6) Restorative nursing care. There shall be an active program of restorative nursing care directed toward assisting each patient to achieve and maintain his highest level of self care and independence.

(a) Restorative nursing care initiated in the hospital shall be continued immediately upon admission to the extended care facility.

(b) Nursing personnel shall be taught restorative nursing measures and shall practice them in their daily care of patients. These measures shall include:

1. Maintaining good body alignment and proper positioning of bedfast patients;
2. Encouraging and assisting bedfast patients to change positions at least every two (2) hours, day and night to stimulate circulation and prevent decubiti and deformities;
3. Making every effort to keep patients active and out of bed for reasonable periods of time, except when contraindicated by physician's orders, and encouraging patients to achieve independence in activities of daily living by teaching self care, transfer and ambulation activities;
4. Assisting patients to adjust to their disabilities, to use their prosthetic devices, and to redirect their interests if necessary;
5. Assisting patients to carry out prescribed physical therapy exercises between visits of the physical therapist.

(c) Consultation and instruction in restorative nursing available from state or local agencies shall be utilized.

(7) Dietary supervision. Nursing personnel shall be aware of the dietary needs and food and fluid intake of patients. Nursing personnel shall observe that patients are served diets as prescribed. Patients needing help in eating shall be assigned promptly upon receipt of meals. Adaptive self help devices shall be provided to contribute to the patient's independence in eating. Food and fluid intake of patients shall be observed and deviations from normal shall be reported to the charge nurse. Persistent unresolved problems shall be reported to the physician.

(8) Nursing care plan. There shall be written nursing care plans for each patient based on the nature of illness, treatment prescribed, long and short term goals and other pertinent information.

(a) The nursing care plan shall be a personalized, daily plan for individual patients. It shall indicate what nursing care is needed, how it can best be accomplished for each patient, how the patient likes things done, what methods and approaches are most successful, and what modifications are necessary to insure best results.

(b) Nursing care plans shall be available for use by all nursing personnel.

(c) Nursing care plans shall be reviewed and revised as needed.

(d) Relevant nursing information from the nursing care plan shall be included with other medical information when patients are transferred.

(9) Inservice educational program. There shall be a continuing education program in effect for all nursing personnel in addition to a thorough job orientation for new personnel. Skill training for nonprofessional nursing personnel shall begin during the orientation period. Planned inservice programs shall be conducted at regular intervals for all nursing personnel. All patient care personnel shall be instructed and supervised in the care of emotionally disturbed and confused patients, and shall be helped to understanding the social aspects of patient care. Skill training shall include demonstration, practice, and supervision of simple nursing procedures applicable in the individual facility. It shall also include simple restorative nursing procedures. Orientation of new personnel shall include a review of the procedures to be followed in emergencies. Opportunities shall be provided for nursing personnel to attend training courses in restorative nursing and other educational programs related to the care of long term patients.

Section 7. Dietary services: The dietary service shall be directed by a qualified individual and shall meet the daily dietary needs of patients. A facility which has a contract with an outside food management company may be found to meet this requirement provided the company has a dietician who serves, as required by the scope and complexity of the service, on a full time, part time or consultant basis to the facility, and provided the company maintains regulations as listed herein and shall provide for continuing liaison with the medical and nursing staff of the facility for recommendations on dietetic policies affecting patient care.

(1) Dietary supervision. A person designated by the administrator shall be responsible for the total food service of the facility. If this person is not a professional dietician, regularly scheduled consultation from a professional dietician or other person with suitable training shall be obtained. A professional dietician shall meet the American Dietetic Association's qualification standards. Other persons with suitable training shall be graduates of baccalaureate degree programs with major studies in food and nutrition. The person

in charge of the dietary service shall participate in regular conferences with the administrator and other supervisors of patient services. This person shall make recommendations concerning the quantity, quality and variety of food purchased. This person shall be responsible for the orientation, training and supervision of food service employees, and shall participate in their selection and in the formulation of pertinent personnel policies. Consultation obtained from self-employed dieticians or dieticians employed in voluntary or official agencies shall be acceptable if provided on a frequent and regularly scheduled basis.

(2) Adequacy of diet staff. A sufficient number of food service personnel shall be employed and their working hours shall be scheduled to meet the dietary needs of the patients. There shall be food service employees on duty over a period of twelve (12) or more hours. Food service employees shall be trained to perform assigned duties and shall participate in selected inservice education programs. In the event food service employees are assigned duties outside the dietary department, these duties shall not interfere with the sanitation, safety, or time required for dietary work assignments. Work assignments and duty schedules shall be posted.

(3) Hygiene of diet staff. Food service personnel shall be in good health and practice hygienic food handling techniques. Food service personnel shall wear clean washable garments, hairnets, or clean caps, and shall keep their hands and fingernails clean at all times. Routine health examinations at least meet local and state codes for food health service personnel. Where food handler's permits are required, they shall be current. Personnel having symptoms of communicable diseases or open infected wounds shall not be permitted to work.

(4) Adequacy of diet. The food and nutritional needs of patients shall be met in accordance with physician's orders, and, to the extent medically possible, shall meet the dietary allowances of the Food and Nutrition Board of the National Research Council adjusted for age, sex, and activity. A daily food guide for adults may be based on the following allowances:

(a) Milk: Two (2) or more cups;
(b) Meat group: Two (2) or more servings of beef, veal, port, lamb, poultry, fish, eggs. Occasionally dry beans, nuts, or dry peas may be served as alternates.
(c) Vegetable and fruit group: Four (4) or more servings. A citrus fruit or other fruit and vegetable important for Vitamin C; a dark green or deep yellow vegetable for Vitamin A, at least every other day; other fruits and vegetables including potatoes.
(d) Bread and cereal group: Four (4) or more servings of whole grain, enriched or restored.
(e) Other foods to round out meals and snacks, to satisfy individual appetites and provide additional calories.

(5) Therapeutic diets. Therapeutic diets shall be prepared and served as prescribed by the attending physician. Therapeutic diet orders shall be planned, prepared, and served with supervision or consultation from a qualified dietician. A current diet manual recommended by the state licensure agency shall be readily available to food service personnel and supervisors of nursing service. Persons responsible for therapeutic diets shall have sufficient knowledge of food values to make appropriate substitutions when necessary.

(6) Quality of food. At least three (3) meals or their equivalent shall be served daily, at regular times, with not more than a fourteen (14) hour span between a substantial evening meal and breakfast. Between meal or bedtime snacks of nourishing quality shall be offered. If the "four (4) or five (5) meal a day" plan is in effect, meals and snacks shall provide nutritional value equivalent to the daily food guide previously described.

(7) Planning of menus. Menus shall be planned in advance and food sufficient to meet the nutrition needs of patients shall be prepared as planned for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value. Menus shall be written at least one (1) week in advance. The current week's menu shall be in one or more accessible places in the dietary department for easy use by workers purchasing, preparing, and serving foods. Menus shall provide a sufficient variety of foods served in adequate amounts at each meal. Menus shall be different for the same days of each week and shall be adjusted for seasonal changes. Records of menus served shall be filed and maintained for thirty (30) days. Supplies of staple foods for a minimum of a one (1) week period and of perishable foods for a minimum of a two (2) day period shall be maintained on the premises. Records of food purchased for preparation shall be on file.

(8) Preparation of food. Food shall be prepared by methods that conserve nutritive value, flavor, and appearance, and shall be attractively served at the proper temperatures and in a form to meet individual needs. A file of tested recipes, adjusted to appropriate yield, shall be maintained. Food shall be cut, chopped or ground to meet individual needs. If a patient refuses food served, substitutes shall be offered. Effective equipment shall be provided and procedures established to maintain food at proper temperature during serving. Table service shall be provided for all who can and will eat at a table including wheelchair patients. Trays provided bedfast patients shall rest on firm supports such as overbed tables. Study tray stands of proper height shall be provided patients able to be out of bed.

(9) Maintenance of sanitary conditions. Sanitary conditions shall be maintained in the storage, preparation and distribution of food. Effective procedures for cleaning all equipment and work areas shall be followed consistently. Dishwashing procedures and techniques shall be well developed, understood and carried out in compliance with state and local health codes. Written reports of inspections by state or local health authorities shall be on file at the facility with notation made of action taken by the facility to comply with any recommendations. Waste which is not disposed of by mechanical means shall be kept in leak proof nonabsorbent containers with close fitting covers and shall be disposed of daily in a manner that will prevent transmission of disease, a nuisance, a breeding place for flies, or a feeding place for rodents. Containers shall be thoroughly cleaned inside and out each time emptied. Dry or staple food items shall be stored off the floor in a ventilated room not subject to sewage or waste water backflow, or contamination by condensation, leakage, rodents, or vermin. Handwashing facilities including hot and cold water, soap, individual towels, preferably paper towels, shall be provided in kitchen areas.

Section 8. Restorative Services: Restorative services shall be provided upon written order of the physician. (1) Medical director. Restorative services shall be provided only upon written order by the physician, who shall indicate anticipated goals and shall be responsible for general medical direction of such services as part of the total care of the patient. The physician shall prescribe specific modalities to be used and frequency of physical and occupational therapy services.

(2) Maintenance of patient's functions. At a minimum, restorative nursing care designed to maintain function or improve the patient's ability to carry out the activities of daily living shall be provided by the facility.

(3) Therapy services. If restorative services beyond restorative nursing care are offered, whether directly or through cooperative arrangements with appropriate agencies such as hospitals, rehabilitation centers, state or local health departments, or independently practicing therapists, these services shall be given or supervised by therapists, meeting the qualification set out below. When supervision is less than full time, it shall be provided on a planned basis and shall be frequent enough, in relation to the staff therapist's training and experience to assure sufficient review of individual treatment plans and progress.

(a) Physical therapy shall be given or supervised by a therapist who is licensed in the Commonwealth of Kentucky.
(b) Physical therapy shall include such services as:
1. Assisting the physician in his evaluation of patients by applying muscle, nerve, joint, and functional ability tests;
2. Treating patients to relieve pain, develop or restore functions, and maintain maximum performance, using physical means such as exercise, massage, heat, water, light, and electricity.
(c) Speech therapy shall be given or supervised by a therapist who meet one (1) of the following requirements:
1. Has been granted a certificate of clinical competence in the appropriate area (Speech Pathology or Audiology) by the American Speech and Hearing Association; or
2. Meets the equivalent educational requirements and work experience necessary for such certificate; or
3. Has completed the academic and practicum requirements for certification and shall be in the process of accumulating the necessary supervised work experience required for certification; or
4. Has a basic certificate or provisional basic certification and is in the process of acquiring four (4) years of sponsored professional experience.
(d) Speech therapy shall be service in speech, pathology or audiology, and may include:
1. Cooperation in the evaluation of patients with speech, hearing, or language disorders;
2. Determination and recommendation of appropriate speech and hearing services;
3. Provision of necessary rehabilitative services for patients with speech, hearing, and language disabilities.
(e) Occupational therapy shall be given or supervised by a therapist who is registered by the American Occupational Therapy Association or is a graduate of a program approved by the Council on Medical Education of the American Medical Association in collaboration with the American Occupational Therapy Association and is in the process of accumulating supervised clinical experience required for registration.
(f) Occupational therapy shall include duties such as:
1. Assisting the physician in his evaluation of the patients level of function by applying diagnostic and prognostic tests.
2. Guiding the patient in his use of therapeutic creative and self care activities for improving function.
(g) Other personnel providing restorative services shall be trained and work under professional supervision in accordance with accepted professional practices. For example, an occupational therapy assistant shall have successfully completed a training course approved by the American Occupational Therapy Association, shall be certified by that body as a certified occupational therapy assistant, and shall receive supervision from a qualified occupational

therapist.

(h) In a facility with an organized rehabilitation service using a multi-disciplinary team approach to all the needs of the patient, and where all therapists' services are administered under the direct supervision of a physician qualified in physical medicine who will determine the goals and limits of the therapists' work, and prescribes modalities and frequency of therapy, persons with qualifications other than those described in subsection (3)(a), (c) and (e) of this section could be assigned duties appropriate to their training and experience.

(i) Therapists shall collaborate with the facility's medical and nursing staff in developing the patient's total plan of care.

(j) Therapists shall participate in the facility's inservice education programs.

(4) Ambulation and therapeutic equipment. Commonly used ambulation and therapeutic equipment necessary for services offered shall be available for use in the facility. Recommended ambulation equipment includes such items as parallel bars, hand rails, wheelchairs, walkers, walkerettes, crutches and canes. The therapists shall advise the administrator concerning the purchase, rental, storage and maintenance of equipment and supplies.

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 the 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 or more licensed pharmacists.

(a) If the facility has a pharmacy department, a licensed pharmacist shall be employed to administer the pharmacy department.

(b) If the facility does not have a pharmacy department, it shall have provisions for promptly and conveniently obtaining prescribed drugs and biologicals from community or institutional pharmacists.

(c) If the facility does not have a pharmacy department, but does maintain a supply of drugs:

1. The consultant pharmacist shall be responsible for the control of all bulk drugs and maintains records of their receipt and disposition.
2. The consultant pharmacist shall dispense drugs from the drug supply, properly label them and makes them available to appropriate licensed nursing personnel. Wherever possible, the pharmacist in dispensing drugs shall work from the prescriber's original order or direct copy.
3. Provisions shall be made for emergency withdrawal of medications from the drug supply.

(d) An emergency medication kit approved by the facility's group of professional personnel shall be kept readily available.

(e) The facility shall have written policies covering pharmaceutical services which shall be developed with the advice of a group of professional personnel and which shall be reviewed at least annually. Pharmacy policies and procedures shall be preferably developed with the advice of a subgroup of physicians and pharmacists serving as a pharmacy and therapeutic's committee.

(2) Conformance with physician's orders. All medications administered to patients shall be ordered in writing by the patient's physician. Oral orders shall be given only to a licensed nurse, immediately reduced to writing, signed by the nurse and countersigned by the physician within forty eight (48) hours. Medications not specifically limited as to time or number of doses, when ordered, shall be automatically stopped in accordance with written policy approved by the physician or physician's responsible for advising the facility on its medical administrative policies. The charge nurse and the prescribing physician together shall review monthly each patient's medications. 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 only on the written authorization of the physician.

(3) Administration of medications. All medications shall be administered by licensed medical or nursing personnel in accordance with the Medical Practice Act (KRS 311.530 to 311.620) and the Nurse Practice Act (KRS Chapter 314). Each dose administered shall be recorded in the clinical record.

(a) The nursing station shall have readily available items necessary for the proper administration of medications.

(b) In administering medications, medication cards or other state approved systems, shall be used and checked against the physician's orders.

(c) Medications prescribed for one patient shall not be administered to any other patient.

(d) Self administration of medications by patients shall not be permitted except for emergency drugs on special order of the patient's physician or in a prerdischarge program under the supervision of a licensed nurse.

(e) Medication errors and and drug reactions shall be immediately reported to the patient's physician and an entry thereof made in the patient's clinical record as well as on an incident report.

(f) Up to date medication reference texts and 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 nurse's 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 address and telephone number of pharmacy issuing the drug. It is advisable that the manufacturer's 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.

(d) Separately locked, securely fastened boxes (or drawers) within the medicine cabinet shall be provided for storage of narcotics, barbiturates, amphetamines and other dangerous drugs subject to the Controlled Substances Act (KRS Chapter 218A).

(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) Poisons and 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, etc. 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 Substances Acts, and other legend drugs (KRS Chapter 218A). 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. Diagnostic Services: The facility shall have provisions for obtaining required clinical laboratory, x-ray and other diagnostic services. Provisions for diagnostic services: The facility shall have provisions for promptly and conveniently obtaining required clinical laboratory, x-ray and other diagnostic services. Such services may be obtained from a physician's office, a laboratory which is part of a licensed hospital or a laboratory which is approved to provide these services as an independent laboratory. If the facility provides its own diagnostic services, these shall meet the applicable laws and regulations. All diagnostic services shall be provided only on the request of a physician. The physician shall be notified promptly of the test results. Arrangements shall be made for the transportation of patients, if necessary, to and from the source of service. Simple tests, such as those customarily done by nursing personnel for diabetic patients may be done in the facility. All reports shall be included in the clinical record.

Section 11. Dental Services: The facility shall assist patients to obtain regular and emergency dental care. Provision for dental care: Patients shall be assisted to obtain regular and emergency dental care. An advisory dentist shall provide consultation, participate in inservice education, recommend policies concerning oral hygiene, and shall be available in case of emergency. The facility, when necessary, shall arrange for the patient to be transported to the dentist's office. Nursing personnel shall assist the patient to carry out the dentist's recommendation.

Section 12. Social Services: (1) Provision for medically related social needs. The medically related social needs of the patient shall be identified, and services provided to meet them, in admission of the patient, during his treatment and care in the facility, and in planning for his discharge.

(a) As a part of the process of evaluating a patient's need for services in a facility and whether the facility can offer appropriate care, emotional and social factors shall be considered in relation to medical and nursing requirements.

(b) As soon as possible after admission, there shall be evaluation, based on medical, nursing ans social factors, of the probable duration of the patient's

need for care and a plan shall be formulated and recorded for providing such care.

(c) Where there are indications that financial help will be needed, arrangements shall be made promptly for referral to an appropriate agency.

(d) Social and emotional factors related to the patient's illness, to his response to treatment and to his adjustment to care in the facility shall be recognized and appropriate action shall be taken when necessary to obtain casework services to assist in resolving problems in these areas.

(e) Knowledge of the patient's home situation, financial resources, community resources available to assist him, and pertinent information related to his medical and nursing requirements shall be used in making decisions regarding his discharge for the facility.

(2) Staff members responsible for social services. There shall be a designated member of the staff of the facility who will take responsibility, when medically related social problems shall be recognized for action necessary to solve them. There shall be a full time or part time social worker employed by the facility, or there shall be a person on the staff who is suited by training and/or experience in related fields to find community resources to deal with the social problems. The staff member responsible for this area of service shall have information promptly available on health and welfare resources in the community. If the facility does not have a qualified social worker on its staff, there shall be an effective arrangement with a public or private agency, which may include the local welfare department, to provide social service consultation. A qualified social worker shall be a graduate of a school of social work accredited by the Council on Social Work Education.

(3) Social services training of staff. There shall be provisions for orientation and inservice training of staff directed toward understanding emotional problems and social needs of sick and infirm aged persons and recognition fo social problems of patients and the means of taking appropriate action in relation to them. Either a qualified social worker on the staff, or one from outside the facility, shall participate in training programs, case conferences, and arrangements for staff orientation to community services and patient needs.

(4) Confidentiality of social data. Pertinent social data, and information about personal and family problems related to the patient's illness and care shall be made available only to the attending physician, appropriate members of the nursing staff, and other key personnel who are directly involved in the patient's care, or to recognized health or welfare agencies. There shall be appropriate policies and procedures for assuring the confidentiality of such information.

(a) The staff member responsible for social services shall participate in clinical staff conferences and/or confers with the attending physician prior to admission of the patient, at intervals during the patient's stay in the facility, and prior to discharge of the patient, and there shall be evidence in the record of such conferences.

(b) The staff member and nurses responsible for the patient's care confer frequently and there shall be evidence of effective working relationships between them.

(c) Records of pertinent social information and of action taken to meet social needs shall be maintained for each patient; signed social service summaries shall be entered promptly in the patient's clinical record for the benefit of all staff involved in the care of the patient.

Section 13. Patient Activities: Activities suited to the needs and interests of patients shall be provided as an important adjunct to the active treatment program and to encourage restoration to self care and resumption of normal activities. Provision for patient activity: Provisions shall be made for purposeful activities which are suited to the needs and interests of patients.

(1) An individual shall be designated as being in charge of patient activities. This individual shall have experience and/or training in directing group activity leader shall be available.

(2) The activity leader shall use, to the fullest possible extent, community, social and recreational opportunities.

(3) Patients shall be encouraged but not forced to participate in such activities. Suitable activities are provided for patients unable to leave their rooms.

(4) Patients who are able and who wish to do so are assisted to attend religious services.

(5) Patient's request to see their clergymen shall be honored and space shall be provided for privacy during visits.

(6) Visiting hours shall be flexible and posted to permit and encourage visiting friends and relatives.

(7) The facility shall make available a variety of supplies and equipment adequate to satisfy the individual interests of patients. Examples of such supplies and equipment are: books and magazines, daily newspapers, games, stationery, radio and television and the like.

Section 14. Clinical Records: A clinical record shall be maintained for each patient admitted, in accordance with accepted professional principles. (1) Maintenance of clinical records. The facility shall maintain a separate clinical record for each patient admitted with all entries kept current, dated and signed.

(a) Identification and summary sheet(s) including patient's name, social security number, marital status, age, sex, home address, and religion; names, addresses, and telephone numbers of referral agency (including hospital from which admitted), personal physician, dentist, and next of kin or other responsible person; admitting diagnosis, final diagnosis, condition on discharge and disposition and any other information needed to meet state requirements;

(b) Initial medical evaluation including medical history, physical examination, diagnosis, and estimation of restorative potential;

(c) Authentication of hospital diagnoses, in the form of a hospital summary discharge sheet or a report from the physician who attended the patient in the hospital or a transfer form used under a transfer agreement;

(d) Physician's orders, including all medications, treatment, diet, restorative and special medical procedures required for the safety and well being of the patient;

(e) Physician's progress notes describing significant changes in the patient's condition, written at the time of each visit;

(f) Nurse's notes containing observations made by the nursing personnel;

(g) Medication and treatment record including all medications, treatments, and special procedures performed for the safety and well being of the patient;

(h) Laboratory and x ray reports;

(i) Consultation reports;

(j) Dental report;

(k) Social service notes;

(l) Patient care referral reports.

(2) Retention of records. All clinical records of discharged patients shall be completed promptly and filed and retained and such additional as is deemed necessary by the governing body of the facility for five years. The facility shall have policies providing for the retention and safekeeping of patient's clinical records by the governing body for the required period of time in the event that the facility discontinues operation. If the patient is transferred to another health care facility, a copy of the patient's clinical record or an abstract thereof shall accompany the patient.

(3) Confidentiality of records. All information contained in the clinical records shall be treated as confidential and shall be disclosed only to authorized persons.

(4) Staff responsibility for records. If the facility does not have a full or part time medical record librarian, an employee of the facility shall be assigned the responsibility for assuring that records are maintained, completed and preserved. The designated individual shall be trained by, and shall receive regular consultation from a person skilled in record maintenance and preservation.

Section 15. Transfer Agreement: The facility shall have in effect a transfer agreement.

(1) Patient transfer. The transfer agreement shall provide reasonable assurance that transfer of patients will be effected between the hospital and the facility whenever such transfer is medically appropriate as designated by the attending physician. The agreement shall be with a hospital close enough to the facility to make the transfer of patients feasible. The transfer agreement facilitates continuity of patient care and expedites appropriate care for the patient. The agreement shall be made on a one to one basis or on a community wide basis. The latter arrangement could provide for a master agreement to be signed by each hospital and facility. When the transfer agreement is on a community wide basis, it shall reflect the mutual planning and agreement of hospitals, facilities and other related agencies. The institutions shall provide to each other information about their resources sufficient to determine whether the care needed by a patient is available. Where the transfer agreement specifies restrictions with respect to the types of services available in the hospital or the facility and/or the types of patients or health conditions that will not be accepted by the hospital or the facility, or shall include any other criteria relating to the transfer of patients (such as priorities for persons on waiting lists), such restrictions or criteria shall be the same as those applied by the hospital or facility to all potential inpatients of the hospital or facility. When a transfer agreement has been in effect over a period of time, a sufficient number of patient transfers between the two (2) institutions shall have occurred to indicate that the transfer agreement is effective.

(2) Interchanges of information. The transfer agreement shall provide reasonable assurance that there will be interchange of medical and other information necessary or useful in the care and treatment of individuals transferred between the institutions, or in determining whether such individuals can be adequately cared for otherwise than in either of such institutions.

(a) The agreement shall establish responsibility for the prompt exchange of patient information to enable each institution to determine whether it can adequately care for the patient and to assure continuity of patient care.

(b) Medical information transferred shall include current medical findings, diagnosis, rehabilitation potential, a brief summary of the course of treatment followed in the hospital or facility, nursing and dietary information useful in the care of the patient, ambulation status, and pertinent administrative and social information.

(c) The agreement shall provide for the transfer of personal effects, particularly money and valuables, and for the transfer of information related to these items.

(3) Execution of agreement. The transfer agreement shall be in writing and signed by the individuals authorized to execute such agreement on behalf of the institutions, or, in case the two (2) institutions are under common control, there shall be a written policy or order signed by the person or body which controls them. When the hospital and facility are not under common control, the terms of the transfer agreement shall be established jointly by both institutions. Each institution participating in the agreement shall maintain a copy of the agreement.

(4) Specification of responsibilities. The transfer agreement shall specify the responsibilities each institution assumes in the transfer of patients and information between the hospital and the facility. The agreement establishes responsibility for notifying the other institution promptly or the impending transfer of a patient; arranging for appropriate and safe transportation; and arranging for the care of patients during transfer.

(5) Presumed agreement where necessary for provision of services. A facility which does not have a transfer agreement in effect but which is found by the state licensing agency to have attempted in good faith to enter into a transfer agreement with a hospital sufficiently close to the facility to make feasible the transfer between them of patients and medical and other information, shall be considered to have such an agreement in effect if an for so long as it is also found that to do so is in the public interest and essential to assuring extended care services for patients in the community eligible for benefits.

(a) If there is only one (1) hospital in the community, the facility shall have attempted in good faith to enter into a transfer agreement with that hospital.
(b) If there are several hospitals in the community, the facility shall have exhausted all reasonable possibilities of entering into a transfer agreement with these hospitals.
(c) The facility shall have copies of letters, records of conferences, and other evidence to support its claim that it has attempted in good faith to enter into a transfer agreement.
(d) The state agency shall have found that hospitals in the community have, in fact, refused to enter into a transfer agreement with the facility in question.
(e) The state agency shall take into consideration the availability of facilities in the community and the expected need of such services.

Section 16. Housekeeping Services: The facility shall provide the housekeeping and maintenance services necessary to maintain a sanitary and comfortable environment. (1) Housekeeping services. The facility shall provide sufficient housekeeping and maintenance personnel to maintain the interior and exterior of the facility in a safe, clean, orderly, and attractive manner. Nursing personnel shall not be assigned housekeeping duties.

(a) Housekeeping personnel, using accepted practices and procedures shall keep the facility free from offensive odors, accumulations of dirt, rubbish, dust, and safety hazards.
(b) Floors shall be cleaned regularly. Polishes on floors shall provide a nonslip finish; throw or scatter rugs shall not be used except for nonslip entrance mats.
(c) Walls and ceilings shall be maintained free from cracks and falling plaster, and shall be cleaned and painted regularly.
(d) Deodorizers shall not be used to cover up odors caused by unsanitary conditions or poor housekeeping practices.
(e) Storage areas, attics, and cellars shall be kept free and safe from accumulations of extraneous materials such as refuse, discarded furniture and old newspapers. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.
(f) The grounds shall be kept free from refuse and litter. Areas around buildings, sidewalks, gardens and patios shall be kept clear of dense undergrowth.

(2) Pest control. The facility shall be maintained free from insects and rodents. 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 company. Care shall be taken to use the least toxic and least flammable effective insecticides and rodenticides. These compounds shall be stored in nonpatient areas and in nonfood preparation and storage areas. Poisons shall be under lock. Windows and doors shall be appropriately screened during the insect breeding season. Harborages and entrances for insects and rodents shall be eliminated. 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 in conformity with state and local practices. Containers shall be cleaned regularly.

(3) Linen. The facility shall have available at all times a quantity of linen essential for the proper care and comfort of patients. Linens shall be handled, stored, and processed so as to control the spread of infection. The linen supply shall be at least three (3) times the usual occupancy. Clean linen and clothing shall be stored in clean, dry, dust free areas easily accessible to the nurse's station. Soiled linen hall be stored in separate well ventilated areas, and is not permitted to accumulate in the facility. Soiled lined and clothing shall be stored separately in suitable bags or containers. Soiled linen shall not be sorted, laundered, rinsed, or stored in bathrooms, patient rooms, kitchens, or food storage areas.

Section 17. Disaster Plan: The facility shall have written procedures to be followed in case of fire or other disaster. Disaster plan: The facility shall have a written procedure to be followed in case of fire, explosion or other emergency. It specifies persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating helpless patients, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift. The plan shall be developed with the assistance of qualified fire and safety experts. All personnel shall be trained to perform assigned tasks. Simulated drills testing the effectiveness of the plan shall be conducted on each shift at least three times a year. The plan shall be posted throughout the facility.

Section 18. Utilization Review: The facility shall have in effect a plan for utilization review which applies to the services furnished to inpatients. An acceptable utilization review plan shall provide for the review, on a sample or other basis, of admissions, duration of stays, and professional services furnished; and a review of each case of continuous extended duration. (Extended duration stay to be defined by each facility.)

(1) Approval and operation of plan. The operation of the utilization review plan is a responsibility of the medical profession. The plan in the facility shall have the approval of the medical staff as well as that of the governing body.

(2) Written description of plan. Such description shall include:

(a) The organization and composition of the committee(s) which will be responsible for the utilization review function;
(b) Frequency of meetings (at least monthly);
(c) The type of records to be kept;
(d) The method to be used in selecting cases on a sample or other basis;
(e) The definition of what constitutes the period or periods of extended duration;
(f) Arrangements for committee reports and their dissemination;
(g) Responsibilities of the facility's administrative staff.

(3) Conduct of function by committees. The utilization review function shall be conducted by one or a combination of the following:

(a) 1. By a staff committee or committees of the facility, each of which is composed of three (3) or more physicians, with or without the inclusion of other professional personnel; or
2. By a committee(s) or group(s) outside the facility composed as in subparagraph 1. above which is established by the local medical society and some or all of the facilities in the locality; or
3. Where a committee(s) or group(s) as described in subparagraphs 1. or 2. above has not been established to carry out all the utilization review functions by a committee(s) or group(s) composed as in subsection (1) above, and sponsored and organized in such manner as approved by the licensing board.
(b) 1. The medical care appraisal and educational aspects of review on a sample or other basis, and the review of long stay cases need not be done by the same committee or group.
2. Existing staff committees may assume the review responsibility stipulated in the plan. In smaller facilities, all of these functions may be carried out by a committee of the whole or a medical care appraisal committee.
3. The committee(s) shall be broadly representative of the medical staff and no member shall have a direct financial interest in the institution.

(4) Reviews:

(a) Reviews shall be made, on a sample or other basis, of admissions, duration of stays, and professional services furnished, with respect to the medical necessity of the services and for the purpose of promoting the most efficient use of available health facilities and services. Such reviews emphasize identification and analysis of patterns of patient care in order to maintain consistent high quality. The review shall be accomplished by considering date obtained by any one or any combination of the following:
1. By use of services and facilities of external organizations which compile statistics, design profiles, and produce other comparative data; or
2. By internal studies of medical records.
(b) 1. Review of cases may be based on diagnostic categories.
2. These review functions are carried out on a continuing basis.

(5) Extended duration cases. Reviews shall be made of each case of continuous extended duration. The utilization review plan shall specify the number of continuous days of inpatient stay following which a review is made to determine whether further inpatient services are medically necessary. The plan may specify a different number of days for different classes of cases. Reviews for such purpose shall be made no later

than the seventh day following the last day of the period of extended duration specified in the plan. No physician shall have review responsibility for any extended stay cases in which he was professionally involved. If physician members of the committee decide, after opportunity for consultation is given the attending physician by the committee, and considering the availability of appropriateness of out of facilities and services, that further inpatient stay is not medically necessary, there shall be notification in writing within forty eight (48) hours to the institution, the attending physician and the patient or his representative. If transfer to another level of care is recommended, the medical information assuring continuity of care shall accompany the patient at the time of transfer. Because there are significant divergences in opinion among individual physicians in respect to evaluation of medical necessity for inpatient facility services, the judgment of the attending physician in an extended stay case shall be given great weight, and is not rejected except under unusual circumstances.

(6) Records. Records shall be kept of the activities of the committee, and reports are regularly made by the committee to the executive committee of the medical staff and relevant information and recommendations are reported through usual channels to the entire medical staff and the governing body of the facility.

(a) The facility administration shall study and act upon administrative recommendations made by the committee.

(b) A summary of the number and types of cases reviewed, and the findings shall be part of the records.

(c) Minutes of each committee meeting shall be maintained.

(d) Committee action in extended stay cases shall be recorded, with cases identified only by case number.

(7) Administrative staff responsibilities. The committee(s) having responsibility for utilization review functions shall have the support and assistance of the facility's administrative staff in assembling information, facilitating chart reviews, conducting studies, exploring ways to improve procedures, maintaining committee records, and promoting the most efficient use of available health services and facilities.

(a) With respect to each of these activities, an individual or department shall be designated as being responsible for the particular service.

(b) In order to encourage the most efficient use of available health services and facilities, assistance to the physician in timely planning for postextended care shall be initiated as promptly as possible, either by facility staff, or by arrangement with other agencies. For this purpose, the facility shall make available to the attending physician current information on resources available for continued noninstitutional care of patients and shall arrange for prompt transfer of appropriate medical and nursing information in order to assure continuity of care upon discharge of a patient.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board

ADOPTED: December 12, 1974
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:21 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
Certificate of Need and Licensure Board
(902 KAR 20:065)

RELATES TO: KRS 216.405 to 216.425, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 25
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Day Health Care Programs, 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: Day Health Care Programs. Day health care programs are health related program services for persons of all ages who may be frail, moderately handicapped, slightly confused or have incapacitating chronic conditions, who need organized health care during the day. The term "program" as used in this regulation means a day health care program.

Section 2. Essential Characteristics of Day Health Care Programs. The essential characteristics of day health care programs are as follows: (1) Offers health services under the supervision of qualified health personnel;

(2) Provides, during specified daytime hours, supervision and personal care services to persons who may have physical, mental or social impairment;

(3) Includes a variety of arrangements, depending upon community needs, which may range from offering only a pleasant change of scenery under supervision in a safe and comfortable environment, with some diversion, to programs offering diagnostic and treatment services and a planned, diversified activity program;

(4) Offers one or more hot meals providing no less than one-third (1/3) of the daily nutritional requirement per meal;

(5) Has a plan for providing first aid and arrangements with a physician or hospital in case of accidents or medical emergencies;

(6) When clinically indicated, eases the transition from institutional status to independent living;

(7) Has liaison with the patients' home situation and provides a program which trains people for self care; and

(8) Maintains adequate records for each patient.

Section 3. Licensure. No person(s) shall operate a day health care program without having first obtained a license from the board. All day health care programs shall comply with the provisions of this regulation in order to qualify for a license and the renewal thereof.

Section 4. Organization, Administration and Personnel. (1) Organization:

(a) The day health care program shall comply with all applicable federal, state and local laws and regulations.

(b) There shall be an organized governing body, or a duly designated administrator, with overall legal responsibility for the conduct of the day health care program.

(c) There shall be a full disclosure to the licensure board of the name and address (and any changes) of:

1. Each person having (directly or indirectly) ownership interest of ten percent (10%) or more in such facility;
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.

(d) The governing body shall establish bylaws in accordance with legal requirements, setting forth the purposes of the program and the means of fulfilling them. Among other things the bylaws shall:

1. Describe qualifications for membership in the governing board;
2. Provide for election or appointment of the members and specify their tenure of office;
3. Provide for regular and special meetings of the governing body;
4. Provide for election or appointment of necessary officers and specify their duties;
5. Describe methods for amending bylaws;
6. Establish quorum requirements; and
7. Require written minutes.

(e) The governing body shall:

1. Appoint an administrator whose qualifications, authorities and duties are defined in writing;
2. Develop, or cause to be developed, basic policies and rules and regulations governing all aspects of the services and programs to be provided;
3. Be responsible for establishing and maintaining high standards of operation; and
4. Provide physical resources and personnel required to meet the needs of the participants and service community.

(2) Administration and Management:

(a) The administrator may or may not serve in the capacity of program director, but shall be responsible for satisfactory compliance with applicable state and local laws, rules and regulations. The administrator (or program director) shall have a minimum of two (2) years college, or equivalent training with at least two (2) years of clinical experience, or a degree in a medically oriented profession. In addition the administrator shall:

1. Be the person directly responsible for the daily operation of the premises, or for delegating that responsibility to another qualified individual when his absence is necessary in accordance with established policies;
2. Be responsible for the services required in daily care of patients and for supervision of the personnel who are employed;
3. Be in good physical and mental health and 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 the program;
4. Attend educational programs appropriate to the responsibilities of the position and arrange for other professional personnel to attend appropriate educational programs on supervision and subjects related to personal care, activities, nutrition, and other pertinent subjects as often as possible; and
5. Be responsible for and participate in recruiting, hiring, assigning, and development of staff.

(b) Where a governing body exists, the administrator shall be responsible for coordinating and directing the day-to-day activities of the facility in accordance with policies established by the governing body. He shall:

1. Serve as a liaison between the governing body and the staff of the facility;
2. Assist the governing body in the formulation and implementation of policies;

3. Develop an organizational structure including lines of authority, responsibility and communcation, subject to the approval of the governing body; and
4. Perform such other duties as may be designated to him by the governing body.

(c) The administrator shall appoint qualified personnel as needed to assume the responsibility for the routine functioning of the various aspects of the program to:
1. Carry out the administration of the program in keeping with established policies;
2. Participate in decisions affecting program development such as staffing, budgeting, and patient selection; and
3. Coordinate activities and policies through regularly scheduled meetings of the appropriate staff members.

(d) Reports:
1. Administrative reports shall be established, maintained and utilized as necessary to guide the operation, and reflect the programs of the facility and shall include: minutes of the governing body where applicable; staff meetings; financial records and reports; personnel records; inspection reports; incident investigation reports; and other pertinent reports made in the regular course of the program.
2. Each day health care program 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.

(e) Transfer agreement:
1. The day health care program shall arrange for transportation of patients who require emergency hospital care while at the program and facilitate their admission if they become ill or require emergency care.
2. There shall be an arrangement with a health facility providing emergency care for patients who require such service while in the program.

(3) Personnel:
(a) The day health care program shall employ or offer access to a sufficient number of qualified personnel as may be required to provide the services necessary to fully implement the facility's program.
(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 annually 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 employee's name, address, and social security number.
(d) Supportive personnel, assistants and volunteers shall be supervised and shall function within the policies and procedures of the program.
(e) Each employee shall present at time of employment evidence of freedom of communicable disease. An employee diagnosed or suspected of having a communicable disease shall not be placed on duty until he presents evidence of freedom from such disease.
(f) All employees shall have a test for tuberculosis prior to employment and annually thereafter.
(g) The staff shall be knowledgeable of all policies and procedures pertinent to their roles within the program.
(h) A planned in-service program shall be provided including: orientation, skill training, and education for all levels of employees on a continuing basis.

(4) Community involvement and relations:
(a) The program shall develop its services to meet the needs of the community which it serves.
(b) Identification of available services and resources, including emergency, transportation, and medical care shall be made in cooperation with other service groups in the community concerned with health and welfare. The program shall have communication with other facilities in the community to facilitate placement of patients at the appropriate levels of care when clinically indicated.
(c) The staff and/or administrator of the program shall be involved in interagency and community planning and activities as it involves the quality of patient care.
(d) If and when the facility conducts or participates in public information programs to promote understanding of the day health care program's 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 legal and ethical methods of publicity, promotion and solicitation of funds. Promotion 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 nonprofit-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 own and maintain an individual case record for each patient and shall develop a system of identification and filing to insure a prompt location of each patient's record. Case records shall be maintained in such a manner as to meet all applicable professional, administrative and legal requirements, and shall be treated with confidentiality. They shall be in ink or typed and be legible. Each entry shall be dated and signed and shall include the following: 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; and name, telephone number, and address of next of kin or other responsible person.
(b) A progress record shall be maintained stating patient's goals and shall indicate any changes in patient's condition, action, responses, attitude, appetite, and other changes as noted by staff, and include a discharge summary within one (1) month of patient's discharge from the program.
(c) If the patient has been referred on orders of a physician, the physician shall transmit a dated and signed medical summary and care plan including orders for special diet, contra-indications for specific types of activities, and other special procedures required for the safety and well-being of the patient.
(d) If consultants are involved in the program, they shall make a written report of their findings and recommendations at the time of their visits to be included in the patient's record.
(e) If a patient must take a prescribed medication during the period of time he is in the program, a medication sheet shall be maintained which contains the date, time given, name of medication, dosage, and name of prescribing physician.
(f) A full written report of any incident or accident involving a patient shall be made and signed by the administrator or program director together with the names of any witnesses.
(g) 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 day health care program based upon all relevant factors.

(6) Registry. The program shall maintain a permanent chronological patient registry book showing date of admission, name of patient, and date of discharge.

(7) Equipment. The day health care program shall have appropriate equipment of sufficient quality and quantity to provide the staff and patients with the means for implementing the program as proposed.

(8) Fire control or disaster plan. The program 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. The plan shall be developed with the asistance of qualified fire and safety experts. All personnel shall be trained to perform assigned tasks. Simulated drills testing the effectiveness of the plan shall be conducted involving each shift at least three (3) times a year. The plan shall be posted throughout the facility. Fire extinguishers, alarm signals and exits shall be clearly marked and visible.

(9) Housekeeping and sanitation:
(a) The program shall provide a sanitary environment to avoid sources and transmission of infections.
(b) The program shall provide sufficient housekeeping and maintenance personnel to maintain the interior and exterior of the facility in a safe, clean, orderly, and attractive manner.
(c) Housekeeping personnel and program participants, using accepted practices and procedures, shall keep the facility free from offensive odors, safety hazards, and accumulations of dirt, rubbish and dust.
(d) Floors shall be cleaned regularly. Polishes on floors shall provide a nonslip finish; throw or scatter rugs shall not be used except for nonslip entrance mats.
(e) Walls and ceilings shall be maintained free from cracks and falling plaster, and be cleaned and painted regularly.
(f) Deodorizers shall not be used to conceal odors caused by unsanitary conditions or poor housekeeping practices.
(g) Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.
(h) The grounds shall be kept free from refuse and litter. Areas around buildings, sidewalks, gardens and patios shall be kept clear of dense undergrowth.
(i) The facility shall be maintained free from insects and rodents.
(j) A pest control program shall be in operation in the program's facility. Pest control services may be provided by maintenance personnel of the program or by contract with a pest control company.
(k) Windows and doors shall be appropriately screened.
(l) Harborages and entrances for insects and rodents

shall be eliminated.

(m) 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.

Section 5. Services. (1) The following general minimum requirements shall be applicable in all day health care programs and the program shall:

(a) Assure that services provided by external sources shall meet the applicable standards contained herein;

(b) Provide, either on the premises or through arrangements with external sources, clearly identified services that are essential to the effective conduct of its program and the needs of the patients;

(c) Determine the need for any service;

(d) Describe and communicate the type and scope of services to be provided by the facility to the staff, patients and the public;

(e) Establish and follow procedures relating to:

1. Intake;
2. Establishment of the patient's program after thorough evaluation of patient's needs; and
3. Discharge.

(f) Provide for health care to meet the specific health needs of the individual patients when required by:

1. Making arrangements for diagnostic evaluation or treatment in nearby health facilities, or;
2. Including in its program regularly scheduled visits by a physician or registered nurse.

(g) Utilize, as needed, if available home care services, home health agencies and social services.

(2) Program:

(a) The day health care program shall include a balanced activity program for all ages served. There shall be a written activity program with activities planned to fill patient needs with sufficient variety for choice including:

1. Recreation and physical exercise;
2. Diversion, games, music, and crafts;
3. Intellectual and educational stimulation, current events, and educational films;
4. Community involvement and socialization which include trips, entertainment from the community, and service to the community; and
5. If the program director is specifically trained and dependent on the patient case load, sensory awareness and reality orientation may be included.

(b) Activities shall be group or individually oriented aimed at participation at all levels of capability, depending on case load.

(c) Patients shall choose and plan, when feasible, a variety of activities that they desire, and the involvement of the staff shall be advisory.

(d) A specific period of the day shall be set aside for rest. There shall be appropriate accomodations for rest if the program is not a part of an inpatient facility which has available beds.

(e) When necessary, depending on case load, there shall be a program of self-care training.

(f) If physical therapy, occupational therapy or any other rehabilitative service is offered, it shall be provided by, and/or supervised by, a qualified professional in that specialty; and

(g) In addition to the provisions of direct services, qualified professional personnel shall be used as consultants to the total program and shall assist with patient evaluation, patient program planning, and in-service education.

(3) Transportation. If transportation of the patient to and from the program is by the day health care program, the following shall apply:

(a) Special provision shall be made for patients who use wheelchairs; and

(b) An escort or assistant to the driver shall be provided when necessary.

(4) Dietary services:

(a) Staffing:

1. A staff member shall be designated responsible for the total food service operation;
2. Participation in planning menus and preparation of food shall be an integral part of the patient's program;
3. Depending on the number and type of patients, and on case load, additional food service personnel shall be available to meet the needs of the patients;
4. Food service personnel shall be in good health, and practice good hygienic food handling techniques and good personal grooming. If they are assigned duties other than food ahndling, such duties shall not interfere with the time required for regular dietary assignments, sanitation, safety or food handling.

(b) Food preparation and service:

1. Facilities shall be provided for the general dietary needs.
2. The dietary department shall be appropriately located, adequate in size, well lighted, ventilated and maintained.
3. The type, size and layout of equipment shall provide for ease of cleaning, optimal work flow and adequate food production.
4. Foods shall be prepared by appropriate methods to conserve their nutritive value and enhance their flavor and appearance.
5. Foods shall be attractively served at the proper temperatures and in a form to meet individual needs.
6. All patients shall be served in a dining room or in a multi-purpose room.
7. Nutritional needs shall be met in accordance with the current "Recommended Dietary Allowances of the Food and Nutrition Board," National Research Council, and in accordance with physician's orders when patients needs demand a special diet.
8. Food shall be cut, chopped or ground to meet individual needs.
9. If a patient refuses foods served, substitutes shall be offered.
10. Effective equipment shall be provided and procedures established to maintain food at proper temperature during service.
11. Patients requiring help in eating shall be assisted.
12. Adaptive self-help devices shall be provided where required in such a manner as to contribute to the patient's independence in eating.

(c) Food service equipment and utensils:

1. Dishes, glassware, and cooking utensils shall be in good repair.
2. All counters, shelves, tables, and other work surfaces, refrigeration equipment, stoves, mixers, and similar equipment shall be so constructed and located as to be easily and properly cleaned.
3. Unless disposable items are used, dishes, trays, silverware, and cooking utensils shall be thoroughly cleaned and washed in warm water (110 degrees F to 120 degrees F) containing an adequate amount of an effective soap or detergent to remove grease and solids. The wash water shall be changed as necessary to keep it reasonably clean.
4. The dishes, utensils, etc., shall be disinfected after each use.
5. All garbage and kitchen refuse shall be disposed of through a disposal or deposited in leakproof non-absorbent containers with tight fitting lids, and shall be disposed of daily in a manner that will not permit transmission of disease, or create a nuisance. All garbage containers shall be kept thoroughly clean.

(d) Maintenance of sanitary condition:

1. Effective procedures for cleaning all equipment and work areas shall be followed consistently to safeguard the health of the patient.
2. A lavatory specifically for handwashing, with hot and cold running water, soap and disposable towels, shall be conveniently located for use by food handlers.
3. The dietary department shall be routinely inspected and approved by state and local health agencies as a food handling establishment. Written reports of the inspection shall be on file with notation made of action taken to comply with recommendations.
4. 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.
5. All cleaning agents and supplies shall be stored separately from food supplies.
6. 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.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board

ADOPTED: December 12, 1974
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:26 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
Certificate of Need and Licensure Board
(902 KAR 20:075)

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 14
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Outpatient Clinics and Ambulatory Care Services, 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: Outpatient clinics and ambulatory care services, general: Establishments with organized medical staffs; with permanent facilities, and with medical services to provide diagnosis and treatment for patients who primarily are ambulatory and do not currently require inpatient care,

and who have a variety of medical conditions.

Section 2. Essential Characteristics: The essential characteristics and standards for outpatient clinics and ambulatory care services are as follows: (1) The primary function of the institution is to provide diagnostic or treatment services, or both, for patients who primarily are ambulatory and do not currently require inpatient care, and who have a variety of medical conditions.
(2) There are arrangements for transfer of patients in need of inpatient care.
(3) The institution has permanent facilities and maintain regularly scheduled hours during which medical services are provided.
(4) There is a governing authority legally responsible for the conduct of the institution.
(5) There is an administrator to whom the governing authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.
(6) There is an organized medical staff to which the governing authority delegates responsibility for maintaining proper standards of medical care.
(7) Each patient is admitted on the medical authority of, and is under the supervision of, a member of the medical staff including the services of a physician.
(8) Registered professional nurse supervision and other nursing services are continuous during the regularly scheduled hours.
(9) A current and complete medical record is maintained for each patient.
(10) Diagnostic x-ray services, with facilities and staff for a variety of procedures, is maintained during the regularly scheduled hours or are regularly and conveniently available.
(11) Clinical laboratory service, with facilities and staff for a variety of tests and procedures, and anatomical pathology services are regularly and conveniently available.

Section 3. Exemptions: Exempt from this regulation are private offices and clinics, offices of physicians and dentists and other practitioners of the healing arts as provided by KRS 216.455(1).

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board
ADOPTED: December 12, 1974
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:22 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
Certificate of Need and Licensure Board
(902 KAR 20:080)

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 15
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Home Health Agencies, 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: Home Health Agencies, General: An organization with facilities and with qualified staff to provide intermittent medical services, including nursing services and other professional and technical services, required by the treatment, in accordance with the plan of treatment prescribed by a licensed physician, to patients, who have a variety of medical conditions, in their places of residence. The term "home health agency" shall mean a public agency or private organization, or a subdivision of such an agency or organization which:
(1) Is primarily engaged in providing skilled nursing services and other therapeutic services;
(2) Has policies established by a group of professional personnel (associated with the agency or organization) including one (1) or more physicians and one (1) or more registered professional nurses to govern the services which it provides, and provides for the supervision of such services by a physician or registered professional nurse; and
(3) Maintains clinical records on all patients.

Section 2. Primary Functions: The primary functions of the home health agency shall include the provision of skilled nursing services and other therapeutic services on a visiting basis in a place of residence used as the individuals home.

Section 3. Provision of Services: The agency's bylaws, or the equivalent thereof, shall state explicitly that the home health agency shall provide skilled nursing and other therapeutic services directly, or, in the case of a public or voluntary nonprofit health agency, if it provides directly only skilled nursing services or only other therapeutic services that it shall furnish through arrangements with other public or voluntary nonprofit agencies the services which it does not provide directly.

Section 4. Subdivision Operating as Home Health Agency: When a subdivision of an agency (e.g. the home care department of a hospital or the nursing division of a health department) applies for license, the subdivision rather than the parent organization must be licensed as a home health agency and maintain records in such a way that subdivision activities and expenditures attributable to services provided are identifiable. The parent organization may determine who signs the agreement and other official documents, and receive and disburse funds.

Section 5. Agency Supervision: The home health agency shall designate a physician or registered professional nurse to supervise the agency's performance in providing home health services in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by such physician.

Section 6. Skilled Nursing and One Other Therapeutic Service: In addition to intermittent skilled nursing services, the agency shall provide at least one of the following other therapeutic services, i.e., physical, speech, or occupational therapy, medical social services, or home health aide services. Skilled nursing service shall be provided by or under the supervision of registered professional nurses(s).

Section 7. Definition: Registered Professional Nurse: A registered professional nurse shall be currently licensed by the state as a registered professional nurse and preferably have at least one (1) year of experience as a professional nurse.

Section 8. Part-time or Intermittent Nursing Services: Most patients' home health care will require service a few hours a day, several times a week. Some may require longer service on one (1) day than on other days and such adjustments are to be encouraged. Occasionally, because of special circumstances occurring during a brief period, service for a full day may need to be provided.

Section 9. Physical Therapy: When an agency provides or arranges for physical therapy, service shall be given in accordance with a physician's written orders by or under the supervision of a physical therapist meeting the qualifications set out in this section. A physical therapist shall be graduated from physical therapy curriculum approved by the American Physical Therapy Association, and must be licensed in the state of Kentucky.

Section 10. Speech Therapy: When an agency provides or arranges for speech therapy, service in speech pathology or audiology shall be given in accordance with a physician's written orders and by or under the supervision of a speech therapist meeting the qualifications set out in this section. A speech therapist shall be:
(1) Granted a certificate of clinical competence in the appropriate area (speech, pathology, or audiology) by the American Speech and Hearing Association; or
(2) Meet the equivalent educational requirements and work experience necessary for such certificate; or
(3) Has completed the academic and practicum requirements for certification and is in the process of accumulating the necessary supervised work experience required for certification; or
(4) As of January 1, 1970, had a basic certificate or provisional basic certification and is in the process of acquiring four (4) years of sponsored professional experience; or
(5) Had a basic certificate or sponsor privilege as of December 31, 1964, did not complete four (4) years of sponsored professional experience before January 1, 1970, but has passed a special examination given by the American Speech and Hearing Association during 1969.

Section 11. Occupational Therapy: When an agency provides or arranges for occupational therapy, services shall be given in accordance with a physician's written order and by or under the supervision of an occupational therapist meeting the qualifications set out in this section. An occupational therapist shall be registered by the American Occupational Therapy Association or a graduate of a program in occupational therapy approved by the Council on Medical Education of the American Medical Association in collaboration with the American Occupational Therapy Association and engaged in the required supervised clinical experience period prerequisites to registration by the American Occupational Therapy Association.

Section 12. Medical Social Services: When an agency provides or arranges for medical social services, they shall be given under direction of a physician by or under the supervision of a medical social worker meeting the qualifications set out in this section. A medical social worker shall be a graduate of a school of social work accredited by the Council on Social Work Education and have had social work experience in a hospital, outpatient clinic medical rehabilitation, medical care or mental health program.

Section 13. Supervision of Therapy Services: When services of aides or other personnel providing supplementary services are utilized in providing home health services, they shall be trained and supervised by appropriate professional personnel.

When such supervision is less than full-time, e.g., for a limited number of hours or days each week, the supervision shall be provided on a planned basis and shall be frequent enough to assure adequate review of individual treatment plans and progress.

Section 14. Home Health Aide Services: When an agency provides or arranges for home health aide services, the aides shall be assigned because the physician has specified in his plan of treatment that the patient needs personal care.

Section 15. Selection of Home Health Aides: The selection of each potential home health aide shall take into account the ability to read and write, to understand and carry out directions or instructions, and to record messages and keep simple records. Because home health aides may often be recruited from persons who have had little formal education and no health training, agencies shall establish and maintain specific policies concerning their selection. In addition to the capacities expressed in the condition, recruitment policies and procedures shall take into account:
(1) Emotional and mental maturity, and
(2) Interest in and sympathetic attitude toward caring for the sick at home.

Section 16. Training of Home Health Aides: The home health agency shall determine that home health aides receive or have received a basic training program for home health aides. Home health aide duties shall be assigned by the supervisory registered professional nurse, and shall be essentially, but not limited to, personal care for the patient:
(1) Helping the patient with bath, care of mouth, skin, and hair;
(2) Helping patient to bathroom or in using bedpan;
(3) Helping patient in and out of bed, assisting with ambulation;
(4) Helping patient with prescribed exercises which the patient and home health aide have been taught by appropriate professional personnel;
(5) Assisting with medications, ordinarily self-administered, that have been specifically ordered by a physician;
(6) Performing such incidental household services as are essential to the patient's health care at home; and
(7) Reporting to the professional nurse supervisor changes in the patient's condition or family situation.

Section 17. Supervision of Home Health Aides: The professional nurse supervisor shall provide direct supervision as necessary and be readily available at other times by telephone. The supervisor shall be constantly evaluating the home health aide in terms of the aide's ability to carry out assigned duties, to relate well to the patient, and to work effectively as a member of a team of health workers. Minimal supervision shall include a home visit at least every two (2) weeks by a member of the professional staff of the home health agency.

Section 18. Establishment and Review of Plan of Treatment: The home health agency shall have established policies and procedures for assuring that services and items to be provided are specified under a plan of treatment established and regularly reviewed by the physician who is responsible for the care of the patient.

Section 19. Plan of Treatment: The original plan of treatment shall be signed by the physician who is responsible for the care of the patient and incorporated in the record maintained by the agency for the patient. The total plan shall be reviewed by the attending physician, in consultation with agency professional personnel at such intervals as the severity of the patient's illness requires, but in any instance, at least once every two (2) months.

Section 20. Physician's Original Drug Orders and Changes in Orders: The following shall be signed by the physician and incorporated in the patient record maintained by the agency:
(1) Original orders for drugs; and
(2) Changes in orders for the administration of narcotics, those drugs subject to federal and state controlled substances acts, and other legend drugs, i.e. requiring prescriptions. Changes in drug orders shall be signed by the physician subsequent to documentation of the order change by the registered professional nurse.

Section 21. Clinical Records: The home health agency shall maintain for each patient a clinical record which covers the services the agency provides directly and those provided through arrangements with another agency; and which contains pertinent past and current medical nursing, social, and other therapeutic information, including the plan of treatment.

Section 22. Services Arranged for With Another Licensed Provider: When a home health agency makes arrangements for the provision of home health services by another agency which is a licensed provider of services, there shall be a written agreement which includes the following:
(1) Designates the services which are being arranged for. Services provided are to be within the scope and limitations set forth in the plan of treatment. Such services may be altered upon the specific orders of the initiating home health agency issued as a result of a change made by the physician in the patient's plan of treatment;
(2) Describes how the contracted personnel, where applicable, are to be supervised; and
(3) Provides for the recording of the progress notes and observations of the contracted personnel in the initiating home health agency records for purposes of planning and evaluating patient care.

Section 23. Services Arranged for With a Non-Licensed Provider: When a home health agency arranges for services with an agency that is not a licensed provider of services, a contract shall be written. The contract shall include all of the following points:
(1) Designates the services which are being arranged for;
(2) Specifies the period of time the contract is to be in effect (if for a specified time) and how frequently it is to be reviewed (preferably, the contract should be reviewed and renewed yearly);
(3) Describes how the contracted personnel are to be supervised;
(4) States that home health services provided to the patient are in accordance with a plan established by the patient's physician in conjunction with home health agency staff and, when appropriate, others involved in the patient's care (services provided are to be within the scope and limitations set forth in the plan and may not be altered in type, scope, or duration by the secondary agency); and
(5) Assures that personnel and services contracted for meet the same requirements as those specified for home health agency personnel and services, including personnel qualifications, functions, supervision, orientation, and in-service training.

Section 24. Advisory Group of Professional Personnel: Policies covering skilled nursing and other therapeutic services, and the professional health aspects of other policies shall be established with the approval of and subject to regular review by a group of professional personnel associated with the agency or organization, including one (1) or more licensed physicians and one (1) or more registered professional nurses. This group may be an advisory committee to the agency's executive council or board of directors, a subcommittee of such council or board, or other similar arrangement. One (1) or more members of the professional group are persons not employed by the agency. It is desirable for the group to include lay persons knowledgeable in health affairs and in the need and resources of the community served by the agency, and also to have a wide range of professional representatives such as medical social worker, nutritionist, speech, physical, and occupational therapists.

Section 25. Personnel Policies: The agency shall have written policies concerning qualifications, responsibilities, and conditions of employment for each type of personnel (including licensure where this is required by state law). The policies shall be written and available to staff as well as to the group of professional personnel and cover:
(1) Wage scales, hours of work, vacation and sick leave;
(2) A plan for pre-employment and periodic medical examination, tuberculin test and/or chest x-ray, serology, and other appropriate tests;
(3) Plans for orientation and for on-the-job training, where necessary;
(4) Periodic evaluation of employee performance; and
(5) Job descriptions for each category of health personnel which are specific and include the type of activity each may carry out.

Section 26. Acceptance of Patients: The home health agency shall have written policies to be followed in making decisions on the desirability and practicality of accepting patients for care. Such decisions are based on medical, nursing and social information provided by the physician responsible for the patient's care, by institutional personnel and by staff of the home health agency.

Section 27. Evaluation: The agency shall have procedures which provide for systematic evaluation of its program at least once every two (2) years. The method of program evaluation shall be:
(1) There are measures to determine whether the policies established with the approval of the group of professional personnel are followed in providing services. These shall include a review of patient records on a sample basis in order to determine that services are being used appropriately and the extent to which the needs of the patients the agency serves are being met both quantitatively and qualitatively;
(2) There shall be a mechanism for reviewing overall management aspects of its service to assure economy and efficiency of operation; and
(3) Agency staff and/or its professional group may conduct the evaluation itself. Alternatively, the agency may seek the advice of persons or organizations outside the agency.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board
ADOPTED: December 12, 1974
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:22 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
Certificate of Need and Licensure Board
(902 KAR 20:085)

RELATES TO: KRS 216.405 to 216.485, KRS 216.990(2), KRS 22.210, et seq.
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 26
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Special Services for the Mentally Retarded/Developmentally Disabled, 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. Scope: This regulation relates to special services for the mentally retarded and developmentally disabled rendered in an intermediate care facility licensed by the Health Facilities and Health Services Certificate of Need and Licensure Board.

Section 2. Definitions: (1) Special intermediate care facilities for MR/DD are establishments which provide services for the mentally retarded and developmentally disabled and are defined as any public or private residential facility which provides on a regular basis health related care and services to individuals 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 at the level of intermediate care. The facility must meet the licensure requirements of an intermediate care facility pursuant to KRS 216.485.

(2) Special intermediate care of the mentally retarded and the developmentally disabled is defined as a distinct category of care which is provided by mental retardation specialists and other health professionals in the treatment of MR/DD of all ages whose needs for emotional, physical, educational, and and habilitative services are above the personal care level, but who do not require skilled nursing or acute care.

(a) Within the MR/DD category of care the classificiations shall be as follows:
1. Class I Intermediate Care: Type M Medical/Nursing. Patients in this group are severely physically handicapped. This group requires the greatest concentration of professional staffing due to the complex problems in the group.
2. Class II Intermediate Care: Type M Medical/Constructive. Patients in this group may be autistic and/or have acting out behavior problems. The patients would not necessarily require organized group training programs but would require individualized therapy.
3. Class III Intermediate Care: Type S Social/Habilitative. Patients in this group are functioning at the lower level of mental retardation and/or overall adaptive behavior with few socially inappropriate behavioral problems or physical disabilities. Training efforts are directed to the development of self help skills and basic social behaviors.
4. Class IV Intermediate Care: Type S Social/Prevocational. Patients in this group are generally functioning in the middle and upper levels of mental retardation and/or overall adaptive behavior. Training efforts and program objectives are aimed at preparing the patients for vocational training and/or sheltered employment.

(b) Active treatment for purposes of these regulations means: daily participation, in accordance with an individual plan of care and service, in activities, experiences, or therapies which are part of a professionally developed and supervised program of health, social and/or habilitative services offered by or procured by contract or other written agreement by the institution for its patients.

(c) Board refers to the Health Facilities and Health Services Certificate of Need and Licensure Board.

(d) Developmental disability means a disability which is attributable to:
1. Mental retardation, cerebral palsy, or epilepsy; or
2. Is attributable to other neurological conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded persons;
3. Originated before the individual attained age eighteen (18) and has continued or can be expected to continue indefinitely; and
4. Constitutes a substantial handicap to the individual.

(e) Distinct part. An entire, physically identifiable unit consisting of all of the beds within that unit and for facilities meeting the standards applicable to the levels of service to be provided. Staff and service for a distinct part are established as set forth in the respective regulations concerning the levels of service approved for the distinct part.

(f) Intermediate care facilities. Type M (Medical): A home or establishment, or a distinct part of a home or establishment, however named, which is advertised, offered, maintained or operated for the purpose of providing patient accommodations for occupants needing institutional care, providing nursing and medical supervision and service less than the degree of care provided in a skilled nursing facility and more than the degree of care provided in an Intermediate Care Facility, Type S. This type of facility has a registered nurse or a licensed practical nurse employed each day on the day shift with a registered nurse supervising nursing care.

(g) Intermediate care facilities. Type S (Social): A home or establishment or a distinct part of a home or establishment, however named, which is advertised, offered, maintained or operated for the purpose of providing accommodations for occupants needing institutional care and supervision of a degree less than that found in an intermediate care facility, type M and greater degree than found in a personal care home. This type of facility is not required to have a registered nurse or licensed practical nurse employed but shall have employed a person(s) capable of providing socialization and/or habilitation programs.

(h) Licensed Practical Nurse (LPN): A person with a valid current Kentucky license to practice as a practical nurse.

(i) Medical care shall mean services provided by a physician (see definition of physician) including: physical examination and diagnosis; orders for treatment, medications, diets, and associated services; emergency care; periodic supervision and review; and determination of appropriateness of care and placement.

(j) MR refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period. The upper limit of retardation in measured intelligence is set at two (2) standard deviations below the mean.

(k) Normalization principle is the principle of letting the mentally retarded and developmentally disabled obtain an existence as close to the normal as possible, making available to them "patterns and conditions of everyday life which are as close as possible to the norms and patterns of the mainstream of society." (Nirge, B. The Normalization Principle and Its Human Management Implications. R. B. Kugel and W. Wolfensberger (Eds.), Changing patterns in residential services for the mentally retarded. Washington, D. C. President's Committee on Mental Retardation, 1969). Specifically, "the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible."

(l) Nursing care: A complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the patient's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

(m) Patient/resident of an intermediate care facility for the mentally retarded or developmentally disabled is an individual who has been disabled prior to the date of publication of these regulations, or after that date in accordance with the requirement of this regulation, and is receiving room, board, and a planned program of active treatment and training, care and supervision on a continuous twenty four (24) hour a day basis.

(n) "Posey vests": A trade name for a safety device used to restrain a patient in a chair in a sitting position.

(o) Qualified mental retardation or developmental disability personnel means:
1. A physician licensed under state law to practice medicine or osteopathy and with specialized training or one (1) year of experience in treating the mentally retarded; and/or developmentally disabled.
2. A phychologist with a doctoral or master's degree from an accredited program and with specialized training or one (1) year of experience in treating the mentally retarded; and/or developmentally disabled.
3. An educator with a master's degree and with specialized training or one (1) year of experience in working with the mentally retarded; and/or developmentally disabled.
4. A social worker with a master's degree from an accredited program and with specialized training or one (1) year of experience in working with the mentally retarded; and/or developmentally disabled.
5. A physical or occupational therapist who is a graduate of a program of physical or occupational therapy approved by the Council on Medical Education of the American Medical Association, and/or where applicable is licensed in the state, and who has specialized training or one (1) year of experience in treating the mentally retarded; and/or developmentally disabled.
6. A speech pathologist or audiologist who has been granted a certificate of clinical competence in the American Speech and Hearing Association or who has completed the equivalent educational and experimental requirements for such a certificate and has

specialized training or one (1) year of experience in training the mentally retarded; and/or developmentally disabled.

7. A registered nurse who has specialized training or one (1) year of experience in treating the mentally retarded; and/or developmentally disabled.

8. A health services supervisor can be a registered nurse or a practical (or vocational) nurse who is currently licensed in the state, who has had training that includes either graduation from a state approved school of practical nursing or education and other training that is considered by the state authority responsible for the licensing of practical nurses to provide a background that is equivalent from a state approved school of practical nursing, or who has successfully completed public health service examination for waivered licensed practical nurses and who is employed full time (exclusive of all other duties) on the day shift.

9. Therapeutic recreator is a person who is trained and educated in utilizing recreation as purposive intervention, through education activities, to modify, ameliorate, or reinforce specific physical, emotional, or social behaviors.

(p) Registered nurse: A person with a valid current registration to practice in Kentucky as a registered professional nurse.

(q) Restorative nursing care: A health care process designed to assist patients to attain and maintain the highest degree of function for which they are capable (physical, mental, and social).

(r) Restraint: The application of a device to limit movements.

(s) Safety Device: Any equipment or protective device used on a bed, chair, or patient which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric chairs, a six inch wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent one's injuring one's self. A safety device used in this manner is considered restraint of the patient.

(t) Seclusion: The retention of a patient in a locked room.

Section 3. Essential Characteristics: The MR/DD services may be included as a separate distinct part of another licensed facility as long as that facility has the following essential characteristics: The essential characteristics of Special Services for the MR/DD are the same as those for any Intermediate Care Facility, and have been stated in HFHS 10. Section 1, with the following additions: There shall be provision for:

(1) Special programs designed with the goal of attainment of maximum intellectual, physical and social growth capacity through the normalization principle.

(2) The program shall provide or contract for a qualified interdisciplinary mental retardation and developmental disability team which includes as a minimum a physician, a phychologist, a social worker, and other professionals necessary to plan and provide adequate and effective care according to the needs of the individual receiving care.

Section 4. Minimum Standards of Operation (Additional for MR/DD): (1) Personnel and Staffing:

(a) The size and content of the MR/DD program shall determine the number and qualifications of staff required.

(b) Staff to patient ratios: The ranges of staff to patient ratios which follow relate to the Classes I through IV of categories of care for the mentally retarded and developmentally disabled as defined in Section 2, of this regulation. The number of staff shall include all employees who provide direct patient care on the basis of twenty four (24) hour, seven (7) day coverage, including holidays, sick leave, annual leave and also includes part time employees.

Class I Medical/Nursing; 1:1.5 to 1:1
Class II Medical/Constructive; 1:1.5 to 1:1
Class III Social/Habilitative; 1:2.5 to 1:1.25
Class IV Social/Prevocational; 1:6 to 1:4

(c) The program staff shall possess the qualities and skill required to work with the mentally retarded and developmentally disabled. Professional training is desirable, but not essential in all instances.

1. Responsibilities shall be assigned within each service in accordance with staff qualifications;
2. Appropriate professional directions and consultation shall be provided and shall be readily available within each service.

(d) There shall be a qualified mental retardation professional who is responsible for supervising the integration of the various aspects of the facility's programs for each patient, recording each patient's progress and initiating periodic review of each individual plan of care and service for necessary modifications or adjustments.

(e) A staff development program appropriate to the nature and size of the facility shall be designed to maintain and improve the skills of the personnel providing services. These shall include, but not be limited to the following methods:

1. An inservice educational program shall be conducted for the development and improvement of skills of the facility's personnel, including training relating to the problems and needs of the mentally retarded and developmentally disabled. Records shall be kept which indicate the content of, and participation in, staff development program. The inservice training may be accomplished through contract of affiliation with a qualified training agency.
2. Regular staff meetings;
3. Participation in interdisciplinary meetings;
4. Providing for staff participation at professional conferences, workshops, and seminars;
5. Consultation with specialists;
6. Interfacility awareness and contact.

(2) Medical supervision of patients: Patient evaluation shall include:

(a) A complete medical evaluation shall be made of the person desiring or requiring institutionalization prior to, but not to exceed three (3) months before admission. (This shall be the responsibility of the family or guardian of the person requiring care. If no family member assumes responsibility, and the Commonwealth as guardian is far removed from the individual's community, an attempt shall be made by the Commonwealth to appoint a committee of persons in that community to assume legal guardianship of the patient while that patient is receiving care.)

(b) Reevaluation at least every six (6) months shall be made by the patient's physician, a physician provided by a community source, or a registered visiting nurse, according to the resources of the community and the apparent needs of the patient receiving intermediate care. (This shall be the responsibility of the facility providing care.)

(3) Patient care and safety:

(a) There shall be a signed order by a physician or his designee, which must be a licensed health professional, for any physical restraints. This order shall state the number of minutes or hours for restraint prescribed.

(b) Orders for restraints shall be for no longer than one shift. On shift change, order must be reinstated.

(c) Restraints shall be checked at least every half hour and released at least ten (10) minutes every two (2) hours. These checks and restraints releases shall be recorded in the patient's record as they are completed. Physical restraints are defined as: any mechanical device which is designed or used specifically to impede the normal movement of a patient or to confine a patient in a restricted area.

(d) Chemical restraints shall not be used as punishment, for the convenience of the staff, as a substitute for programs, or in quantities that interfere with the patient's habilitation.

(e) Behavior modification programs, involving the use of punishment, noxious or aversive stimulation or time out procedure, shall:

1. Be governed by written policies and shall be reviewed periodically by a professional committee of the facility staff;
2. Be conducted only with the approval of the affected patient's parents or surrogates;
3. Be described in each individual patient's medical record.

Section 5. Services; General: The professional interdisciplinary team shall see that the health needs of patients are met and that plans for each patient shall include treatments, medications, diet and other program services.

Section 6. Social Services: (1) The social worker on the staff of the intermediate care facility, providing services for the mentally retarded and developmentally disabled shall be a qualified social worker (see definition section), and shall be a qualified mental retardation professional.

(2) Social services shall be available either on staff or by formal arrangement with community resources for all patients and their families, including evaluation and counseling with referral to, and use of, other planning for community placement, discharge and follow up services rendered by or under the supervision of a social worker.

Section 7. Dental Services: (1) Comprehensive dental services shall be provided and if not available within the facility, arrangements with specialists in the dental field will be made for such service.

(a) Appropriate dental services shall be provided through personal contact with all residents by dentists, dental hygienists, and dental assistants under supervision of the dentist, health educators, and oral hygiene aids according to their availability and to the scope of the MR/DD program.

(b) A dental professional shall participate, as appropriate on the interdisciplinary team serving the facility.

(c) There shall be sufficient supporting personnel, equipment, and facilities available to the dental professional if dental services delivered within the facility.

(2) Dental records shall be a part of each patient's record.

(3) A dentist shall be responsible for insuring that direct care staff are instructed in the proper use of oral hygiene

methods for patients.

Section 8. Nursing Service: Due to the wide range of nursing needs in the various levels of mental retardation it is recognized that the nursing program must, of necessity, be adjustable to meet a gradation of patient needs at any given point in time.

(1) The intermediate care facility rendering services to the MR/DD shall provide nursing service which is sufficient to meet the nursing needs of all patients as required during any twenty four (24) hour period.

(2) The director of nursing shall be a registered nurse or a licensed practical nurse dependent upon the scope and complexity of the nursing program with orientation and/or special knowledge of the MR/DD.

(3) If the director of nursing is not a registered nurse. there shall be a written policy stating the method whereby this service is provided through formal contract at regular intervals of not less than four (4) hours weekly for the care of minor illnesses, injuries or emergencies and consultation on the health aspects of the individual plan of care and service.

Section 9. Treatment and Training: All activities for MR/DD shall reflect adherence to the Normalization Principle (see definitions) for the MR/DD. The treatment and training program shall assure the following:

(1) All professional personnel necessary to provide professional programs and services in accordance with the needs of its patients;

(2) Health services staff to assure that each patient receives treatments, medications, diet, and other health services as prescribed and planned, all hours of each day and all days of each week and in the presence of minor illness and for temporary periods, bedside care under the direction of the patient's physician is provided by or supervised by a registered nurse or licensed practical nurse; and that a responsible staff member is on duty at all times who is immediately accessible, to whom residents can report injuries, symptoms of illness, and emergencies;

(3) Has written procedures for personnel to follow in an emergency including care of the resident, notification of the attending physician and other persons responsible for the resident, arrangements for transportation, for hospitalization or other appropriate services;

(4) Maintains a written account of all personal possessions and funds received by or deposited with the facility on a current basis for each resident with written receipts for all expenditures and disbursements made in behalf of the resident;

(5) A plan of care and services which is developed for each resident by an appropriate interdisciplinary professional team. The overall objective of the plan is to assist the individual to attain or maintain the optimal physical, intellectual, social, and/or vocational functioning of which he is presently or potentially capable;

(6) An assigned staff member (full time, if appropriate and necessary) who is a qualified mental retardation and/or developmental disability professional (see definitions) responsible for supervising the implementation of each resident's individual plan of care and service, integrating the various aspects of the institution's programs, recording each resident's progress and initiating periodic review of each individual plan of care and service for necessary modifications or adjustments;

(7) Written policies developed and implemented to prohibit mistreatment, neglect, or abuse of residents, protect them from exploitation, and provide for the registration of resident's complaints without threat of discharge or other reprisal;

(8) Organized, professionally designed and supervised training services provided for residents, regardless of age, level of functioning, or accompanying handicaps. These services shall include individualized planned programs for the development of the resident's intellectual, sensorimotor, and effective skills. Available educational resources shall be utilized for residents upon the recommendation of the interdisciplinary team.

(a) Training programs shall be operated under the supervision of a qualified MR/DD professional.

(b) Individualized training plans shall be part of the resident's record and shall be reviewed and updated as necessary.

(c) A full range of training materials shall be available in the facility for the use of residents in meeting their planned training objectives.

(9) Community awareness and involvement both within the facility and within the service community to the appropriate level of patient participation possible;

(10) Provision by the source providing the service, either the facility or the service contractee, for adequate materials, supplies, and equipment and appropriate conditions for evaluation, education and training; and,

(11) Review and evaluation of individual patient treatment and training programs as needed, or minimally every six (6) months, by the interdisciplinary professional team. There shall be written reports of this review.

Section 10. Occupational Therapy: (1) Occupational therapy shall be available to patients who have any physical or dysfunction associated with MR/DD.

(2) The occupational therapist shall act upon the program designed by the professional interdisciplinary team of which the therapist is a member.

Section 11. Physical Therapy: These regulations shall apply to only those facilities which offer physical therapy services either on or off site as required for the MR/DD patients. (1) Physical therapy services in an intermediate care facility. MR/DD utilizing physical modalities and individualized treatment procedures shall be provided when indicated for relief of pain, the restoration of function and prevention of debilitation.

(2) The facility shall have written policies, procedures and objectives for this service.

(a) These shall be reviewed and revised as necessary to keep pace with best practice and new knowledge.

(b) There shall be a written statement of purpose for the physical therapy service.

(c) There shall be a plan of administration with definitions of responsibilities and duties of each category of physical therapy personnel.

(3) Physical therapy evaluation shall be made upon the referral of the client to the physical therapist. Treatment shall be provided following consultation between the qualified physical therapist and the referring practitioner, and written, signed substantiation of this consultation shall be placed in the patient's medical record.

(a) The relationship between the referring physician or dentist and physical therapist shall be as definitive or as broad as the attending physician/dentist deems necessary in the particular case.

(b) A plan for care of each patient shall be developed by the physical therapist in consultation with the referring physician or dentist. The plan of care shall be written, and include initial evaluation, goals of treatment, and recommended treatment procedures. The plan shall be reviewed periodically and revised when indicated. The resident, his family, or both should be active participants in the therapy program.

(c) The services shall be directly and specifically related to an active written treatment regimen designed to meet the individual needs of the patient.

Section 12. Psychological Services: Psychological services shall be provided by a qualified mental retardation/developmental disability professional and shall include participation in the evaluation and periodic review, individual treatment, and consultation and training services to program staff.

(1) Psychological counseling and treatment shall be made available to residents if needed.

(2) A qualified psychologist shall be a member of the interdisciplinary treatment planning team and its recommendations shall be part of each resident's program plan.

(3) Psychological reports shall be part of the resident's record.

(4) A psychologist shall be used in consultation and training of direct care staff.

Section 13. Speech Pathology and Audiology Services: The facility shall provide speech pathology and audiology services to maximize the communication skills of residents needing such services. These services shall be provided by, or under the supervision of, a certified speech pathologist or audiologist who is a qualified mental retardation or developmental disability professional.

(1) Recommendations from the speech pathologist and audiologist shall be used as appropriate, in developing the patient's individualized program plan.

(2) Initial and follow up assessments shall be part of the resident's record.

(3) Speech and audiology services shall be used as a consultation service to other disciplines.

(4) Speech and audiology therapists shall plan the total activity program with the consultation of the interdisciplinary MR/DD direct care personnel.

Section 14. Activities and Therapeutic Recreation. (Additional for MR/DD) (1) Qualified therapeutic recreation specialists shall plan the total activity program with the consultation of the interdisciplinary MR/DD team.

(2) When a therapeutic recreator is not available, a person shall be employed who has some experience in this program area who shall be under the supervision of an occupational therapist, or shall receive consultation from a qualified therapeutic recreator who shall visit the facility on a regular monthly basis.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board

ADOPTED: December 12, 1974
APPROVED: C. Leslie Dawson, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:26 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
Certificate of Need and Licensure Board
(902 KAR 20:090)

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 17
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Community Mental Health - Mental Retardation Centers, 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: Community Mental Health Centers - General: (1) A Community Mental Health Center shall be a facility which will provide a comprehensive range of accessible, coordinated mental health services including direct patient services and indirect mental health services, to the patients of a designated area. The following services shall be provided by the center:
(a) Emergency services;
(b) Outpatient services;
(c) Partial hospitalization;
(d) Inpatient services; and
(e) Consultation and education services.
(2) The center functions as one administrative entity, however, it may contract for hospital beds or other services.

Section 2. Administrative Management: The community mental health center shall have an effective governing body legally responsible for the conduct of the center, which designates an administrator and establishes administrative policies. The governing body shall appoint a full-time administrator who is qualified by training and experience, and delegates to him the internal operation of the facility in accordance with established policies. The community mental health center shall have an administrative structure which is an identifiable unified entity. The program director or administrator shall be a mental health professional from one of the clinical disciplines (Psychiatrist, Psychologist, social worker, or nurse). The program director shall be responsible for all services whether provided by the center or affiliates. The program director shall be responsible for the evaluation of services provided by affiliates, and the termination of affiliation contracts if the affiliate is unwilling or unable to provide the quality, quantity or types of services for center patients which are necessary.

Section 3. Direct Patient Services: The community mental health center shall provide a sufficiently wide range of treatments to meet patients' needs. Such treatments may include, but are not limited to, individual, family, and group therapy, play therapy, behavior modification, chemotherapy and appropriate occupational and recreational therapies. Each patient receiving direct service under the auspices of a community mental health center shall have an individual treatment plan. Such a program shall include the therapies to be offered as well as a plan for transferring the patient to other service components of the center and/or returning him to the community. The community mental health center shall have a plan for the evaluation of the service needs of each patient. The need for continuing any service element for each individual patient shall be evaluated with sufficient frequency to ensure that proper arrangements have been made for discharge, for transfer to other elements of service, or referral to another service provider when clinically appropriate.

Section 4. Services: The community mental health center shall provide the following services: (1) Partial hospitalization: The partial hospitalization service of a community mental health center shall be designed to provide a therapeutic program for those persons who require less than twenty-four (24) hour a day care, but more than outpatient care. Partial hospitalization shall be an effective alternative to inpatient care. A psychiatrist shall be present on a regularly scheduled basis, and shall assume clinical responsibility for all patients, or act as a consultant to the staff on a regular basis.
(2) Inpatient care: The inpatient services of a community mental health center shall be designed to provide a therapeutic program for persons requiring full-time care. This shall be utilized only, when and for so long as, other services of the center are not appropriate. The service may be provided in a local general hospital affiliated with the community mental health center. An affiliation shall be evidence by a contract which assures that the appropriate services for a patient are provided.
(3) Outpatient services: Outpatient services provides the necessary therapies for patients who need to spend relatively little time at the community mental health center. Outpatient services shall be provided on a regularly scheduled basis, with arrangements made for non-scheduled visits during times of increased stress or crisis. The outpatient service shall be the primary point for diagnosis and evaluation of psychiatric problems the source of referrals to other services and other agencies. The outpatient services shall include special program for adolescents, elderly, alcoholics, drug addicts, etc.
(4) Emergency services: The emergency service of a community mental health center shall provide immediate mental health care and evaluation for persons in crisis on a twenty-four hour a day, seven day a week, basis. This service may be provided in many methods:
(a) Walk-in clinics;
(b) Emergency rooms of general hospital with assigned psychiatric personnel;
(c) Psychiatrist on call;
(d) Twenty-four-hour phone service;
(e) Home visits.
All components of the emergency service shall be coordinated into a unified program, with assurance that patients receiving emergency services can be readily transferred to other services of the center as their needs dictate.
(5) Consultation and education: The consultation/education service shall provide for qualified personnel, to a wide variety of community agents and care givers for an individual patient. Consultation also involves the planning and development of mental health related programs in a variety of related community agencies. The education program of the community mental health center shall have two (2) major functions. First, its goal is to increase the visibility, identifiability and accessibility of the community mental health center. Second, its goal is to promote mental health and to prevent emotional disturbance through the distribution of relevant mental health knowledge.

Section 5. Staff Requirements: The community mental health center shall have written policies concerning qualifications, responsibilities, and conditions of employment for each type of personnel (including licensure where it is required by law). The policies shall be written and available to staff as well as to the group of professional personnel, and cover:
(1) Wage scales, hours of work, vacation and sick leave;
(2) Plans for orientation of all health personnel to the policies and objectives of the center and for on-the-job training, where necessary;
(3) Periodic evaluation of employee performance, and
(4) Job descriptions for each category of health personnel which are specified and include the type of activity each may carry out.

Section 6. Minimum Staff Requirements: (1) Program director: The program director shall be a mental health professional from one of the clinical disciplines (psychiatrist, psychologist, psychiatric nurse or social worker). A board certified or board eligible psychiatrist shall be the clinical director and will supervise and coordinate all planning functions in the continual development and improvement of the service elements and shall provide psychiatric service elements and shall provide psychiatric service as indicated in all patient diagnosis and treatment.
(2) Clinical psychologist: A certified clinical psychologist as defined in KRS 319.010 to 319.990 shall provide evaluation and screening services for patients as well as individual and group therapy.
(3) Psychiatric registered nurse: A psychiatric registered nurse shall direct and supervise nursing service for psychiatric patient care, shall maintain contacts with and assist in instruction of patients, shall coordinate services rendered by the nursing personnel with those rendered by personnel or other departments, and shall cooperate with affiliated hospital and nursing administration, other departments, and medical staff in formulating policies for psychiatric patient care.
(4) Psychiatric social worker: A psychiatric social worker shall have an M.S.W. degree from an accredited school of social work and shall develop complete and accurate case histories, shall assist patient and family in making mental and emotional adjustment to illness, shall engage in research and teaching activities, shall mobilize community resources on behalf of patients, and shall assist in planning for alternate methods of care.
(5) Medical records librarian: A medical records librarian or capable person, shall be responsible for ongoing positive controls, for continuity of patient care and patient traffic flow, shall assure that records are maintained, shall be responsible for seeing that patient information is immediately retrievable. In the event that the designated individual is not a qualified medical records librarian, consultant and technical guidance shall be readily available from a person skilled in health record systems.

Section 7. Medical records: Medical records shall stress the psychiatric components of the records including history of findings and treatment rendered for the psychiatric condition and shall be evidence of the direct services rendered to individuals by the community mental health center. A health record shall be maintained for each individual with all entries kept current, dated, entitled according to the service received and signed. Medical records shall be retained as in other health facilities and health services regulations.

Section 8. Staffing Treatment Plan: The original treatment plan shall be signed by the physician who is responsible for the care of the patient, and: (1) Shall establish diagnosis,
(2) Recommend comprehensive treatment which shall include short term and long range goals and treatment.

Section 9. Chemotherapy: All chemotherapy used in treatment shall be recorded in staff notes and on a special medications form for reference and follow-up: (1) Chemotheraphy shall be under the direction of a licensed physician;

(2) A copy of the prescription issued shall be filed in the health record, and
(3) Prescriptions concerning medication shall not exceed an order for more than three refills.
(4) Blood and any other laboratory test and examinations shall be required on all individuals receiving chemotherapy, within six (6) months or one (1) year depending on dosage and symptoms. Annual physical examinations shall be required.

Section 10. Rehabilitative Services. Rehabilitative services such as occupational, physical, speech and hearing, and recreational activities shall be provided upon written orders of a physician, who shall prescribe the modalities and frequency of therapies and precautions to be taken. Progress and results of therapy shall be recorded by the appropriate staff member.

Section 11. Utilization and Review: The program shall assure that a plan for utilization and review is established to maximize effective use of services and staff and to analyze and identify factors that may contribute to ineffective utilization of services and staff. A termination study shall be required and shall contain a recapitulation of the significant findings and events during treatment, diagnosis and/or clinical impression, condition on termination and disposition.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board
ADOPTED: December 12, 1974
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:23 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
Certificate of Need and Licensure Board
(902 KAR 20:105)

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 22
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Ambulatory Surgical Center Services, 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: Ambulatory Surgical Center Services, General: An ambulatory surgical center means a public or private institution with an organized medical staff that is established, equipped and operated primarily for the purpose of treatment of patients by surgery, whose recovery in the concurring opinions of the surgeon and/or the physician or dentist anesthesiologist will not require inpatient care.

Section 2. Essential Characteristics of Ambulatory Surgical Center Services: The essential characteristics of ambulatory surgical centers are as follows: (1) Is operated under the supervision of a staff of physicians and dentists.
(2) Surgical procedures shall be permitted to be performed by physicians or dentists, who at the time, are legally authorized to perform such procedures and are privileged to perform such procedures in at least one hospital in the area.
(3) Requires (in all cases other than those requiring only local infiltration anesthetics) that a qualified physician or dentist anesthetist (or a registered nurse anesthetist acting under the direction of the operating surgeon) administer the anesthetics and remain present during the surgical procedure.
(4) Provides at least two (2) operating rooms and at least one (1) postanesthesia recovery room.
(5) Is equipped to perform diagnostic x-ray and laboratory examinations for diagnostic purposes, or has an agreement with a licensed hospital to provide these services.
(6) Does not provide accommodations for overnight stays.
(7) Provides the full time services of registered professional nurses for patient care in the operating and postanesthesia recovery room.
(8) Has available the necessary equipment and personnel to handle foreseeable emergencies (including defibrillator for cardiac arrest, a tracheotomy set for airway obstructions, and a blood bank or other blood supply).
(9) Maintains a written agreement with one or more licensed hospitals in close proximity for immediate acceptance of patients who develop complications or require postoperative confinement.
(10) Provides for the periodic review of the center and its operations by a utilization review committee or other committee composed of physicians having no financial interest in the surgical center.
(11) Maintains adequate medical records for each patient.
(12) Provision shall not be made for any obstetrical deliveries.

Section 3. Minimum Standards for Operation: The following minimum standards of operation as set forth in this regulation shall apply to all ambulatory surgical centers:
(1) Disclosure of ownership. The ownership of the ambulatory surgical center shall be fully disclosed to the licensure board. This disclosure shall apply equally to individuals, partnerships, the officers and the board of directors of a corporation.
(2) State and local laws. The ambulatory surgical center shall be in compliance with all applicable state and local laws.
(3) Governing body and management. There shall be an organized governing body, or designated persons so functioning, that have overall legal responsibility for the conduct of the surgical center.
(a) Bylaws. Bylaws shall be adopted in accordance with legal requirements. These bylaws shall include but not be limited to:
1. Description of the organization including selection of officers.
2. Committee structures and their responsibilities.
3. Appointment of physician and dentist members and approval of their bylaws, rules and regulations.
4. Responsibilities for providing and maintaining the physical plant.
5. Provision for liaison between the governing body and the medical staff.
6. Frequency of meetings and the maintenance of written minutes of the governing body meetings.
(b) General administration:
1. The governing body shall appoint an administrator whose qualifications, authority and duties shall be defined in writing and adopted by the governing body.
2. The administrator shall act as the executive officer of the governing body and shall provide liaison between the governing body and medical staff, nursing department and other departments of the center.
3. He shall organize day to day operations of the center through appropriate departmentalization and delegation of duties.
4. A qualified individual shall be designated and authorized to act in the absence of the administrator.
(c) Personnel administration:
1. Written personnel policies, practices and procedures shall be developed and be available to all personnel.
2. Job descriptions shall be developed for each level of personnel and shall include the responsibilities and actual work to be performed in each classification.
3. Current employee records shall be maintained and include a resume of each employee's training and experience, evidence of current licensure or registration where required, records of health supervision and reports of all accidents occurring on duty.
(4) Medical staff. There shall be a medical staff organized under bylaws approved by the governing body which shall be responsible for the quality of all medical care provided patients in the surgical center and for the ethical and professional practices of its members. It shall include physicians and dentists. Bylaws shall be adopted to govern and enable the medical staff to carry out its responsibilities. The medical staff bylaws, rules and regulations shall include, but not be limited to the following areas:
(a) Description of the medical staff organization including selection of officers, committee structures and responsibilities.
(b) State the necessary qualifications for staff membership.
(c) Procedures for granting and withdrawing staff privileges.
(d) Provision that surgical privileges will be granted only to physicians and dentists who are privileged to perform such procedures in at least one (1) hospital in the area.
(e) Mechanism for appeal of adverse decision regarding medical staff membership and privileges.
(f) State specifically those cases or instances in which consultations with other physicians and dentists are required.
(g) Provision for examination of all patients either prior to or upon admission and recording a preoperative diagnosis prior to surgery.
(h) Provision that at least a complete blood count and urinalysis be performed on all patients within forty-eight (48) hours prior to surgery.
(i) Policy permitting a surgical operation only upon written informed consent of the patient or his legal representative.
(j) Provide that the physician or dentist in charge of the patient be responsible for seeing that all tissue removed during surgery is delivered to the center's pathologist and that an examination and report is made of such tissue.
(k) A statement that the physicians' or dentists' orders must be in writing and signed by the physician or dentist.
(l) Provision for keeping accurate and complete medical records.
(m) Provides for staff meetings for the purpose of reviewing clinical work performed in the center.
(n) In ambulatory surgical centers providing for voluntary interruption of pregnancies the following shall

apply: Where, in the opinion of the surgeon, the pregnancy is approximately three (3) months or less, there shll be a verified pregnancy test prior to surgery; there shall be provision for preoperative and postoperative counseling; there shall be a Papanicolaou (PAP) and Venereal Disease (VD) test prior to surgery; and Rh negative patients shall have Rhogam therapy when indicated.

(5) Sanitary environment: The surgical center shall provide a sanitary environment to avoid sources and transmission of infections.

(a) An infection committee composed of members of the medical and nursing staffs shall be established and responsible for controlling and preventing infections within the center.

(b) Written infection control measures shall be established. There shall be written procedures which govern the use of aseptic techniques and procedures in all areas of the center.

(c) All employees shall have a VDRL and chest x-ray or tuberculin skin test prior to employment and at least annually thereafter.

(d) To insure that cleaning procedures are effective, there shall be bacterial colony counts taken periodically in at least the operating rooms and any other high risk areas.

(e) There shall be a method of control used in relation to the sterilization of supplies and water and a written policy requiring nondisposable sterile supplies to be reprocessed no later than every thirty (30) days.

(f) There shall be rigidly enforced policies regarding the disposal of patient waste and any other potentially infectious materials.

(g) There shall be continuing education to all surgical center personnel on the cause, effect, transmission, prevention and elimination of infections.

(6) Surgery department:

(a) The operating rooms shall be supervised by a registered nurse.

(b) The operating room supervisor shall have on file a list of all physicians and dentists with surgical privileges at the center and the privileges assigned to each by the medical staff.

(c) The medical staff shall designate which surgical procedures, if any, that will require the presence of two (2) scrubbed physicians. Assistants at lesser operations may be nurses or technicians designated by the medical staff as having sufficient training to assist in such procedures. A registered nurse shall be available to circulate.

(d) The operating room register shall be complete and up to date.

(e) The following equipment shall be available in the operating rooms: cardiac monitor, resuscitator, defibrillator, aspirator, thoracotomy and tracheotomy sets.

(f) There shall be effective policies regarding staff privileges for the administration of anesthetics. A postanesthetic followup note on patients receiving general anesthetics shall be recorded two (2) to six (6) hours following surgery by the anesthetist or surgeon, noting postoperative abnormalties or complications, stating the temperature, pulse, respiration, blood pressure, presence or absence of swallowing reflex and cyanosis and general condition of the patient.

(g) Rules and regulations governing the use of the operating rooms shall be posted.

(7) Recovery room:

(a) There shall be adequate staff available in the recovery room so that no patient is left alone at any time.

(b) A registered nurse shall be available to the recovery room at all times.

(c) The person(s) staffing this area shall be adequately trained in all aspects of postoperative and postanesthetic care.

(d) Equipment available for emergencies shall include, but not be limited to: suction machine, stethoscope, sphygmomanometer, emergency cart and necessary drugs.

(8) Patient accommodations in recovery room(s):

(a) The surgical center shall provide suitable accommodations for all its patients. There shall be adequate floor space, furnishings, bed linens, and such other utensils, equipment and supplies as is reasonably required for the proper care of the patients accommodated. There shall be provision for the proper sterilization of supplies, utensils and equipment and for storing them in a clean, convenient and orderly manner. An adequate system for patients to use in calling nurses and attendants shall be maintained.

(b) Bedrails shall be available for any patient when required.

(c) A satisfactory bed and mattress and one (1) or more pillows of at least fifteen (15) inches by twenty (20) inches shall be provided for each patient. There shall be at least one (1) chair per patient.

(9) Pharmaceutical services:

(a) The surgical center may have a licensed pharmacy. If the center does not have a licensed pharmacy, it shall have provision for promptly and conveniently obtaining prescribed drugs and biologicals from licensed community or institutional pharmacies.

(b) The center shall provide appropriate methods and procedures for storage, control and administering of drugs and biologicals, developed with the advice of a staff pharmacist, either full time, part time, or on a regular consultative basis. Drugs shall be properly labeled by the pharmacist for individual patients. The pharmacist shall have overall control of drugs at the center.

(c) All medications shall be administered by licensed medical or nursing personnel in accordance with the Medical Practice Act (KRS 311.530 to 311.620) and Nurse Practice Act (KRS Chapter 314). Each dose administered shall be properly recorded in the medical record.

(d) An emergency medication kit approved by the medical staff shall be readily available and maintained and replacements made by the pharmacist on a regular basis.

(e) Security and storage of all controlled substances shall be in accordance with the Kentucky Controlled Substances Act (KRS Chapter 218A).

(f) A record shall be maintained which lists on separate sheets for each type and strength of controlled substance the following information: date, time administered, name of patient, dose, physician's or dentist's name, signature of person administering dose, and balance. An audit shall be conducted by the pharmacist and a member of the nursing staff weekly.

(10) Laboratory services. A surgical center may have an agreement with a licensed hospital located in close proximity to provide laboratory services; however, if the center provides their own laboratory services, the following regulations shall apply:

(a) There shall be necessary space, facilities and equipment to perform those diagnostic procedures commensurate with the center's needs for its patients.

(b) The laboratory shall be directed by a pathologist either on a full time, part time or regular consultative basis.

(c) There shall be a sufficient number of medical technologists to promptly and proficiently perform the tests in the laboratory.

(d) All equipment shall be in good working order, routinely checked and precise in terms of calibration.

(e) There shall be ongoing quality control program, including the use of standards, control sera, reference samples, and periodic recalibration of instruments to insure accuracy of laboratory results.

(f) Laboratory examinations shall be made only upon the request of a physician or dentist.

(g) Provision shall be made for tissue pathology and diagnostic cytology examinations in the center's own laboratory or through arrangements with the pathologist director.

(h) All tissue removed from patients at surgery shall be macroscopically and, if necessary, microscopically examined by the center's pathologist.

(i) All laboratory and tissue pathology reports shall be signed and entered into the medical record.

(11) Radiology services. The surgical center may have an agreement with a licensed hospital located in close proximity to provide radiology services; however, if the center provides their own radiology services, the following regulations shall apply:

(a) The surgical center shall maintain or have available, radiology services according to the needs of the center.

(b) The department shall be free of hazards for patients and personnel. Proper safety precautions shall be maintained against fire and explosion hazards, electrical hazards and radiation hazards.

(c) Periodic inspection shall be made by state authorities and hazards so identified shall be corrected.

(d) Radiology personnel shall be checked periodically for amount of radiation exposure by the use of exposure meters or badge tests.

(e) The center shall have a qualified radiologist, either full time, part time, or on a consultative basis to supervise the department and to interpret films that require specialized knowledge for accurate reading.

(f) The amount of radiologist and technologist time shall be sufficient to meet the requirements or demands that the medical staff places upon the department.

(g) The use of all x-ray apparatus shall be limited to personnel designated as qualified by the radiologist or by an appropriate committee of the medical staff.

(h) Signed reports shall be promptly entered into the medical record and duplicate copies kept in the department.

(i) X-ray examinations shall be made only upon the request of a physician or dentist.

(12) Reports. Each surgical center shall furnish an annual report to the Department for Human Resources on forms supplied by the department for this purpose. This report shall consist of the total number of operations per year, number of operations by clinical category, and such other statistical information that is requested.

(13) Medical records:
(a) Organization: The responsibility for supervision, filing and indexing of medical records shall be delegated to a responsible employee of the surgical center.
(b) Indexing: Medical records shall be properly indexed and systematically filed for ready access to properly authorized personnel.
(c) Ownership: Records of patients are the property of the surgical center and shall not be removed from the center's jurisdiction and safekeeping except in accordance with a court order or subpoena. Medical records shall be made available, when requested for inspection by duly authorized representatives of the licensure board.
(d) Content: Adequate and complete medical records shall be prepared for all patients admitted to the surgical center. All notes shall be legibly written or typed and signed. A minimum medical record shall include, but not be limited to the following information:
1. Name and address of person or agency responsible for patient;
2. Identification data (name, address, age, sex, marital status);
3. Date of admission and discharge;
4. Referring and attending physicians' and dentists' names;
5. History and physical examination record prior to surgery;
6. Operative consent form signed by patient or his legal representative;
7. Special examinations, such as consultations, clinical, laboratory, x-ray;
8. Doctor's orders, dated and signed by the physician or dentist;
9. Nurses' notes;
10. Complete medical record signed by the operating surgeon, including anesthesia record, preoperative diagnosis, operative procedure and findings, postoperative diagnosis and tissue diagnosis by a qualified pathologist on all specimens surgically removed, and postanesthesia follow up note;
11. Temperature chart including pulse, respiration and blood pressure;
12. Discharge note to include condition on discharge and postoperative instructions to patient.
(e) Physician's or dentist's responsibility: It shall be the responsibility of each attending physician or dentist to complete and sign the medical record of each patient as soon as practicable after discharge, but not to exceed ten (10) days.
(f) Orders for medication: All medical records shall contain the orders for medication and treatment written in ink and signed by the prescribing physician or dentist and if given verbally, countersigned by him within forty eight (48) hours except that all records for Schedule II drugs shall be signed immediately. A record of medication administered to the patient shall be included in the record and signed by the person administering the medication.
(g) Retention of Records: All medical 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 based upon all relevant factors.

(14) Transfer agreement:
(a) Each surgical center shall have a written agreement with one (1) or more licensed hospitals located in close proximity to the center, for the immediate acceptance of patients who develop complications or require postoperative confinement.
(b) It shall be the responsibility of the surgical center to arrange for transportation of patients who require hospital care and to arrange for their admission.

(15) Utilization review:
(a) Each surgical center shall have in effect a plan for utilization review of their services on a least a quarterly basis by a committee of physicians and dentists which have no financial interest in the center.
(b) Reviews shall be made of admissions and professional services furnished including utilization of surgical services and tissue reports.

(16) Fire control or disaster plan. The surgical center 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.
(a) The plan shall be developed with the assistance of qualified fire and safety experts.
(b) All personnel shall be trained to perform assigned tasks.
(c) Simulated drills testing the effectiveness of the plan shall be conducted at least three (3) times a year.
(d) The plan shall be posted throughout the facility.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board
ADOPTED: December 12, 1974
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:25 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
Certificate of Need and Licensure Board
(902 KAR 20:110)

RELATES TO: KRS 216.405 to 216.485, 216.990(2), KRS 222.210 et. seq.
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 23
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Medical Alcohol Emergency Detoxification Services, 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: Medical Alcohol Emergency Detoxification Services. Medical alcohol emergency detoxification services means a service providing treatment for intoxicated persons, or for persons evaluated by physicians to be alcoholics in need of acute emergency care in hospitals, extended care facilities, or nursing homes which operate on a twenty-four (24) hour basis and are licensed for this purpose in accordance with KRS 222.230.

Section 2. Essential Characteristics: The essential characteristics of a medical alcohol detoxification service shall be those contained in KRS 222.210 to 222.300 relating to alcoholism treatment and rehabilitation.

Section 3. Minimum Standards of Operation: (1) The hospital, extended care facility or nursing home shall have emergency medical treatment capability with staff and operating procedure appropriate to the category of the facility housing the program.
(2) The medical alcohol emergency detoxification service shall be provided on the premises of a facility primarily licensed as a hospital, extended care facility, or nursing home and under the medical aegis of the facility.
(3) The facility shall provide extended intensive medical care of the patient, either within the primary facility or through cooperative arrangement with another appropriately licensed medical care facility.
(4) The service shall be operated by licensed staff specially trained in alcohol emergency treatment procedures as certified by the Department for Human Resources, except that the certification shall in no way be construed as interfering with the individual practice privileges granted medical, nursing, and other personnel through licensure in their respective professions.
(5) The service shall have twenty-four (24) hour capability, and shall provide examination and/or diagnosis, medical emergency outpatient treatment, and appropriate referral for all clients.
(6) Admission to inpatient treatment status shall be determined by an attending or examining staff physician as medically indicated.
(7) The facility shall assure a reasonable number or percentage of emergency beds to be available for medical alcohol emergencies, and shall assure space available for at least one (1) bed with reasonable privacy and appropriate stretcher or bed access wherein examination, detoxification, observation, evaluation and treatment of the medical alcohol emergency may be carried on.
(8) The facility shall show evidence of written affiliation or efforts to affiliate for reciprocal services with as many of the other licensed alcohol services as possible and available in the community, including but not limited to; situation, identification, and disposition units, thirty (30) day residential units, halfway houses, outpatient services; and shall have written affiliation with at least two (2) such services if existing within the community.
(9) The facility shall participate in a patient status tracking system as prescribed by administrative regulation of the Department for Human Resources, or its successor.
(10) The facility shall have the following on hand and operational at all times:
(a) Complete parenteral treatment equipment and capability.
(b) Appropriate pharmaceutical supplies to include tranquilizers, anti-convulsants, oral and parenteral vitamins.
(c) Inhalation equipment (including suction and positive pressure equipment).

(11) The facility shall have twenty-four (24) hour immediate access to physician services.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board
ADOPTED: December 12, 1974
APPROVED:
C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:25 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
Certificate of Need and Licensure Board
(902 KAR 20:125)

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 19
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Hearings and Appeals, 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. Scope. This regulation relates to the denial, suspension, probation, or revocation of health facilities and health services licenses and certificates of need; hearings and review.

Section 2. Denial, Suspension, Probation and Revocation of Licenses and Certificates of Need. The Kentucky Certificate of Need and Licensure Board may deny, suspend, probate, or revoke a license or certificate of need in any case in which it finds that there has been a failure to comply with the requirements established under KRS 216.405 to 216.485 and 216.9990(2) or the regulations adopted thereunder.

Section 3. Notices. (1) Notices of a hearing shall be issued in the name of the board by the secretary thereof and shall state the time, date and place of the hearing, which shall not be less than twenty (20) days from service of the notice, and shall also contain a concise statement of the reason for the hearing and sufficient information to reasonably apprise the applicant or licensee of the substance of the facts claimed to constitute a violation of KRS 216.405 to 216.485 and 216.990(2) or the regulations adopted thereunder.
(2) The board shall give notice in writing to applicants whose applications have been tentatively denied stating the reasons therefor. Such denial shall become final unless the applicant makes application to the board for a hearing within ten (10) days after service of such notice.

Section 4. Service. Service of such notices may be effected in the manner prescribed by law for the service of civil process or by the board forwarding same to the applicant or licensee, by United States registered or certified mail postage prepaid at the address of the applicant or licensee as reflected by the records of the board.

Section 5. Hearings. The hearing may be conducted by the board in person or by a hearing officer or a hearing committee appointed by the board. All members of the board and all persons appointed by the board as hearing officers or as members of a hearing committee are authorized to administer oaths, issue subpoenas for the attendance of witnesses and for the production of books, papers, and documents and to cite for contempt, before the circuit or quarterly court in the county in which the hearing is held, for disobedience of its process or for contumacious or disrespectful conduct. The applicant or licensee proceeded against shall be known as "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the board so permits, by depositions. Hearing officers and hearing committees shall prepare a proposed findings of fact and conclusions of law.

Section 6. Decisions and Appeals. All decisions revoking, suspending, probating, or denying licenses, certificates of need or applications shall be made by the board and shall be recorded in the minutes of the board. The secretary of the board shall notify, by registered or certified United States mail postage prepaid, the applicant or licensee of the decision of the board, which decision shall become final and conclusive thirty (30) days after notice thereof is given as above provided.

HOWARD L. BOST, Chairman
Certificate of Need and Licensure Board
ADOPTED: December 12, 1974
APPROVED:
C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: January 15, 1975 at 4:24 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 45:010)

RELATES TO: KRS 217.005 to 217.215, 217.992; 217.808 to 217.812, 217.990(8); 219.011 to 219.081, 219.991(1); 221.010 to 221.110, 221.990
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 217.005, et seq.; 217.080, et seq.; 219.011, et seq.; and KRS Chapter 221, et seq.; to regulate food, food vending machines and food service establishments. The purpose of this regulation is to define terms applicable to all regulations adopted by the Department for Human Resources relating to food, food vending machines, frozen food lockers, and food service establishments.

Section 1. Definitions. The following terms shall have the meanings set forth below in all regulations adopted by the Department for Human Resources relating to food, food vending machines and food service establishments, unless clearly indicated otherwise.
(1) "Adulterated food and food products" means any food or food product adulterated as provided by KRS 217.025 of the Kentucky Food, Drug and Cosmetic Act.
(2) "Approved" means acceptable to the department based on determination as to conformance with appropriate standards and good public health practices.
(3) "Artificial color" means any material that is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source and that, when added or applied to a food is capable, alone or through reaction with another substance, of imparting a color thereto.
(4) "Artificial flavor" means any substance, the function of which is to impart flavor, which is not derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or similar plant material, meat, fish, poultry, eggs, dairy products, or fermentation products thereof.
(5) "Chemical preservative" means any chemical that, when added to a food, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices, substances added to food by direct exposure thereof to wood smoke, or chemicals applied for their insecticidal or herbicidal properties.
(6) "Closed" means without openings large enough for the entrance of insects. An opening of one-thirty-seconds (1/32) inch or less is closed.
(7) "Corrosion-resistant material" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions and other conditions of the use environment.
(8) "Department" means the Department for Human Resources and includes the local health department having jurisdiction and their duly designated representatives.
(9) "Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
(10) "Employee" means the permit holder, individuals having supervisory or management duties and any other person working in a food handling establishment.
(11) "Equipment" means stoves, ranges, hoods, ovens (including micro-wave), cookers, bins, conveyor belts, refrigerators, freezers, mixers, grinders, saws, sinks, tables, display cases, meat blocks, wrapping machines, scales, checkout counters, vehicles and similar items.
(12) "Food contact surfaces" means those surfaces with which food may come in contact, and those surfaces that drain onto surfaces that may come in contact with food.
(13) "Food processing establishment" means a commerical establishment, that is under the inspection of a regulatory agency, in which food is processed, prepared, packaged or distributed for human consumption.
(14) "Kitchen-ware" means all multiuse utensils other than tableware used in the storage, preparation, conveying or serving of food.
(15) "Machine location" means the room, enclosure, space or area where one (1) or more vending machines are installed and operated.
(16) "Misbranded food and food products" means any food or food product misbranded as provided by KRS 217.035 of the Kentucky Food, Drug and Cosmetic Act.
(17) "Mobile food unit" means a food service establishment that is designed to be readily movable.
(18) "Packaged" means bottled, canned, cartoned, or securely wrapped at a food processing establishment.
(19) "Package" means any container or wrapping in which any food is enclosed for use in the delivery or display to retail purchasers, but does not include: shipping containers or outer wrappings used by retailers to ship or deliver any food to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; containers used for tray pack displays in retail establishments; transparent wrappers or containers which do not bear written, printed, or graphic matter obscuring the label information, and any other exemption granted pursuant to the Federal Food, Drug and Cosmetic Act.
(20) "Perishable food" means food of such type or in such

conditions or physical state that it may spoil or otherwise become unfit for human consumption.

(21) "Pesticides" includes pesticides, insecticides, fungicides, herbicides, and rodenticides as defined in KRS 217B.040(2), (3), (4), (5) and (9) and any other toxic substance or compound designated by the department.

(22) "Potentially hazardous food" means any food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredient including synthetic ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. This term does not include clean, whole, uncracked, odor-free eggs.

(23) "Retail food market" or "market" means any establishment where food or food products are offered for sale to the consumer, and intended for off premises consumption but does not include markets that offer only fresh fruits and vegetables for sale, food service establishments, food and beverage vending machines, vending machine commissaries or food processing establishments.

(24) "Safe temperature" means when considering potentially hazardous food, food temperature of 45°F or below and 140°F or above, except for frozen food, it shall mean 0°F, or less.

(25) "Sanitize" means effective bactericidal treatment by a process that destroys micro-organisms including pathogens, and which has been approved by the department.

(26) "Sealed" means free of cracks or other openings which permit the entry or passage of moisture.

(27) "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping material including bags, toothpicks and similar articles which are designed for one-time, one-person use and then discarded.

(28) "Tableware" means all multiuse eating and drinking utensils.

(29) "Temporary food service establishment" means any food service establishment which operates at a fixed location for a period of time, not to exceed fourteen (14) consecutive days.

(30) "Utensil" means any implement used in the preparation, storage, transporation or service of food.

(31) "Wholesome" means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975
RECEIVED BY LRC: January 15, 1975 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 45:020)

RELATES TO: KRS 217.005 to 217.215, 217.992
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
SUPERSEDES: FDC-6
NECESSITY AND FUNCTION: The Kentucky Food, Drug and Cosmetic Act, KRS 217.005 to 217.215 and 217.992 authorizes the Department for Human Resources to protect the public against the adulteration and misbranding of foods. The purpose of this regualtion is to establish uniform sanitary standards and permit requirements for shellfish repacking, and to establish uniform standards of identity for shellfish.

Section 1. Citation of Regulation. This regulation may be cited as the "State Shellfish Regulation."

Section 2. Definitions. The following definitions shall apply in the interpretation and enforcement of this regulation: (1) "Shell oysters" means live oysters of any of the species, Ostrea virginica, Ostrea gigas, Ostrea lurida, in the shell, which, after removal from their beds, have not been floated or otherwise held under conditions which result in the addition of water.

(2) "Shrimp" means the tail portion of properly prepared shrimp of commercial species.

(3) "Thoroughly drained" means one of the following:

(a) The oysters are drained on a strainer or skimmer which has an area of not less than 300 square inches per gallon of oysters, drained, and has perforations of at least one-fourth (1/4) of an inch in diameter and not more than one and one-fourth (1 1/4) inches apart, or perforations of equivalent areas and distribution. The oysters are distributed evenly over the draining surface of the skimmer and drained for not less than five (5) minutes; or

(b) The oysters are drained by any method other than that prescribed by paragraph (a) of this subsection whereby liquid from the oysters is removed so that when the oysters are tested within fifteen (15) minutes after packing by draining a representative gallon of oysters on a skimmer of the dimensions and in the manner described in paragraph (a) of this subsection for two (2) minutes, not more than five percent (5%) of liquid by weight is removed by such draining.

Section 3. Shellfish Repacking Plant Permit. (1) No person, firm or corporation shall repack shucked or raw oysters in Kentucky unless a permit to repack has been issued by the department in accordance with the provisions of this regulation.

(2) An application for a permit shall be made in writing to the department before operation commences and shall include the usual business name, business and mailing address, name or names and titles of responsible officers or owners, a filing of the label to be used on the final package, and a statement as to the proposed records to be kept.

(3) The permit issued by the department shall list the name, address, certificate number, classification and expiration date of the permit.

(4) A permit issued to a repacker shall not be transferable as to person or place and shall be reapplied for prior to expiration date.

(5) The permit may ber revoked at any time for violation of any requirement of this regulation or any other public health law or regulation.

Section 4. Submission of Plans. Plans for an oyster repacking plant shall be submitted for approval to the department in triplicate through the local health hepartment in accordance with applicable regulations of the department.

Section 5. Shellfish Repacking Plant Sanitation Requirements. (1) Plant arrangements. The repacking establishment shall be so located as to be free of contaminating surroundings and not subject to flooding. Repacking room shall be separate and of sufficient size to permit sanitary handling of the oysters and thorough cleaning of equipment. A separate room or rooms or lockers, shall be provided for storing employees' street clothing, aprons, gloves, and personal articles.

(2) Floors. The floors shall be constructed of concrete or other material impervious to water and shall be graded to drain quickly and be free from cracks and uneven surfaces that interfere with proper cleaning or drainage, and be maintained in good condition.

(3) Walls and ceilings. The interior surface of rooms in which shellfish are repacked, or in which utensils are washed shall be smooth, washable, light colored and kept in good repair.

(4) Fly control measures. All outer openings to the toilet and wash rooms, repacking rooms, utensil cleaning and storage rooms, and locker rooms shall be effectively screened during the season when flies are present, unless other effective means are provided for preventing the entrance of flies. Effective in-plant fly-control measures shall be used to kill or capture flies which may enter the plant despite the screening. All interior doors or other openings into the repacking room shall be screened whenever necessary to keep the packing room free of flies.

(5) Lighting. Adequate light shall be provided in all working and storage rooms. Light bulbs, fixtures, skylights or other glass suspended over exposed food in any step of preparation shall be of the safety type or otherwise protected to prevent food contamination in case of breakage.

(6) Heating and ventilation. Working rooms shall be ventilated and shall be heated when necessary.

(7) Water supply. The water supply shall be easily accessible, adequate and of safe, sanitary quality.

(8) Plumbing and related facilities. Plumbing shall be installed in compliance with the state Plumbing Code. Lavatories with water shall be so located that their use by repacking plant personnel can be readily observed. Conveniently located toilets shall be provided.

(9) Sewage disposal. Sewage shall be discharged into public sewers, if available. Where private sewage disposal systems must be utilized, they shall be constructed, operated and maintained according to the requirements of the Department for Natural Resources and Environmental Protection.

(10) Rodent control. Shellfish repacking plants shall be free from rodents.

(11) Construction of utensils and equipment. The food-product zone of utensils and equipment, including that used for ice handling, shall be made of smooth, corrosion resistant, impervioUse, nontoxic material which will not readily disintegrate or crack; constructed as to be easily cleaned, and shall be kept in good repair.

(12) General cleanliness. Premises shall be kept clean and free of litter and rubbish. Miscellaneous and unused equipment and articles which are not necessary to plant operations shall not be stored in rooms used for repacking or food storage. No domestic animal or fowl shall be permitted in a shellfish repacking plant. The repacking portions of the plant, when in operation, shall be restricted to the handling of shellfish. Unauthorized persons shall be excluded from the plant.

(13) Cleaning of buildings and equipment. Floors, equipment, and if necessary the walls of the repacking room shall be cleaned within two (2) hours after the day's operations have ceased. Windows and skylights shall be kept clean. All equipment, utensils and work surfaces shall be cleaned by scrubbing with water and detergent and rinsing with potable water within two (2) hours after the day's operations have ceased.

(14) Bactericidal treatment of utensils and equipment. All utensils and equipment in the repacking room which come in contact with shucked shellfish shall be subjected to an effective bactericidal process at the end of each day's operation. Large equipment which might be contaminated before use shall be cleaned at the end of each day's operation, and shall be

subjected to effective bactericidal treatment immediately before use. Returnable shipping containers, if used, shall be subjected to an effective bactericidal treatment process on the day they are used, and are protected against contamination until filled.

(15) Storage of equipment. Equipment and utensils which have been cleaned and given bactericidal treatment shall be stored so as to be protected against contamination.

(16) Source of shellfish. All shellfish shall be obtained from a source approved by the department. Shellfish shall be obtained from approved areas and shall be properly identified and received from a shellfish shipper currently listed on the U.S. Public Health Service's Interstate Shellfish Shipper's List.

(17) Handling of single-service containers. All single-service containers shall be stored and handled in a sanitary manner and when necessary, shall be given bactericidal treatment immediately prior to filling.

(18) Packing of shucked shellfish. Shucked shellfish shall be packed without exposing them to contamination. Shucked shellfish shall be packed and shipped in clean, single-service containers made of impervious materials so sealed that tampering can be detected. Each individual package of fresh or frozen shellfish shall have permanently recorded on the package or label, so as to be easily visible, the packers, repackers, or distributors name and address, and the packer's or repacker's certificate number preceded by the abbreviated name of the state. Containers holding one gallon or more shall have the identification on the container wall, unless the cover becomes an integral part of the container during the sealing process. Packages of frozen shellfish shall show the date or code of repacking.

(19) Refrigeration of shucked shellfish. Shucked shellfish shall be kept at a temperature of 45°F or less during repacking.

(20) Ice. Ice shall be obtained from a source specifically approved by the department, and shall be stored and handled in a clean manner.

(21) Records. Complete and accurate records shall be kept by every shellfish repacker.

(22) Health of Personnel. Any person known to be infected with any disease in a communicable form, or to be a carrier of any disease which can be transmitted through the handling or shellfish, or who has an infected wound or open lesion on any exposed portion of his body, shall be excluded from the repacking plant. An owner or manager who has reason to suspect that any employee has contracted a communicable disease shall immediately notify the department. Pending appropriate action by the department, said employee shall be excluded from the plant. The management shall designate a reliable individual to be accountable for complance with the requirements of this regulation having to do with plant and personnel cleanliness.

(23) Cleanliness of employees. Employees shall wash their hands with soap and water before beginning work and again after each interruption. Any person who handles shucked shellfish shall wear a clean apron or coat. Employees shall not use tobacco in any form in the rooms in which shellfish are repacked.

Section 6. Bacteriological Criteria for Shellfish. The following bacteriological criteria shall be applicable for all edible species of fresh and frozen shellfish at the wholesale market level. Shellfish having a fecal coliform density of not more than 230 MPN per 100 grams and 35 degrees Centigrade or a standard plate count of not more than 500,000 per gram shall be considered satisfactory. Shellfish having a fecal coliform density of more than 230 MPN per 100 grams and/or 35 degrees Centigrade or a standard plate count of more than 500,000 per gram shall be considered conditional and may be subject to rejection by the department.

Section 7. Handling and Sale of Shellfish. (1) No oysters, clams, scallops or other shellfish shall be sold or offered for sale unless such shellfish shall have been produced and shipped in conformity with the regulations of the state in which they were grown or packed, and unless the shipment shall have been accompanied by tag, label, or other mark showing that shipper has been duly certified by the state in which his plant is operated, such certification having been approved by the U.S. Public Health Service for shipment in interstate commerce.

(2) All shippers, reshippers, packers and wholesalers shall keep an accurate record, subject to inspection by proper officials, of all lots received, shipped and sold. All retailers shall keep an accurate record, subject to inspection by proper officials, of all lots received.

(3) Shell oysters and clams shall be handled at a temperature below 50°F., but above freezing temperature.

(4) Shell oysters and clams shall have been shipped in clean barrels or sacks, plainly marked with the name, address and identification mark of the shipper.

(5) Shucked oysters shall have been packed in containers sealed in such manner that any tampering is easily discernible, and shall be marked with the name and address and identification mark of shipper or packer. All shipping containers shall have been washed and sterilized by an approved method before being filled.

(6) For refrigeration of shucked shellfish, outside containers shall be provided for ice, and no ice or other foreign substance shall be allowed in contact with the shellfish. Shucked shellfish shall be kept at a temperature of 45°F. or below, from the time it leaves the shipper until the time it reaches the consumer. Frozen shellfish shall be held at 0°F. or less.

(7) All shucked stock received by wholesalers or retailers shall be kept in the original containers, except such shucked shellfish that are repacked by a certified repacker.

Section 8. Canned wet pack shrimp and canned dry pack shrimp in non-transparent containers; fill of container; label statement of substandard fill. (1) The standard of fill of nontransparent containers for canned wet pack shrimp is a fill such that the cut-out weight of shrimp taken from each can is not less than sixty-four (64) percent of the water capactiy of the container, and, for canned dry pack shrimp (except that packed in the nontransparent cylindrical container which is two and eleven sixteenths (2 11/16) inches in diameter and four (4) inches in height), is a fill such that the cut-out weight of shrimp taken from each can is not less than sixty (60) percent of the water capacity of the container. The standard or fill for canned dry pack shrimp packed in the nontransparent cylindrical container which is two and eleven-sixteenths (2 11/16) inhes in diameter and four (4) inches in height is a cut-out weight of not less than six and one-half (6 1/2) avoirdupois ounces of shrimp for each container.

(2) Cut-out weight is determined by the following method: Keep the unopened canned shrimp container at a temperature of not less than 68° nor more 95° Fahrenheit for at least twelve (12) hours immediately preceding the determination. After opening, tilt the container so as to distribute the shrimp evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is eight (8) inches if the quantity of the contents of the containers is less than three (3) pounds, and twelve (12) inches if such quantity is three (3) pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the Unites States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two (2) minutes from the time drainage begins, weigh the sieve and the drained shrimp. The weight so found, less the weight of the sieve, shall be considered to be the cut-out weight of the shrimp.

(3) If canned wet pack shrimp or canned dry pack shrimp, in nontransparent containers, falls below the applicable standard of fill of container prescribed in subsection (1), the label shall bear the general statement of substandard fill.

Section 9. Canned oysters; identity; label statement of optional ingredients. (1) Canned oysters is the food prepared from one (1) or any mixture of two (2) or all of the forms of oysters specified in subsection (2) of this section, and a packing medium of water, or the watery liquid draining from oysters before or during processing, or a mixture of such liquid and water. The food may be seasoned with salt. It is sealed in containers and so processed by heat as to prevent spoilage.

(2) The forms of oysters referred to in subsection (1) of this section are prepared from oysters which have been removed from their shells and washed and which may be steamed while in the shell or steamed or blanched or both after removal therefrom and are as follows:

(a) Whole oysters with such broken pieces of oysters as normally occur in removing oysters from their shells, washing, and packing.

(b) Pieces of oysters obtained by segregating pieces of oysters broken in shucking, washing, or packing whole oysters.

(c) Cut oysters obtained by cutting whole oysters.

(3) When the form of oysters specified in subsection (2) (a) of this section is used, the name of the food is "Oysters" or "Cove Oysters," if of the species Ostrea virginica: "Oysters" or "Pacific Oysters", if of the species Ostrea gigas; "Oysters" or "Olympia Oysters," if of the species Ostrea lurida.

(a) When the form of oysters specified in subsection (2) (b) of this section is used, the name of the food is "Pieces of————," the blank being filled in with the name "Oysters" or "Cove Oysters", if of the species Ostrea virginica; "Osysters" or "Pacific Oysters," if of the species Ostrea gigas; "Oysters" or "Olympia Oysters," if of tthe species Ostrea lurida.

(b) When the form of oysters specified in subsection (2) (c) of this section is used, the name of the food is "Cut————," the blank being filled in with the name "Oysters" or "Cove Oysters," if of the species Ostrea virginica; "Oysters" or "Pacific Oysters", if of the species Ostrea gigas; "Oysters" or "Olympia Oysters," if of the species Ostrea lurida.

(c) In case a mixture of two (2) or all such forms of oysters is used, the name is a combination of the names specified in this subsection of the forms of oysters used, arranged in order of their predominance by weight.

Section 10. Canned oysters; fill of container; label statement of substandard fill. (1) The standard of fill of container for canned oysters is a fill such that the drained weight of oysters taken from each container is not less than 59 percent of the water capacity of the container. Drained weight is determined by the following method: Keep the unopened canned oyster container at a temperature of not less than 68° or more than 95° Fahrenheit for at least twelve (12)

hours immediately preceding the determination. After opening, tilt the container so as to distribute its contents evenly over the meshes of a circulat sieve which has been previously weighed. The diameter of the sieve is eight (8) inches if the quantity of the contents of the container is less than three (3) pounds, and twelve (12) inches if such quantity is three (3) pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)," in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L.C. 584 of the United States Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two (2) minutes from the time drainage begins, weigh the sieve and the drained oysters. The weight so found, less the weight of the sieve, shall be considered to be the drained weight of the oysters.

(2) If canned oysters fall below the standard of fill of container prescribed in subsection (1) of this section, the label shall bear the general statement of sub-standard fill, followed by the statement, "A can of this size should contain ———oz. of oysters. This can contains only ———oz." the blanks being filled in with the applicable figures.

Section 11. Oysters, raw oysters, shucked oysters; identity. (1) Oysters, raw oysters, shucked oysters, are the class of foods each of which is obtained by shucking shell oysters and preparing them in accordance with the procedure prescribed in subsection (2) of this section. The name of each such food is the name specified in the applicable definition and standard of identity prescribed in section 12 to Section 21, inclusive.

(2) If water, or salt water containing less than 0.75 percent salt, is used in any vessel into which the oysters are shucked, the combined volume of oysters and liquid when such oysters are emptied from such vessel is not less than four (4) times the volume of such water or salt water. Any liquid accumulated with the oysters is removed. The oysters are washed, by blowing or otherwise, in water or salt water, or both. The total time that the oysters are in contact with water or salt water after leaving the shucker, including the time of washing, rinsing, and any other contact with water or salt water is not more than thirty (30) minutes. In computing the time of contact with water or salt water, the length of time that oysters are in contact with water or salt water that is agitated by blowing or otherwise, shall be calculated at twice its actual length. Any period of time that oysters are in contact with salt water containing not less than 0.75 percent salt before contact with oysters, shall not be included in computing the time that the oysters are in contact with water or salt water. Before packing into the containers for shipment or other delivery for consumption the oysters are thoroughly drained and are packed without any added substance.

Section 12. Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants); identity. Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants), are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by Section 11 and are of such size that one (1) gallon contains not more than 160 oysters and a quart of the smallest oysters selected therefrom contains not more than forty-four (44) oysters.

Section 13. Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects; identity. Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by Section 11 and are of such size that one (1) gallon contains more than 160 oysters but not more than 210 oysters; a quart of the smallest oysters selected therefrom contains not more than fifty-eight (58) oysters, and a quart of the largest oysters selected therefrom contains more than thirty-six (36) oysters.

Section 14. Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity. Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters select, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by Section 11 and are of such size that one (1) gallon contains more than 210 oysters, but not more than 300 oysters; a quart of the smallest oysters selected therefrom contains not more than eighty-three (83) oysters, and a quart of the largest oysters selected therefrom contains more than forty-six (46) oysters.

Section 15. Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity. Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards, are of the species Ostrea virginica and conform to the definition and standards of identity prescribed for oysters by Section 11 and are of such size that one (1) gallon contains more than 300 oysters but not more than 500 oysters; a quart of the smallest oysters selected therefrom contains not more than 138 oysters and a quart of the largest oysters selected therefrom contains more than sixty-eight (68) oysters.

Section 16. Very small oysters, very small raw oysters, very small shucked oysters; identity. Very small oysters, very small raw oysters, very small shucked oysters, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by Section 11 and are of such size that one (1) gallon contains more than 500 oysters, and a quart of the largest oysters selected therefrom contains more than 112 oysters.

Section 17. Olympia oysters, raw Olympia oysters, shucked Olympia oysters; identity. Olympia oysters, raw Olympia oysters, are of the species Ostrea lurida and conform to the definition and standard of identity prescribed for oysters in Section 11.

Section 18. Large Pacific oysters, large raw Pacific oysters, large shucked Pacific oysters; identity. Large Pacific oysters, large raw Pacific oysters, large shucked Pacific oysters, are of the species Ostrea gigas and conform to the definitions and standards of identity prescribed for oysters by Section 11 and are of such size that one (1) gallon contains not more than sixty-four (64) oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

Section 19. Medium Pacific oysters, medium raw Pacific oysters, medium shucked Pacific oysters; identity. Medium Pacific oysters, medium raw Pacific oysters, medium shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by Section 11 and are of such size that one (1) gallon contains more than sixty-four (64) oysters and not more than ninety-six (96) oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

Section 20. Small Pacific oysters, small raw Pacific oysters, small shucked Pacific oysters, identity. Small Pacific oysters, small raw Pacific oysters, small shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by Section 11 and are of such size that one (1) gallon contains more than ninety (90) oysters and not more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

Section 21. Extra small Pacific oysters, extra small raw Pacific oysters, extra small shucked Pacific oysters; identity. Extra small Pacific oysters, extra small raw Pacific oysters, extra small shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by Section 11 and are of such size that one (1) gallon contains more than 144 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

Section 22. Frozen raw breaded shrimp; identity; label statement of optional ingredients. (1) Frozen raw breaded shrimp is the food prepared by coating one of the optional forms of shrimp specified in subsection (3) of this section with safe and suitable batter and breading ingredients as provided in subsection (4) of this section. The food is frozen.

(2) The food tests not less than fifty (50) percent of shrimp material as determined by the method prescribed in subsection (7) of this section, except that if the shrimp are composite units the method prescribed in subsection (8) of this section is used.

(3) The optional forms of shrimp are:

(a) Fantail or butterfly: prepared by splitting the shrimp; the shrimp are peeled, except that tail fins remain attached and the shell segment immediately adjacent to the tail fins may be left attached.

(b) Butterfly, tail off: prepared by splitting the shrimp, tail fins and all shell segments are removed.

(c) Round: round shrimp, not split; the shrimp are peeled, except that tail fins remain attached and the shell segment immediately adjacent to the tail fins may be left attached.

(d) Round, tail off: round shrimp, not split; tail fins and all shell segments are removed.

(e) Pieces: Each unit consists of a piece or a part of a shrimp, tail fins and all shell segments are removed.

(f) Composite units: each unit consists of two (2) or more whole shrimp or pieces of shrimp, or both, formed and pressed into composite units prior to coating; tail fins and all shell segments are removed; large composite units, prior to coating, may be cut into smaller units.

(4) The batter and breading ingredients referred to in subsection (1) of this section are the fluid constituents and the solid constituents of the coating around the shrimp. These ingredients consist of suitable substances which are not food additives. Batter and breading ingredients that perform a useful function are regarded as suitable, except that artificial flavorings, artificial sweeteners, artificial colors, and chemical preservatives, other than those provided for in this subsection are not suitable ingredients of frozen raw breaded shrimp. Chemical preservatives that are suitable are:

(a) Ascorbic acid, which may be used in a quantity suf-

ficient to retard development of dark spots on the shrimp; and

(b) Antioxidant preservatives that may be used to retard development of rancidity of the fat content of the food.

(5) The label shall name the food, as prepared from each of the optional forms of shrimp in subsection (3)(a) to (f) inclusive, of this section, specified and following the numbered sequence of such subsection as follows:

(a) "Breaded fantail shrimp." The word "butterfly" may be used in lieu of "fantail" in the name.
(b) "Breaded butterfly shrimp, tail off."
(c) "Breaded round shrimp."
(d) "Breaded round shrimp, tail off."
(e) "Breaded shrimp pieces."
(f) Composite units:
1. If the composite units are in a shape similar to that of breaded fish sticks the name is "breaded shrimp sticks"; if they are in the shape of meat cutlets, the name is "breaded shrimp cutlets."
2. If prepared in a shape other than that of sticks or cutlets, the name is "Breaded shrimp ————," the blank to be filled in with the word or phrase that accurately describes the shape, but which is not misleading. In the case of the names specified in paragraphs (a) through (e) of this subsection, the words in each name may be arranged in any order, provided they are so arranged as to be accurately descriptive of the food. The word "prawns" may be added in parentheses immediately after the word "shrimp" in the name of the food if the shrimp are of large size; for example, "fantail breaded shrimp (prawns)." If the shrimp are from a single geographic area, the adjectival designation of that area may appear as part of the name; for example, "breaded Alaskian shrimp sticks."

(6) The names of the optional ingredients used, as provided for in subsection (4) of this section, shall be listed on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase. If a spice that also imparts color is used, it shall be designated as "spice and coloring," unless the spice is designated by its specific name. If ascorbic acid is used to retard development of dark spots on the shrimp, it shall be designated as "Ascorbic acid added as a preservative" or "Ascorbic acid added to retard discoloration of shrimp." If any other antioxidant preservative, as provided in subsection (4) of this section, is used, such preservative shall be designated by its common name followed by the statement "added as a preservative."

(7) The method for determining percentage of shrimp material for those forms specified in subsection (3)(a) through (e) of this section is as follows:

(a) Equipment needed:
1. Two (2) gallon container, approximately nine (9) inches in diameter.
2. Two-vaned wooden paddle, each van measuring approximately one and three-fourths (1 3/4) inches by three and three-fourths (3 3/4) inches.
3. Stirring device capable of rotating the wooden paddle at 120 r.p.m.
4. Balance accurate to 0.01 ounce (or 0.1 gram).
5. U. S. Standard sieve No. 20, twelve (12) inch diameter.
6. U. S. Standard sieve, one-half (1/2) inch sieve opening, twelve (12) inch diameter.
7. Forceps, blunt points.
8. Shallow baking pans.
9. Rubber-tipped glass stirring rod.

(b) Procedure:
1. Weigh the sample to be debreaded. Fill the container three-fourths (3/4) full of water at 70°F-80°F. Suspend the paddle in the container, leaving a clearance of at least five (5) inches below the paddle vanes, and adjust speed to 120 r.p.m. Add shrimp and stir for ten (10) minutes. Stack the sieves, the one-half (1/2) inch mesh over the No. 20, and pour the contents of the container onto them. Set the sieves under a faucet, preferably with spray attached, and rinse shrimp with no rubbing of flesh, being careful to keep all rinsings over the sieves and not having the stream of water hit the shrimp on the sieve directly. Lay the shrimp out singly on the sieve as rinsed. Inspect each shrimp and use the rubber-tipped rod and the spray to remove the breading material that may remain on any of them, being careful to avoid undue pressure or rubbing, and return each shrimp to the sieve. Remove the top sieve and drain on a slope for two (2) minutes, then remove the shrimp to weighing pan. Rinse contents of the No. 20 sieve onto a flat pan and collect any particles other than breading (i.e., flesh and tail fins) and add to shrimp on balance pan and weigh.
2. Calculate percent shrimp material:

$$\text{Percent shrimp material} = \frac{\text{weight of debreaded sample}}{\text{weight of sample}} \times 100 \div 2$$

(8) the method for determining percentage of shrimp material for composite units, specified in subsection (3)(f) of this section, is as follows:

(a) Equipment needed:
1. Water bath (for example a three (3) liter to four (4) liter beaker.)
2. Balance accurate to 0.1 gram.
3. Clip tongs of wire, plastic, or glass.
4. Stop-watch or regular watch readable to a second.
5. Paper towels.
6. Spatula four (4) inch blade with rounded tip.
7. Nut picker.
8. Thermometer (immersion type) accurate to +2°F
9. Copper sulfate crystals ($CuSo_4 \cdot 5H_2O$).

(b) Procedure.
1. Weigh all composite units in the sample while they are still hard frozen.
2. Place each composite unit individually in a water bath that is maintained at 63°F.-86°F. and allow to remain until the breading becomes soft and can easily be removed from the still frozen shrimp material (between ten (10) seconds to eighty (80) seconds for composite units held in storage at 0°F). If the composite units were prepared using batters that are difficult to remove after one dipping, redip them for up to five (5) seconds after the initial debreading and remove residual batter materials.
3. Remove the unit from the bath; blot lightly with double thickness of paper toweling; and scrape off or pick out coating from the shrimp material with the spatula or nut picker.
4. Weigh all the "debreaded" shrimp material.
5. Calculate the percentage of shrimp material in the sample, using the following formula:

$$\text{Percent Shrimp material} = \frac{\text{weight of debreaded shrimp sample}}{\text{weight of sample}} \times 100$$

Section 23. Frozen raw lightly breaded shrimp; identity; label statement of optional ingredients. Frozen raw lightly breaded shrimp complies with the provisions of Section 22 except that it contains not less than sixty-five (65) percent of shrimp material, as determined by the method prescribed in section 22(7) or (8), as appropriate, and that in the name prescribed the word "lightly" immediately precedes the words "breaded shrimp."

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975
RECEIVED BY LRC: January 15, 1975 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 45:030)

RELATES TO: KRS 217.005 to 217.215, 217.992
PURSUANT TO: KRS 13.082, 194.050, 217.125, 211.090(1)(c)
SUPERSEDES: FDC-9
NECESSITY AND FUNCTION: The Kentucky Food, Drug, and Cosmetic Act, KRS 217.005 to 217.215 and 217.992 authorizes the Department for Human Resources to set standards of identity and labeling requirements for food products. The function of this regulation is to prescribe standards of identity and uniform labeling requirements for breads.

Section 1. Citation of Regulation. This regulation may be cited as the "State Bakery Products Standards of Identity and Labeling Requirements Regulation."

Section 2. Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients. (1) Each of the foods bread, white bread, rolls, white rolls, buns, white buns is prepared by baking a kneaded yeast-leavened dough, made by moistening flour with water or with one (1) or more of the optional liquid ingredients specified in this section or with any mixture of water and one (1) or more of such ingredients. The potassium bromate in any bromated flour used and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the bread or rolls. Each of such foods is seasoned with salt, and in its preparation one (1) or more of the optional ingredients specified in this section and the optional gluten ingredient specified in subsection (2) of this section may be used:

(a) Shortening, in which or in conjunction with which may be used one or any combination of two (2) or more of the following:
1. Lecithin, hydroxylated lecithin (either of which may include related phosphatides derived from the corn oil or soybean oil from which such ingredients were obtained).
2. Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids, or a combination of two (2) or more of these. The total weight of these ingredients used does not exceed twenty (20) percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric

acid ester of monoglyceride, and propylene glycol monoester does not exceed eight (8) percent by weight of the combination; but if purified or concentrated monoglyceride alone is used, the amount does not exceed ten (10) percent by weight of the combination.

(b) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed partly skimmed milk, sweetened condensed skim milk, nonfat dry milk, or any combination of two (2) or more of these; except that any such ingredient or combination, together with any butter and cream used, is so limited in quantity or composition as not to meet the requirements for milk or dairy ingredients prescribed for milk bread by Section 4. Whenever milk solids not fat in any of the forms referred to in this subsection are used, carrageenan or salts of carrageenan may be used, in a quantity not in excess of eight-tenths (0.8) percent by weight of such milk solids not fat.

(c) Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, cheese whey, concentrated cheese whey, dried cheese whey, milk proteins, or any combination of two (2) or more of these.

(d) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen egg yolks, dried yolks, egg white, frozen egg white, dried egg white, or any combination of two (2) of more of these.

(e) Sugar, invert sugar (in congealed or syrup form), light-colored brown sugar, refiner's syrup, dextrose, honey, corn syrup, glucose syrup, dried corn syrup, dried glucose syrup, nondiastatic malt syrup, nondiastatic dried malt syrup, molasses (except blackstrap molasses), or any combination of two (2) or more of these.

(f) One (1) or any combination of the following:

1. Malt syrup, dried malt syrup, malted barley flour, malted wheat flour, each of which is diastatically active.
2. Harmless preparation of enzymes obtained from Aspergillus oryzae, bromelain preparations obtained from pineapple, or papain preparations obtained from papaya, any of which may be added in a suitable, harmless carrier but the quantity of any such carrier shall be no greater than reasonably necessary to effect a uniform mixture of the enzymes with the flour used.
3. Harmless preparations of a-amylases, obtained from Bacillus subtilis, which may be added in a suitable, harmless carrier, but the quantity of any such carrier shall be no greater than reasonably necessary to effect a uniform mixture of the enzymes with the flour used.

(g) Inactive dried yeast, singly or in combination, of Saccharomyces cerevisiae, Saccharomyces fragilis, or Candida utilis (torula); but the total quantity thereof is not more than two (2) parts for each 100 parts by weight of the flour used.

(h) Harmless lactic-acid producing bacteria.

(i) Corn flour (including finely ground corn meal), potato flour, rice flour, wheat starch, cornstarch, milo starch, potato starch, sweetpotato starch (any of which may be wholly or in part dextrinized), dextrinized wheat flour, soy flour, or any combination of two (2) or more of these; but the total quantity thereof is not more than three (3) parts for each 100 parts by weight of flour used.

(j) Ground dehulled soybeans, which may be heat-treated and from which oil may be removed, but which retain enzymatic activity; but the quantity thereof is not more than 0.5 part for each 100 parts by weight of flour used.

(k) Calcium sulfate, calcium lactate, calcium carbonate, dicalcium phosphate, ammonium phosphates, ammonium sulfate, ammonium chloride, or any combination of two or more of these; but the total quantity of such ingredients is not more than 0.25 part for each 100 parts by weight of flour used.

(l) Potassium bromate, calcium bromate, potassium iodate, calcium iodate, calcium peroxide, or any combination of two (2) or more of these; but the total quantity thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

(m) Azodicarbonamide, a carrier consisting of starch to which tricalcium phosphate may be added as an anticaking agent; but the total quantity of azodicarbonamide, including any quantity in the flour used, is not more than 0.0045 part for each 100 parts by weight of flour used.

(n) Monocalcium phosphate, but the total quantity thereof, including the quantity in any phosphated flour used and any quantity added, is not more than 0.75 part by weight for each 100 parts by weight of flour used.

(o) A vinegar, in a quantity equivalent in acid strength to not more than 1 pint of 100-grain distilled vinegar for each 100 pounds of flour used.

(p) Calcium propionate, sodium propionate, or any mixture of these, but the total quantity thereof is not more than 0.32 part for each 100 parts by weight of flour used.

(q) Sodium diacetate, but the quantity thereof is not more than 0.4 part for each 100 parts by weight of flour used.

(r) Lactic acid, in such quantity that the pH of the finished bread is not less than 4.5.

(s) Spice, with which may be included spice oil and spice extract.

(t) Polysorbate 60, calcium stearoyl-2-lactylate, lactylic stearate, solium stearyl fumarate, succinylated monoglycerides, solium stearoyl-2-lactylate, ethoxylated mono- and diglycerides, alone or in combination; but the total quantity of such ingredient or combination is not more than 0.5 part for each 100 parts by weight of flour used.

(u) L-Cysteine (which may be added in the form of the hydochloride salt, including hydrates thereof), in a quantity not to exceed 0.009 part for each 100 parts by weight of flour used. Each of such foods contains not less than sixty-two (62) percent of total solids, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950, page 209, section 13.70, under "Total Solids in an Entire Loaf of Bread." [Ed. note, 10th edition, 1965, p. 203, sec. 13.077], except that if the baked unit weighs one (1) pound or more one (1) entire unit is used for the determination, and if the baked unit weighs less than one (1) pound, such number of entire units as weigh one (1) pound or more is used for the determination.

(v) Ascorbic acid, but the total quantity thereof, including any quantity in the flour used, is not more than 0.02 part for each 100 parts by weight of flour used.

(2) Bread, white bread is baked in units each of which weighs one-half (1/2) pound or more after cooling. Rolls, white rolls, and buns, white buns are baked in units each of which weighs less than one-half (1/2) pound after cooling. The optional gluten ingredient referred to in subsection (1) of this section is suitable wheat gluten in such quantity that for each 100 parts by weight of flour used the added gluten does not exceed two (2) parts for dough used to make loaves and does not exceed four (4) parts for dough used to make rolls or buns. For the purposes of this section, suitable wheat gluten refers to gluten which is not denatured as determined by the test prescribed in this subsection. It is made from wheat flour from which starch has been removed by washing with water until the gluten contains not less than seventy-five (75) percent protein on a moisture-free basis. To determine whether the wheat gluten is denatured, use a laboratory sigma mixer of one (1) pint capacity (Carl Heinrich Company, Boston, Massachusetts), or other mixer which will give equivalent results. With 100 milliliters of water at 25 degrees Centigrade, in the mixer, start it operating and sprinkle in thirty (30) grams of the gluten to be tested. Observe the suspension for a visual change of consistency, indicating that the gluten is beginning to agglomerate, and when this is noted, stop the mixer. If the pieces of agglomerated gluten can be combined into a single homogeneous mass of dough which shows definite elasticity and film-forming properties, the gluten is deemed not to be denatured. If the pieces cannot be so combined, put them back in the water and continue the mixing. If a dough with the properties specified in this subsection is not obtainable within a total mixing time of one (1) hour, the gluten is deemed to be denatured.

(3) When any optional ingredient permitted by subsection (2)(l), (m) and (n) of this section is used, except a vinegar and except monocalcium phosphate, in a quantity less than 0.25 part for each 100 parts by weight of flour, the label shall bear the statement "————added to retard spoilage," the blank being filled in with the name by which the ingredient used is designated in such paragraph.

(a) When an optional ingredient permitted by subsection (2)(l), (m) and (n) of this section is used, the label shall bear the statement "spiced" or "spice added" or "with added spice;" but in lieu of the word "spice" in such statements, the common or usual name of the spice may be used.

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this subsection shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Section 3. Enriched bread and enriched rolls or enriched buns; indentity; label statements of optional ingredients.

(1) Each of the foods enriched bread, enriched rolls, and enriched buns conforms to the definition and standard of identity; and is subject to the requirements for label statement of optional ingredients prescribed for bread by Section 2(1) and (3), except that:

(a) Each such food contains in each pound 1.8 milligrams of thiamine, 1.1 milligrams of riboflavin, 15 milligrams of niacin, and 12.5 milligrams of iron;

(b) Each such food may contain added calcium in such quantity that the total calcium content is 600 milligrams per pound of the finished food. If insufficient calcium is added to meet the 600 milligram level per pound of the finished food, no claim may be made on the label for calcium as a nutrient.

(c) The requirements of subsection (1)(a) and (b) of this section will be deemed to have been met if reasonable overages of the vitamins and minerals, within the limits of good manufacturing practice, are present to insure that the required levels of the vitamins and minerals are maintained throughout the expected shelf life of the food under customary conditions of distribution and storage. The quantitative content of the following vitamins shall be calculated in terms of the following chemically identifiable reference forms:

REFERENCE FORM

Vitamin	Name	Empirical formula	Molecular weight
Thiamine	Thiamine chloride hydrochloride	$C_{12}H_{17}ClN_4OS\ HCl$	337.28
Riboflavin	Riboflavin	$C_{17}H_{20}N_4O_6$	376.37
Niacin	Niacin	$C_6H_5NO_2$	123.11

(d) Each such food may also contain wheat germ or partly defatted wheat germ, but the total quantity thereof, including any wheat germ or partly defatted wheat germ in any enriched flour used, shall not be more than five (5) percent of the flour ingredient;
(e) Enriched flour may be used, in whole or in part, instead of flour;
(f) The limitation prescribed by Section 2(1)(b) on the quantity and composition of milk and dairy ingredients does not apply;
(g) All ingredients, from which the food is fabricated shall be safe and suitable. The vitamins and minerals added to the food for enriched purposes may be supplied by any safe and suitable substances. Niacin equivalents as derived from tryptophan content shall not be used in determining total niacin content.

(2) Enriched bread is baked in units each of which weighs one-half (1/2) pound or more after cooling. Enriched rolls or enriched buns are baked in units each of which weighs less than one-half (1/2) pound after cooling. The optional gluten ingredient described in Section 2(2) of this regulation may be added in such quantity that for each 100 parts by weight of flour used, the added gluten does not exceed two (2) parts for dough used to make loaves and does not exceed four (4) parts for dough used to make rolls or buns.

Section 4. Milk bread and milk rolls or milk buns; identity; label statement of optional ingredients.

(1) Each of the foods milk bread, milk rolls, milk buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by Section 2(1), (2) and (3), except that:
(a) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the dairy ingredients prescribed in subsection (3) of this section is used, with or without water in a quantity containing not less than 8.2 parts by weight of milk solids for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used).
(b) No ingredient permitted by Section 2(1)(c) is used.

(2) Milk bread is baked in units each of which weighs one-half (1/2) pound or more after cooling. Milk rolls or milk buns are baked in units each of which weighs less than one-half (1/2) pound after cooling.

(3) The dairy ingredients referred to in subsection (1)(a) of this section are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and a mixture of butter, cream, butter oil, dehydrated butter, anhydrous milk fat, or any combination of two (2) or more of these with skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, sweetened condensed partly skimmed milk, nonfat dry milk, or any two (2) or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.3 times and not less than 1.2 times the weight of the milk fat therein.

Section 5. Raisin bread and raisin rolls or raisin buns; identity; label statement of optional ingredients.

(1) Each of the foods raisin bread, raisin rolls, raisin buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by Section 2(1) and (3), except that:
(a) Not less than fifty (50) parts by weight of seeded or seedless raisins are used for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used).
(b) Water extract of raisins may be used, but not to replace raisins.
(c) The baked units may bear icing or frosting.
(d) The limitation prescribed by Section 2(1)(b) on the quantity and composition of dairy ingredients does not apply.
(e) In determining its total solids, instead of following the direction "Grind sample just to pass 20-mesh sieve" (Official Methods of Analysis of the Association of Official Agricultural Chemists, Seventh Edition 1950, page 209, section 13.70 [Ed. note, 10th edition, 1965, p. 203, sec. 13.077], under "Total Solids in an Entire Loaf of Bread") comminute the sample by passing it twice through a food chopper.
(f) The optional gluten ingredient described in Section 2(2) may be added in such quantity that for each 100 parts by weight of flour used the added gluten does not exceed four (4) parts for dough used to make loaves, rolls, or buns.

(2) Raisin bread is baked in units each of which weighs one-half (1/2) pound or more after cooling. Raisin rolls or raisin buns are baked in units each of which weighs less than one-half (1/2) pound after cooling.

Section 6. Whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns; identity; label statement of optional ingredients.

(1) Each of the foods whole wheat bread, graham bread, entire wheat bread, whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, entire wheat buns conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread, rolls, and buns by Section 2(1) and (3), except that:
(a) The dough is made from whole wheat flour, and no flour or gluten ingredient as described in Section 2 is used therein.
(b) The limitation prescribed by Section 2(1)(b) on the quantity and composition of dairy ingredients does not apply.
(c) The total weight of calcium propionate, solium propionate, or mixtures of these used is not more then 0.38 part for each 100 parts by weight of the whole wheat flour used. The potassium bromate in any bormated whole wheat flour used shall be deemed to be an optional ingredient in the whole wheat bread or whole wheat rolls.

(2) Whole wheat bread, graham bread, or entire wheat bread is baked in units each of which weighs one-half (1/2) pound or more after cooling. Whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns are baked in units each of which weighs less than one-half (1/2) pound after cooling.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975
RECEIVED BY LRC: January 15, 1975 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 45:040)

RELATES TO: KRS 217.005 to 217.215, 217.992
PURSUANT TO: KRS 13.082, 194.050, 217.125, 211.090(1)(c)
SUPERSEDES: FDC-19

NECESSITY AND FUNCTION: The Kentucky Food, Drug and Cosmetic Act, KRS 217.005 to 217.215 and 217.992 authorizes the Department for Human Resources to regulate the misbranding and adulteration of foods in Kentucky. The purpose of this regulation is to establish uniform standards and definitions of identity for carbonated beverages (soda water) and uniform sanitary standards for carbonated beverage plants.

Section 1. Citation of Regulation. This regulation may be cited as "State Carbonated Beverages (Soda Water) Regulation."

Section 2. Definitions. The following definition shall apply in the interpretation and enforcement of this regulation: "carbonated beverage plant" means the premises, buildings, and installed equipment where carbonated beverages or syrups therefore are manufactured, bottled, canned, packaged, packed, stored or otherwise handled and processed for sale to the public. It does not include facilities used solely for finished product storage or for distribution or for establishments that prepare such beverages for sale to the ultimate consumer on the immediate premises.

Section 3. Soda Water; identity; label statement of optional ingredients. (1) Soda water is the class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 degrees Fahrenheit. It may contain buffering agents as provided in subsection (2)(e) of this section. It either contains no alcohol or only such alcohol (not in excess of 0.5 percent by weight of the finished beverage) as is contributed by the flavoring ingredient used. Soda water designated by a name, including any proprietary name provided for in subsection (3) of this section, which includes the word "cola" or a designation as a "pepper" beverage that for years, has become well known as being made with kola nut

extract and other natural caffeine-containing extracts, and thus as a caffeine-containing drink, shall contain caffeine in a quantity not to exceed 0.02 percent by weight.

(2) Soda water may contain optional ingredients, but if any such ingredient is a food additive or a color additive within the meaning of KRS 217.145(1) and (3), it is used only in conformity with regulations established pursuant thereto. The optional ingredients that may be used in soda water in such proportions as are reasonably required to accomplish their intended effects are:

(a) Nutritive sweetners, consisting of the dry or liquid form of sugar, invert sugar, dextrose, fructose, corn syrup, glucose syrup sorbitol, or any combination of two (2) or more of these.

(b) One (1) or more of the following flavoring ingredients may be added, in a carrier consisting of ethyl alcohol, glycerin, propylene glycol, or edible vegetable oils:

1. Fruit juices (including concentrated fruit juices), natural flavoring derived from fruits, vegetables, bark, buds, roots, leaves, and similar plant materials.
2. Artificial flavorings.

(c) Natural and artificial color additives.

(d) One (1) or more of the acidifying agents acetic acid, adipic acid, citric acid, fumaric acid, gluconic acid, lactic acid, malic acid, phosphoric acid, or tartaric acid.

(e) One (1) or more of the buffering agents consisting of the acetate, bicarbonate, carbonate, chloride, citrate, gluconate, lactate, orthophosphate, or sulfate salts of calcium, magnesium, potassium, or sodium.

(f) One (1) or more of the emulsifying, stabilizing, or viscosity-producing agents brominated vegetable oils, carob bean gum (locust bean gum), glycerol ester of wood rosin, guar gum, gum acacia, gum tragacanth, hydroxylated lecithin, lecithin, methylcellulose, mono- and diglycerides of fat-forming fatty acids, pectin, polyglycerol esters of fatty acids, propylene glycol alginate, sodium alginate, sodium carboxymethylcellulose, sodium metaphosphate (sodium hexametaphosphate).

(g) One (1) or more edible vegetable oils as optional ingredients in cloud producing agents.

(h) When one or more of the optional ingredients in paragraphs (b) and (g) of this subsection are used, dioctyl sodium sulfosuccinate may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

(i) One (1) or more of the foaming agents ammoniated glycyrrhizin, gum ghatti, licorice or glycyrrhiza, yucca (Joshua-tree), yucca (Mohave), quillaia (soap-bark) (Quillaga saponaria Mol.), and enzyme-modified soy protein in a carrier of propylene glycol.

(j) Caffeine, in an amount not to exceed 0.02 percent by weight of the finished beverage.

(k) Quinine in an amount not to exceed eighty-three (83) parts per million by weight of the finished beverage.

(l) One (1) or more of the chemical preservatives ascorbic acid, benzoic acid, BHA, BHT, calcium disodium EDTA, erythorbic acid, glucose oxidasecatalase enzyme, methylparaben or propylparaben, propyl gallate, potassium or sodium benzoate, potassium or sodium bisulfite, potassium or sodium metabisulfite, potassium or sodium sorbate, sorbic acid, sulfur dioxide or tocopherols; and in the case of canned soda water, stannous chloride in a quantity not to exceed eleven (11) parts per million calculated as tin (Sn), with or without one (1) or more of the other chemical preservatives listed in this subsection.

(m) The defoaming agent dimethylpolysiloxane in an amount not to exceed ten (10) parts per million.

(3) The name of the beverage for which a definition and standard of identity is established by this section, which is neither flavored nor sweetened, is soda water, club soda, or plain soda.

(a) The name of each beverage containing flavoring and sweetening ingredients as provided for in subsection (2) of this section is "_____ soda" or "_____ soda water" or "_____ carbonated beverage", the blank being filled in with the word or words that designate the characterizing flavor of the soda water; for example, "grape soda."

(b) If the soda water is one generally designated by a particular common name; for example, ginger ale, root beer, or sparkling water, that name may be used in lieu of the name prescribed in paragraph (a) of this subsection. For the purpose of this section, a proprietary name that is commonly used by the public as the designation of a particular kind of soda water may likewise be used in lieu of the name prescribed in this subsection.

(4) Soda water that contains the optional ingredient caffeine as provided for in subsection (2)(j) of this section, artificial flavoring, artificial coloring, or any combination of these shall be labeled to show that fact by the label statement "with _____" or "_____ added", the blank being filled in with the word or words "caffeine", "artificial flavoring", "artificial coloring", or a combination of these words, as appropriate. If the soda water contains one or more of the optional ingredients set forth in subsection (2)(l) of this section, which has or is intended to have a preservative effect in the finished beverage, it shall be labeled to show that fact by one of the following statements: "_____ added as a preservative" or "preserved with _____", the blank being filled in with the common name of the preservative ingredient. If soda water contains quinine salts, the label shall bear a prominent declaration either by use of the word "quinine" in the name of the article or by separate declaration.

(5) The label statements prescribed in subsection (4) of this section for declaring the optional ingredients present shall appear on a labeling surface of the beverage in such a manner as to render the statement likely to be read by the ordinary individual under customary conditions of purchase or use of such beverage. These statements shall immediately and conspicuously precede or follow the name of the beverage, wherever such name is prominently displayed, without intervening, written, printed, or graphic matter; provided, that, where such name is part of a trademark or brand, then other written, printed, or graphic matter that is also a part of such trademark or brand may intervene if the label statements required by this section are so placed as to be conspicuously related to the name of the beverage.

Section 4. Carbonated Beverage Plant Permit. (1) No person, firm or corporation shall operate a carbonated beverage plant in Kentucky without first having obtained a permit from the department.

(2) Any carbonated beverage plant in compliance with the public health laws of Kentucky and the rules and regulations of the department shall be eligible for a permit upon proper application supported by inspection records acceptable to the department.

(3) Any permit issued pursuant to this regulation may be revoked or suspended by the department for violation of any public health law or regulation.

(4) The permit required by this section shall be in addition to, and not in lieu of, any permit required by local government bodies.

(5) Permits issued pursuant to this regulation unless sooner suspended or revoked shall expire on December 31, following the date of issuance.

(6) Each permit issued pursuant to this regulation shall be issued only for the premises and persons named in the application and shall not be transferable.

(7) Permits issued pursuant to this regulation shall be posted in a conspicuous place at the carbonated beverage plant.

Section 5. Submission and Approval of Plans. No person shall construct or extensively alter any building intended for use as a carbonated beverage plant without having first complied with the provisions of the department relating to the submission and approval of plans.

Section 6. Ingredient and Packaging Materials. (1) All ingredients used in the preparation of syrups and carbonated beverages shall comply with all applicable provisions of the Kentucky Food, Drug and Cosmetic Act and regulations relating thereto.

(2) Single service articles including bottles, cans, fiber cartons, crowns, caps, or gaskets shall be provided in sanitary boxes, cartons, tubes, or otherwise protected and handled in a sanitary manner.

Section 7. Construction of Buildings. (1) A separate room of soild wall construction shall be provided for:

(a) compounding and mixing syrups;

(b) bottling and filling operations; and

(c) bottle washing, receiving, storage and shipping;

Provided, however, that a variance to paragraphs (b) and (c) may be permitted by the department where deemed necessary for existing plants and for new plants where it is demonstrated to the satisfaction of the department that such separation is not necessary due to the design of the plant.

(2) The floors of rooms where ingredients are handled, compounded, mixed, or processed or where containers or equipment are washed shall be constructed of an impervious, smooth, easily cleaned material. They shall be kept in good repair and graded to drain properly to trapped drains. Walls and ceilings in the syrup room shall have a smooth, washable, light-colored surface, in good repair. Walls in container filling area shall have a smooth, washable and light-colored surface up to the height reached by splash or water spray. The wall area above this height and including ceiling may be constructed of suitable sound retarding material. Interior walls of storage areas may be left unfinished or covered with standard construction materials. Exterior, hinged doors shall be outward opening and self-closing. The food processing areas shall be separated from any living quarters or toilet room.

Section 8. Lighting. Lighting (natural, artificial, or a combination of both) equal to thirty (30) foot candles shall be provided in all working areas. Storage areas shall be provided with ten (10) foot candles of light. Inspection areas shall be provided with artificial light sources which furnish at least one hundred (100) foot candles on the inspection surface. Lights in processing areas where their breakage may cause contamination of product or ingredients shall be equipped with protective shields.

Section 9. Ventilation. Natural or artificial ventilation

shall be sufficient to prevent excessive condensation formation, mold or objectionable odors and maintain sanitary conditions in the processing or storage areas or rooms.

Section 10. Water Supply. (1) The water supply shall be ample, clean and potable, with adequate facilities for its distribution in the establishment and its protection against contamination and pollution, and shall meet the requirements of the Department for Natural Resources and Environmental Protection.

(2) Hot water for cleaning rooms and equipment shall be delivered under pressure to sufficient convenient outlets and shall be of such temperature as to accomplish a thorough clean up.

Section 11. Sewage, Waste Disposal and Plumbing. (1) All sewage and water carried wastes from a carbonated beverage plant shall be disposed of in a public sewerage system whenever available. In the event a public sewerage system is not available, all sewage and water carried wastes shall be disposed of in a private sewage disposal system, the construction and operation of which is approved by the Department for Natural Resources and Environmental Protection.

(2) All wastes, and accumulations of trash shall be disposed of in a manner approved by the Department for Natural Resources and Environmental Protection.

(3) All plumbing and plumbing fixtures shall be installed and operated in accordance with the state Plumbing Code.

Section 12. Toilets, Dressing Rooms and Handwashing Facilities. Toilets, dressing rooms, and handwashing facilities shall be conveniently located and shall be kept clean and in good repair. Doors to toilets shall be tight-fitting and self-closing. Handwashing facilities shall be located in or convenient to the syrup room, toilet rooms and the bottling room. Handwashing facilities shall provide hot and cold running water, suitable cleaning agents and single-service towels or other acceptable drying devices.

Section 13. Construction and Repair of Equipment. (1) All equipment, containers and utensils used in the handling, processing, compounding, mixing, storage, or transporting of beverages or beverage ingredients shall be smooth, impervious, corrosion resistant, non-toxic, and in good repair and shall be constructed to permit adequate sanitation. Effective protection from contamination shall be maintained. Product-contact surfaces shall be self-draining. Piping shall be of sanitary design and installation. All temperature-control equipment and control devices used on bottle washers shall be accurate and adequately maintained.

(2) If the washing, filling and crowning devices are not integral parts of one machine, but are performed by separate units of equipment, they shall be arranged to exclude manual contact with the necks or tops of the bottles between filling and crowning.

(3) Mixing and storage tanks, pipelines, filters and other apparatus employed in the preparation and distribution of syrups shall be constructed of stainless steel or other suitable noncorrosive materials.

(4) All apparatus employed in syrup-making shall be free from recesses and so constructed that all parts may be easily cleaned and sanitized. All syrup tanks shall be self-draining and contents protected from contamination. Mixing shall be by mechanical means performed so as to prevent contamination of the syrup.

(5) Carbonated water shall not be conveyed in pipelines of galvanized iron, lead, zinc, copper, or other deleterious materials.

Section 14. Cleaning and Bactericidal Treatment. Multiple-service containers, equipment and utensils used in the handling, processing, storing or transporting of beverages or beverage ingredients shall be thoroughly cleaned after use. They shall be subjected effectively to an approved bactericidal process prior to each usage. The methods used shall be such that soft drinks and their ingredients shall not be contaminated or adulterated. Chemicals used for cleaning and bactericidal treatments shall have labels which identify the contents, all pipelines, apparatus, and containers used in the manufacturing processes shall be thoroughly cleaned and sanitized at adequate intervals, but never less frequently than once weekly. Apparatus and containers shall be washed and rinsed before sanitization. Fillers shall be cleaned and sanitized at the end of each day's operation and flushed with potable water before beginning operations. Since accepted industry practice permits syrup to remain in the syrup tanks and lines between period of processing operations, the syrup tanks and lines shall be cleaned and sanitized when emptied, as scheduled by the plant. After scheduled cleaning and sanitizing the syrup tanks and lines shall be flushed with potable water before beginning processing operations. Hot water, chlorine, or equally effective bactericidal agents are permissible for sanitization.

Section 15. Bottle Washing, Filling and Crowning and Other Requirements. (1) The operations of receiving, segregating, holding, compounding, mixing, packaging, and packing, storing, transporting and handling shall be conducted in a sanitary manner. There shall be no contamination, adulteration, or deterioration of the product or its ingredients. Every plant manufacturing bottled beverages shall be equipped with suitable mechanical bottle washing apparatus, and with approved machines for carbonating, filling and crowning. Plant operations shall be performed in such a manner as to prevent the operator or his clothing from coming in contact with the beverages or sanitized product contact surfaces.

(2) Reusable glass containers used in the manufacture of carbonated beverages shall, before being refilled, be sanitized by being washed in an automatic washing machine. An indicating thermometer and caustic solution test equipment shall be used to ascertain the temperature and caustic strength of the washing solution. The washing solution shall consist of at least two (2) percent caustic with a minimum contact period of five (5) minutes and a temperature of 130 degrees Fahrenheit or an equivalent cleansing and sanitizing process. The bottles shall then be rinsed free of washing solution with potable water. Single-service containers shall be cleaned by air or water rinsing machines or by other methods approved by the department.

(3) Syrups shall be prepared in a sanitary manner. Every precaution shall be taken against contamination by filth or deleterious substances during the preparation and subsequent storage. Galvanized iron, lead, zinc, copper, or brass-lined containers, pipelines, or apparatus of other deleterious materials shall not be used in preparation, storage or conveyance of syrups.

(4) Bottles shall be filled and capped by means of automatic machinery, and neither the operator nor his clothes shall come in contact with any part of the bottle or machinery that might result in contamination of the product. Removal of the crown of imperfectly crowned bottles and recrowning shall not be permitted. Crowns which have been touched on the inner side by the operator, as may occur while adjusting the crowner, shall be discarded. Returnable bottles shall be visually inspected for any abnormal condition immediately before being filled. Unclean and abnormal bottles shall not be filled. Mechanical inspection devices may be used, but not in lieu of visual inspection.

Section 16. Sanitary Controls. Every plant manufacturing bottled carbonated beverages shall be adequately provided with apparatus for ascertaining the sanitizing strength of the soaker solution used in bottle washing. An indicating thermometer shall be used at the bottle washing machine. If pipelines and other equipment are sanitized by hot water, additional thermometers shall be available at convenient locations. A suitable caustic test or some other suitable index for determining the causticity of the soaker solution shall be available at all times. Daily caustic tests and temperature checks shall be made by the plant operators. A record of these tests results shall be kept on file at the plant for six (6) months.

Section 17. Control of Insects and Animals. The carbonated beverage plant shall be free of rodents, rodent harborages, insects, and insect-breeding places. Effective measures shall be used to control and eliminate insects, birds, vermin, rodents and domesticated animals. Insecticides and rodenticides shall be properly identified, used and stored in a safe and acceptable manner.

Section 18. Storage Facilities. Storage facilities shall be clean, in good repair, and shall be provided with ample space for the storage of food substances, container closures, gaskets, cleaned utensils, and equipment, so as to prevent contamination and deterioration. Conveyors and cases shall be maintained in a clean condition.

Section 19. Premises. The premises shall present a clean and orderly appearance. They shall be well-drained and free of environmental conditions and materials that constitute a nuisance or sanitation hazard.

Section 20. Vehicles and Transportation. Vehicles used to transport carbonated beverages shall be maintained in a clean condition to aid in protecting the product from contamination.

Section 21. Health and Cleanliness of Employees. (1) No employer shall permit any person who is known or reasonably suspected to have a communicable disease to work and no person so affected shall work in a carbonated beverage plant. No person with open cuts, lesions or sores shall be allowed to work in a bottling and filling room or syrup room.

(2) Personnel shall wear clean outer clothing. In addition, syrup room personnel shall wear head coverings. All personnel in the food processing areas of the plants shall practice good sanitation and shall not smoke, chew tobacco, expectorate, or eat in the processing areas.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975
RECEIVED BY LRC: January 15, 1975 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 45:045)

RELATES TO: KRS 217.005 to 217.215, 217.992
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Kentucky Food, Drug and Cosmetic Act, KRS 217.005 to 217.215 and 217.992 authorizes the Department for Human Resources to regulate the sanitary production, processing, transportation, storage and sale of food and food products in order to reduce their possibility of becoming adulterated by filth or other harmful substances. The function of this regulation is to establish uniform sanitary requirements for operation of retail food markets in Kentucky.

Section 1. Citation of Regulation. This regulation may be cited as the "State Retail Food Market Sanitation Regulation."

Section 2. Permit Required. (1) No person shall operate a retail food market within the Commonwealth of Kentucky, who does not possess a valid permit issued to him by the department. Only a person who complies with the requirements of this regulation shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in every retail food market. The permit shall continue in force and remain valid unless suspended or revoked for cause.

(2) Any person desiring to operate a retail food market shall make written application for a permit on forms provided by the department. Upon receipt of an application, the department shall make an inspection of the retail food market to determine compliance with the provisions of this regulation. When inspection reveals that the applicable requirements of this regulation have been met, a permit shall be issued to the applicant by the department.

Section 3. Food Supplies. All food for sale in retail food markets shall be wholesome, properly labeled and processed under conditions acceptable to the department. Meat and meat products and poultry and poultry products offered for sale shall have been inspected and passed for wholesomeness by an official governmental agency. All hermatically sealed foods offered for sale shall have been processed in approved food processing establishments. Home prepared food shall not be used or offered for sale by a retail food market.

Section 4. Food Protection. All food offered for sale shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food and foods in a frozen state shall be maintained at safe temperatures, except during necessary periods of preparation. Shell eggs shall be stored and displayed at a temperature not to exceed 60°F. Pre-cooked poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked. Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitation purposes may be used in retail food markets. Poisonous and toxic materials shall be identified and shall be used, stored, or displayed only in such manner and under such conditions as will not contaminate food or constitute a hazard to employees or customers. All pesticides and other materials whose label has a "warning" statement or displays the "skull and crossbones" and any other hazardous product that may be designated by the department shall be handled and bagged separately at check-out counters. Spoiled, damaged, returned or detained food items shall be segregated from other food pending final disposition. A designated area shall be established for temporarily holding returned and damaged food items awaiting disposition.

Section 5. Health and Disease Controls. No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a retail food market in any capacity in which there is likelihood of such person contaminating food or food contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the market has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the department immediately. All employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices while engaged in direct handling of food, or food contact surfaces of utensils or equipment.

Section 6. Food Equipment and Utensils. (1) All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable, durable, and shall be in good repair, and the food-contact surfaces of such equipment and utensils shall, in addition, be non-toxic, corrosion-resistant and relatively non-absorbent. Provided that, when approved by the department, equipment in use at the time of adoption of this regulation which does not meet fully the above requirements may be continued in use if it is in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are non-toxic. All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas. Single-service articles shall be made from non-toxic materials.

(2) All food contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation of food and all utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food-contact surfaces of equipment used in the preparation, display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use.. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition. A two-compartment sink, provided with hot and cold running water shall be conveniently located within the establishment. In all new establishments and establishments which are extensively altered, a two-compartment sink shall also be readily accessible to areas where foods are processed or prepared. After cleaning and until use, all food contact surfaces of equipment and utensils shall be stored and handled so as to be protected from contamination. All single-service articles shall be stored, handled and dispensed in a sanitary manner, and shall be used only once. Retail food markets which do not have adequate and effective facilities for cleaning and sanitizing utensils, and food-contact surfaces of equipment, shall not process or prepare food for sale, and only prepackaged food shall be offered for sale.

Section 7. Sanitary Facilities and Controls. (1) The water supply shall be from a public supply if available or in the absence thereof, from a supply that complies with applicable state laws and regulations. Hot and cold running water under pressure shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed. Ice, bottled or packaged water shall be from an approved source, and shall be processed, stored, transported, and handled in a sanitary manner.

(2) All sewage shall be disposed of in a public sewerage system, or in the absence thereof, in a manner that complies with applicable state laws and regulations.

(3) All plumbing shall comply with the state Plumbing Code.

(4) Properly operating, clean, conveniently located toilet facilities shall be provided for employees. Adequate supplies such as toilet tissue, soap, cleansers, towels, or hand drying devices, and covered waste receptacles shall be provided. Hand washing facilities shall be provided with hot and cold running water and shall be conveniently located within the establishment. In all new establishments and establishments, which are extensively altered, lavatories shall also be located within the areas where foods are processed or prepared. The doors of toilet rooms shall be self-closing.

(5) All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leakproof, easy cleanable containers which shall be covered with tight-fitting lids when not in continuous use. Approved, adequate containers or other storage areas shall be provided for the storage of all other rubbish. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

(6) Effective measures shall be taken to protect against the entrance, harborage, and breeding of rodents, flies, roaches, and other vermin.

Section 8. Construction and Maintenance. (1) All floor surfaces, except in non-refrigerated dry storage areas, shall be smooth, easy cleanable, non-absorbent material. All floors shall be kept clean and in good repair. Sawdust, wood shavings, or similar materials shall not be used on the floors. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor. The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, or utensils or hands are washed, shall be easily cleanable, smooth and light-colored, and shall have washable surfaces up to the highest level reached by splash or spray.

(2) Ample lighting shall be provided in all areas of a retail food market. Artificial lighting fixtures shall be provided with protective shielding in food preparation, food display areas, refrigeration units, utensil and equipment washing areas and all other areas where food is exposed. Artificial illumination of foods displayed for sale shall not alter their actual appearance.

(3) All rooms in a retail food market shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable state and local fire-prevention requirements and shall, when vented to the outside air, discharge in such manner as not to create a nuisance.

(4) Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings.

(5) All parts of the retail food market and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food-contact surfaces. None of the operations connected with retail food markets shall be conducted in any room used as living or sleeping quarters. Laundered clothes and clothing items shall be stored in a clean place and protected from contamination until used. Soiled clothes and clothing items shall be kept in suitable containers until removed for laundering. Live animals, including birds, turtles, cats and dogs shall be excluded from all food markets. This exclusion does not apply to edible crustacea, shellfish, or fish, nor to fish in aquariums. Police patrol dogs or guide dogs accompanying

blind persons shall be permitted in food markets.

(6) All exterior areas and premises of markets shall be kept clean, free of debris and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

Section 9. Enforcement Provisions. (1) At least once every six (6) months, the department shall inspect each retail food market and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this regulation.

(2) Whenever the department makes an inspection of a retail food market, its representative shall record the findings on an inspection report form provided for this purpose, and shall furnish the original of such inspection report form to the person responsible.

(3) Whenever the department makes an inspection of a retail food market and discovers that any of the requirements of this regulation have been violated, the representative shall notify the person responsible, of such violations by means of an inspection report form or other written notice. In such notification, the department shall:

(a) Set forth the specific violations found;
(b) Establish a specific and reasonable period of time for the correction of the violations found;
(c) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in suspension of the permit, and;
(d) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the department within the period of time established in the notice for correction.

(4) Notices provided for under this section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the person responsible or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the person responsible.

(5) Whenever the department has reason to believe that an imminent public health hazard exists, or whenever the permit holder has interfered with such department's personnel 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. 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 violations 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.

(6) 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 complying with the requirements of this regulation, the permit shall be reinstated.

(7) For serious or repeated violations of any of the requirements of this regulation, or for interference with the department's personnel 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. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(8) The hearings provided for in this regulation shall be conducted by the department at a time and place designated by it. Based upon the record of such hearing, the department shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. 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 the hearing is requested.

Section 10. Procedure When Infection is Suspected. When the department has reasonable cause to suspect the possibility of disease transmission from any retail food market employee, the department shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The department may require any or all of the following measures: (i) the immediate exclusion of the employee from all retail food markets; (ii) the immediate closure of the retail food market concerned until, in the opinion of the department, no further danger of disease outbreak exists; (iii) restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and (iv) adequate medical and laboratory examinations of the employee and of his associates, with such laboratory examinations as may be indicated.

Section 11. Full compliance with this regulation must be met by January 1, 1976.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975
RECEIVED BY LRC: January 15, 1975 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 45:050)

RELATES TO: KRS 217.005 to 217.215, 217.992
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
SUPERSEDES: FDC-23

NECESSITY AND FUNCTION: The Kentucky Food, Drug and Cosmetic Act, KRS 217.005 to 217.215 and 217.992 authorizes the Department for Human Resources to regulate the misbranding of foods. The purpose of this regulation is to establish uniform labeling requirements for packaged foods.

Section 1. Citation of Regulation. This regulation may be cited as the "State Food Packaging and Labeling Regulation."

Section 2. General Interpretations. (1) Compliance with applicable provisions of the Federal Food, Drug and Cosmetic Act and regulations adopted pursuant thereto relating to food packaging and labeling shall be deemed compliance with the provisions of this regulation, except as may otherwise be specifically provided by law.

(2) Any requirement contained in this regulation that any word, statement or other information appear on the label shall not be considered to be complied with unless such word, statement, or information also appears on the outer container or wrapper of the retail package of the article, or such information is easily legible by virtue of the transparency of the outer wrapper or container. Where a consumer commodity is marketed in a multiunit retail package bearing the mandatory label information as required by this regulation and the unit containers are not intended to be sold separately, the net weight placement requirement of Section 6(6) applicable to such unit containers is waived if the units are in compliance with all the other requirements of this regulation.

Section 3. Principal Display Panel. The principal display panel as it applies to food in package form and as used in this regulation is that part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this regulation with clarity and conspicuousness and without obscuring design, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the area of the principal display panel is the area of the side or surface that bears the principal display panel, which area shall be:

(1) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(2) In the case of a cylindrical or nearly cylindrical container, forty (40) percent of the product of the height of the container times the circumference;

(3) In the case of any otherwise shaped container, forty (40) percent of the total surface of the container; provided, however, that where such container presents an obvious principal display panel such as the top of a triangular or circular package of cheese, the area shall consist of the entire top surface. In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this regulation to appear on the principal display panel shall appear within that forty (40) percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

Section 4. Statement of Identity. (1) The principal display panel of a food in package form shall bear as one of its principal features a statement of the identity of the food.

(2) Such statement of identity shall be in terms of:

(a) The name now or hereafter specified in or required by any applicable Kentucky law or regulation; or, in the absence thereof;
(b) The common or usual name of the food; or, in the absence thereof;
(c) An appropriate descriptive term, or when the nature

of the food is obvious, a fanciful name commonly used by the public for such food.

(3) Where a food is marketed in various optional forms (whole, slices, diced, etc.), the particular form shall be considered to be a necessary part of the statement of identity and shall be declared in letters of a type size bearing a reasonable relation to the size of the letters forming the other components of the statement of identity; except that if the optional form is visible through the container or is depicted by an appropriate vignette, the particular form need not be included in the statement. This specification does not affect the required declarations of identity under definitions and standards for foods promulgated pursuant to KRS 217.135.

(4) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

Section 5. Name and Place of Business of Manufacturer, Packer or Distributor. (1) The label of a food in packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(2) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(3) Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such food; such as "Manufactured for _____," "Distributed by _____," or any other wording that expresses the facts.

(4) The statement of the place of business shall include the street address, city, state and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to food labels developed or revised after the effective date of this regulation. In the case of non-consumer packages, the ZIP Code shall appear either on the label or the labeling (including invoice).

(5) If a person manufactures, packs, or distributes a food at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such food was manufactured or packed or is to be distributed, unless such statement would be misleading.

Section 6. Declaration of Net Quantity of Contents; Exemptions. (1) The principal display panel of a food in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the food is liquid, or in terms of weight if the food is solid, semisolid, or viscous, or a mixture of solid and liquid; except that such statement may be in terms of dry measure if the food is a fresh fruit, fresh vegetable, or other dry commodity that is customarily sold by dry measure. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight, or a solid, semisolid, or viscous product by fluid measure, it may be used. Whenever the department determines that an existing practice of declaring net quantity of contents by weight, measure, numerical count or a combination in the case of a specific packaged food does not facilitate value comparisons by consumers and offers opportunity for consumer confusion, it will by regulation designate the appropriate term or terms to be used for such commodity.

(2) Statements of weight shall be in terms of avoirdupois pound and ounce.

(a) Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and shall:

1. In the case of frozen food that is sold and consumed in a frozen state, express the volume at the frozen temperature;
2. In the case of refrigerated food that is sold in the refrigerated state, express the volume at 40 degrees Fahrenheit (4 degrees Centigrade);
3. In the case of other foods, express the volume at 68 degrees Fahrenheit (20 degrees Centigrade).

(b) Statements of dry measure shall be in terms of the U.S. Bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof.

(3) When the declaration of quantity of contents by numerical count does not give adequate information as to the quantity of food in the package, it shall be combined with such statement of weight, measure, or size of the individual units of the foods as will provide such information.

(4) The declaration of quantity of contents may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two (2) places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(5) The declaration of quantity of contents shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

(6) The declaration of quantity of contents shall appear as a distinct item on the principal display panel, shall be separated by at least a space equal to the height of the lettering used in the declaration and by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count, such as "jumbo quart" and "full gallon," that tends to exaggerate the amount of the food in the container. It shall be placed on the principal display panel within the bottom thirty (30) percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed; provided, that on packages having a principal display panel of five (5) square inches or less, the requirements for placement within the bottom thirty (30) percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this regulation.

(7) The declaration of quantity of contents shall accurately reveal the quantity of food in the package exclusive of wrappers and other material packed therewith; provided that in the case of foods packed in containers designed to deliver the food under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

(8) The declaration of quantity of contents shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that:

(a) The ratio of height to width of the letter shall not exceed a differential of three (3) units to one (1) unit (no more than three (3) times as high as it is wide).

(b) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(c) When fractions are used, each component numeral shall meet one-half (1/2) the minimum height standards.

(9) The declaration of quantity of contents shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(a) Not less than one-sixteenth (1/16) inch in height on packages the principal display panel of which has an area of five (5) square inches or less;

(b) Not less than one-eighth (1/8) inch in height on packages the principal display panel of which has an area of more than five (5) but not more than twenty-five (25) square inches;

(c) Not less than three-sixteenths (3/16) inch in height on packages the principal display of which has an area of more than twenty-five (25) but not more than one hundred (100) square inches;

(d) Not less than one-fourth (1/4) inch in height on packages the principal display panel of which has an area of more than one hundred (100) square inches, except not less than one-half (1/2) inch in height if the area is more than four hundred (400) square inches.

(10) Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subsection (9) (a) through (d) of this section shall be increased by one-sixteenth (1/16) of an inch.

(11) On packages containing less than four (4) pounds or one (1) gallon and labeled in terms of weight or fluid measure:

(a) The declaration of quantity of contents shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (one (1) pound or one (1) pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (See examples set forth in subsection (13) (a) and (b) of this section), or in the case of liquid measure, in the largest whole units (quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (See example in subsection (13) (c) and (d) of this section).

(b) If the net quantity of contents declaration appears on a random package, that is a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights and with no fixed weight pattern, it may, when the net weight exceeds one (1) pound, be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two (2) decimal places. When the net weight does not exceed one (1) pound, the

declaration on the random package may be in decimal fractions of the pound in lieu of ounces (See example in subsection (13)(e) of this section).

(c) The declaration of quantity of contents may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." or "6 oz. Net wt." and "6 fl. oz." or "Net contents 6 fl. oz."

(12) On packages containing four (4) pounds or one (1) gallon or more and labeled in terms of weight or fluid measure, the declaration of quantity of contents shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of fluid measure, it shall be expressed in the largest whole unit (gallons followed by common or decimal fraction of a gallon) or by the next smaller whole unit or units (quarts, or quarts and pints) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (See subsection (13)(f) of this section).

(13) Examples:

(a) A declaration of 1-1/2 pounds weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.)," "Net Wt. 24 oz. (1.5 lb.)."

(b) A declaration of 3/4 pound avoirdupois weight shall be expressed as "Net Wt. 12 oz."

(c) A declaration of 1 quart liquid measure shall be expressed as "Net Wt. 32 fl. oz. (1 qt.)."

(d) A declaration of 1-3/4 quarts liquid measure shall be expressed as "Net contents 56 fluid ounces (1 quart 1-1/2 pints)" or as "Net 56 fluid oz. (1 qt. 1 pt. 8 oz.)," but not in terms of quart and ounce such as "Net 56 fluid oz. (1 quart 24 ounces)."

(e) On a random package, declaration of 3/4 pound avoirdupois may be expressed as "Net Wt. .75 lb."

(f) A declaration of 2-1/2 gallons liquid measure shall be expressed as "Net contents 2-1/2 gallons", "Net contents 2.5 gallons," or "Net contents 2 gallons 2 quarts" and not as "2 gallons 4 pints."

(14) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional): weight, wt.; pound, lb.; pint, pt.; fluid, fl.; ounce, oz.; gallon, gal.; and quart, qt.

(15) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel describing in nondeceptive terms the net quantity of contents; provided, that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the food contained in the package; for example, "jumbo quart" and "full gallon." Dual or combination declarations of net quantity of contents as provided for in subsections (1), (3), and (11) of this section, (for example, combination of net weight plus numerical count, net contents plus dilution directions of a concentrate, etc. are not regarded as supplemental net quantity statements and may be located on the principal display panel).

(16) A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(17) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

(18) The declaration of net quantity of contents on pickles and pickle products, including relishes but excluding one or two whole pickles in clear plastic bags which may be declared by count, shall be expressed in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof.

(19) On a multiunit retail package, a statement of the quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit, and, in parentheses, the total quantity of contents of the multiunit package in terms of avoirdupois of fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and subdivisions thereof, as required by subsection (11)(a) of this section. A multiunit retail package may thus be properly labeled: "6-16 oz. bottles - (96 fl. oz.)" or "3-16 oz. cans - (net wt. 48 oz.)". For the purpose of this section, a multiunit retail package is a package containing two (2) or more individually packaged units of the identical commodity and in the same quantity, intended to be sold as part of the multiunit retail package but capable of being individually sold in full compliance with all requirements of this regulation. Open multiunit retail packages that do not obscure the number of units nor prevent examination of the labeling on each of the individual units are not subject to this subsection if the labeling of each individual unit complies with the requirements of subsections (6) and (9) of this section. The provisions of this section do not apply to that butter or margarine covered by the exemptions in Section 6(10) and (11).

Section 7. Food Labeling; Number of Servings. The label of any package of a food which bears a representation as to the number of servings contained in such package shall bear in immediate conjunction with such statement, and in the same size type as is used for such statement, a statement of the net quantity in terms of weight, measure, or numerical count of each such serving; however, such statement may be expressed in terms that differ from the terms used in the required statement of net quantity of contents (for example, cupfuls, tablespoonfuls, etc.) when such differing term is common to cookery and describes a constant quantity. Such statement may not be misleading in any particular. A statement of the number of units in a package is not in itself a statement of the number of servings.

Section 8. Prominence of Required Statements. (1) A word, statement, or other information may lack that prominence and conspicuousness required by KRS 217.035(6) by reason (among other reasons) of:

(a) The failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(b) The failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(c) The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(d) Insufficiency of label space for the prominent placing of such word, statement, or information resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(e) Insufficiency of label space for the prominent placing of such word, statement, or information resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device; or

(f) Smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(2) No exemption depending on insufficiency of label space, as provided by KRS 217.035(5)(b) or (9)(b) shall apply if such insufficiency is caused by:

(a) The use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(b) The use of label space to give greater conspicuousness to any word, statement, or other information than is required by KRS 217.035(6); or

(c) The use of label space for any representation in a foreign language.

(3) All words, statements, and other information required by or under authority of KRS 217.035 to appear on the label or labeling shall appear thereon in the English language; provided, however, that in the case of articles distributed solely in the Commonwealth of Puerto Rico or in a territory where the predominant language is one other than English, the predominant language may be substituted for English. If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of KRS 217.035 to appear on the label shall appear thereon in the foreign language. If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of KRS 217.035 to appear on the label or labeling shall appear on the labeling in the foreign language.

Section 9. Designation of Ingredients. (1) The name of an ingredient (except a spice, flavoring, or coloring which is an ingredient of a food other than one sold as a spice, flavoring, or coloring), shall be a specific name and not a collective name. If an ingredient, which itself contains two or more ingredients, conforms to a definition and standard of identity prescribed by regulations under KRS 217.135, such ingredient may be designated on the label of such food by the name specified in the definition and standard, supplemented, in case such regulations require the naming of optional ingredients present in such ingredient, by a statement showing the optional ingredients which are present in such ingredient.

(2) No ingredient shall be designated on the label as a spice, flavoring, or coloring unless it is a spice, flavoring, or coloring, as the case may be, within the meaning of such term as commonly understood by consumers. Coloring shall not include any bleaching substance.

(3) An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as spice and coloring, or flavoring and coloring, as the case may be, unless such ingredient is designated by its specific name.

(4) In the case of fabricated foods, including mixtures of food ingredients, where the proportion of an expensive ingredient or ingredients present has a material bearing on price or consumer acceptance, the label of such food shall bear a quantitative statement of such ingredient if the label without such declaration may create an erroneous impression that such ingredient or ingredients are present in an amount greater

than is actually the case. For example, a label designation of identity as "cottonseed oil and olive oil" for a mixture containing eighty (80) percent or more of cottonseed oil would require a declaration of the percent of olive oil present. Similarly, a representation by vignette or statement of identity that a breakfast syrup is made from a mixture of sugar syrup and maple syrup would necessitate a quantitative declaration of the maple sugar syrup unless more than twenty (20) percent maple sugar syrup is present.

(5) In the case of an assortment of different items of food, when variations in the items that make up different packages packed from such assortment normally occur in good packing practice and when such variations result in variations in the ingredients in different packages, such food shall be exempt from compliance with the requirements of KRS 217.035(9)(b) with respect to any ingredient that is not common to all packages. Such exemption, however, shall be on the condition that the label shall bear, in conjunction with the names of such ingredients as are common to all packages, a statement in terms that are as informative as practicable and that are not misleading indicating that other ingredients may be present.

(6) A food shall be exempt while held for sale from the requirements of KRS 217.035(9)(b) if said food, having been received in bulk containers at a retail establishment, is displayed to the purchaser with either the labeling of the bulk container plainly in view or a counter card, sign or other appropriate device bearing prominently and conspicuously the information required to be stated on the label pursuant to KRS 217.035(9)(b).

(7) Ingredients shall be listed by common or usual name in order of decreasing predominance. The declaration shall be presented on any appropriate information panel in adequate type size, without obscuring design, vignettes, or crowding. The entire ingredient statement shall appear on a single panel of the label.

Section 10. Artificial Flavoring or Coloring, Chemical Preservatives. (1) A statement of artificial flavoring, artificial coloring, or chemical preservative shall be placed on the food, or on its container or wrapper, or on any two or all of these, as may be necessary to render such statement likely to be read by the ordinary individual under customary conditions of purchase and use of such food.

(2) A food shall be exempt from compliance with the requirements of KRS 217.035(11) if it is not in package form and the units thereof are so small that a statement of artificial flavoring, artificial coloring, or chemical preservative, as the case may be, cannot be placed on such units with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

(3) A food shall be exempt while held for sale from the requirements of KRS 217.035(11) if said food, having been received in bulk containers at a retail establishment, is displayed to the purchaser with either the labeling of the bulk container plainly in view or a counter card, sign, or other appropriate device bearing prominently and conspicuously the information required to be stated on the label pursuant to KRS 217.035(11).

(4) A fruit or vegetable shall be exempt from compliance with the requirements of KRS 217.035(11) with respect to a chemical preservative applied to the fruit or vegetable as a pesticide chemical prior to harvest.

Section 11. Exemptions from Required Label Statements. The following exemptions are granted from label statements required by this regulation: (1) While held for sale, a food shall be exempt from the required declaration of net quantity or contents specified in this regulation if said food is received in bulk containers at a retail establishment and is accurately weighed, measured, or counted either within the view of the purchaser or in compliance with the purchaser's order.

(2) Random food packages, as in Section 6(11), bearing labels delaring net weight shall be exempt from the type size, dual declaration, and placement requirements of Section 6 if the accurate statement of net weight is presented conspicuously on the principal display panel of the package.

(3) Individual serving-size packages of foods containing less than one-half (1/2) ounce or less than one-half (1/2) fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

(4) Individually wrapped pieces of "penny candy" and other confectionery of less than one-half (1/2) ounce net weight per individual piece shall be exempt from the labeling requirements of this regulation when the container in which such confectionery is shipped is in conformance with the labeling requirements of this regulation. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this regulation, including the required declaration of net quantity of contents specified in this regulation when the declaration on the bag or box meets the requirements of this regulation.

(5) Soft drinks packaged in bottles shall be exempt from the placement requirements for the statement of identity prescribed by Section 4(1) and (4) if such statement appears conspicuously on the bottle closure. When such soft drinks are marketed in a multiunit retail package, the multiunit retail package shall be exempt from the statement of identity declaration requirements prescribed by Section 4 if the statement of identity on the unit container is not obscured by the multiunit retail package.

(a) A multiunit retail package for soft drinks shall be exempt from the declaration regarding name and place of business required by Section 5 if the package does not obscure the declaration on unit containers of if it bears a statement that the declaration can be found on the unit containers and the declaration on the unit containers complies with Section 5. The declaration required by Section 5 may appear on the top or side of the closure of bottled soft drinks, if the statement is conspicuous and easily legible.

(b) Soft drinks packaged in bottles which display other required label information only on the closure shall be exempt from the placement requirements for the declaration of contents prescribed by Section 6(6) if the required content declaration is blown, formed or molded into the surface of the bottle in close proximity to the closure.

(6) Ice cream, french ice cream, ice milk, fruit sherberts, water ices, quiescently frozen confections, with or without ingredients, special dietary frozen desserts, and products made in semblance of the foregoing, when measured by and packaged in one-half (1/2) liquid pint and one-half (1/2) gallon measure containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements of Section 6(2)(a) to the extent that net contents of eight (8) fluid ounces and sixty-four (64) fluid ounces (or two (2) quarts) may be expressed as one-half (1/2) pint and one-half (1/2) gallon, respectively.

(a) The foods named in subsection (6) of this section, when measured by and packaged in one (1) liquid pint, one (1) liquid quart, and one-half (1/2) gallon measure containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the dual net contents declaration requirement of Section 6(11).

(b) The foods named in subsection (6) of this section, when measured by and packaged in one-half (1/2) liquid pint, one (1) liquid pint, one (1) liquid quart, one-half (1/2) gallon, and one (1) gallon measure containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirement of Section 6(6) that the declaration of net contents be located within the bottom thirty (30) percent of the principal display panel.

(7) Milk, cream, light cream, coffee, or table cream, whipping cream, light whipping cream, heavy or heavy whipping cream, sour or cultured sour cream, half and half, sour or cultured half and half, reconstituted or recombined milk and milk products, concentrated milk and milk products, skim or skimmed milk, vitamin D milk and milk products, fortified milk and milk products, homogenized milk, flavored milk and milk products, buttermilk, cultured buttermilk, cultured milk or cultured whole buttermilk, low-fat milk (0.5 to 2.0 percent butterfat), and acidified milk and milk products, when packaged in containers of eight (8) and sixty-four (64) fluid ounce capacity, are exempt from the requirements of Section 6(2)(a) to the extent that net contents of eight (8) fluid ounces and sixty-four (64) fluid ounces (or two (2) quarts) may be expressed as one-half (1/2) pint and one-half (1/2) gallon respectively.

(a) The products listed in subsection (7) of this section, when packaged in glass or plastic containers of one-half (1/2) pint, one (1) pint, one (1) quart, one-half (1/2) gallon, and one (1) gallon capacities are exempt from the placement requirement of Section 6(6) that the declaration of net contents be located within the bottom thirty (30) percent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(b) The products listed in subsection (7) of this section, when packaged in containers of one (1) pint, one (1) quart, and one-half (1/2) gallon capacities are exempt from the dual contents declaration requirement of Section 6(11).

(8) Wheat flour products packaged:

(a) In conventional two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) pound packages are exempt from the placement requirement of Section 6(6) that the declaration of net contents be located within the bottom thirty (30) percent of the area of the principal display panel of the label; and

(b) In conventional two (2) pound packages are exempt from the dual net-contents declaration requirements of Section 6(11) provided the quantity of contents is expressed in pounds.

(9)(a) Twelve (12) shell eggs packaged in a carton designed to hold one-dozen eggs and designed to permit the division of such carton by the retail customer at the place of purchase into two (2) portions of one-half (1/2) dozen eggs each are exempt from the labeling requirements of this regulation with respect to each portion of such divided carton if the carton, when undivided, is in conformance with the labeling requirements of this regulation.

(b) Twelve (12) shell eggs packaged in a carton designed

to hold one (1) dozen eggs are exempt from the placement requirements for the declaration of contents prescribed by Section 6(6) if the required content declaration is otherwise placed on the principal display panel of such carton and if, in the case of such cartons designed to permit division by retail customers into two (2) portions of one-half (1/2) dozen eggs each, the required content declaration is placed on the principal display panel in such a manner that the context of the content declaration is destroyed upon division of the carton.

(10) Butter in eight (8) ounce and in one (1) pound packages are exempt from the requirements of Section 6(6) that the next contents declaration be placed within the bottom thirty (30) percent of the area of the principal display panel; and

(a) In one (1) pound packages is exempt from the requirements of Section 6(11)(a) that such declaration be in terms of ounces and pounds, to permit declaration of "1 pound" or "one pound"; and

(b) In four (4) ounce, eight (8) ounce, and one (1) pound packages with continuous label copy wrapping is exempt from the requirements of Sections 4(4) and 6(6) that the statement of identity and net contents declaration appear in lines generally parallel to the base on which the package rests as it is designed to be displayed, provided that such statement and declaration are not so positioned on the label as to be misleading or difficult to read as the package is customarily displayed at retail.

(11) Margarine and imitations thereof regulated under the federal Act in one (1) pound rectangular packages, except for packages containing whipped or soft margarine or packages that contain more than four (4) sticks, are exempt from the requirements of Section 6(6) that the declaration of the next quantity of contents appear within the bottom thirty (30) percent of the principal display panel and from the requirement of Section 6(11)(a) that such declaration be expressed both in ounces and in pounds to permit declaration of "1 pound" or "one pound," provided an accurate statement of net weight appears conspicuously on the principal display panel of the package.

(12) Corn flour and related products packaged in conventional five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) pound bags are exempt from the placement requirement of Section 6(6) that the declaration of net contents be located within the bottom thirty (30) percent of the area of the principal display panel of the label.

(13) Single strength and less than single strength fruit juice beverages imitations thereof, and drinking water when packaged in glass or plastic containers of one-half (1/2) pint, one (1) pint, one (1) quart, one-half (1/2) gallon, and one (1) gallon capacities are exempt from the placement requirement of Section 6(6) that the declaration of net contents be located within the bottom thirty (30) percent of the principal display panel; provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(a) Single strength and less than single strength fruit juice beverages, imitations thereof, and drinking water when packaged in glass, plastic, or paper (fluid milk type) containers of one (1) pint, one (1) quart, and one-half (1/2) gallon capacities are exempt from the dual net contents declaration requirements of Section 6(11).

(b) Single strength and less than single strength fruit juice beverages, imitations thereof, and drinking water when packaged in glass, plastic, or paper (fluid milk type) containers of eight (8) and sixty-four (64) fluid ounce capacity, are exempt from the requirements of Section 6(2)(a) to the extent that net contents of eight (8) fluid ounces and sixty-four (64) fluid ounces (or two (2) quarts) may be expressed as one-half (1/2) pint (or half pint) and one-half (1/2) gallon (or half gallon) respectively.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975
RECEIVED BY LRC: January 15, 1975 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 45:060)

RELATES TO: KRS 217.005 to 217.215, 217.992
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Kentucky Food, Drug and Cosmetic Act, KRS 217.005 to 217.215 and 217.992 authorizes the Department for Human Resources to regulate the misbranding of cosmetics. The purpose of this regulation is to establish uniform labeling requirements for packaged cosmetics.

Section 1. Citation of Regulation. This regulation may be cited as the "State Cosmetic Packaging and Labeling Regulation."

Section 2. General Interpretations. (1) Compliance with applicable provisions of the Federal Food, Drug and Cosmetic Act and regulations adopted pursuant thereto, relating to cosmetic packaging and labeling, shall be deemed in compliance with the provisions of this regulation, except as may otherwise be specifically provided by law.

(2) Any requirement contained in this regulation that any word, statement or other information appear on the label shall not be considered to be complied with unless such word, statement, or information also appears on the outer container or wrapper of the retail package of the article, or such information is easily legible by virtue of the transparency of the outer wrapper or container. Where a consumer commodity is marketed in a multiunit retail package bearing the mandatory label information as required by this regulation and the unit containers are not intended to be sold separately, the net weight placement applicable to such unit containers is waived if the units are in compliance with all the other requirements of this regulation.

Section 3. Cosmetic Package Definition. As used in this regulation, a package is any container or wrapper in which any cosmetic is enclosed for use in the delivery or display to retail purchasers, but does not include:

(1) Shipping containers or wrappings used solely for the transportation of any cosmetic in bulk or in quantity to manufacturers.

(2) Shipping containers or outer wrappings used by retailers to ship or deliver any cosmetic to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or

(3) Containers used for tray pack displays in retail establishments.

(4) Transparent wrappers or containers which do not bear written, printed, or graphic matter obscuring the label information required by this regulation.

(5) Any other exemption granted pursuant to the Federal Food, Drug and Cosmetic Act.

Section 4. Principal Display Panel. (1) The principal display panel as it applies to cosmetics in package form and as used in this regulation is that part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accomodate all the mandatory label information required to be placed thereon by this regulation with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents of all packages of substantially the same size, the area of the principal display panel is the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one (1) entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container forty (40) percent of the product of the height of the container times the circumference; and

(c) In the case of any other shape of container, forty (40) percent of the total surface of the container; provided, however, that where such container presents an obvious principal display panel such as the top of a triangular or circular package, the area shall consist of the entire top surface.

(2) In determining the area of the principal display panel, exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this regulation to appear on the principal display panel shall appear within that forty (40) percent of circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

Section 5. Statement of Identity. (1) The principal display panel of a cosmetic in package form shall bear as one of its principal features a statement of the identity of the commodity.

(2) Such statement of identity shall be in terms of:

(a) The common or usual name of the cosmetic; or

(b) An appropriate descriptive name or, when the nature of the cosmetic is obvious, a fanciful name understood by the public to identify such cosmetic; or

(c) An appropriate illustration or vignette representing the intended cosmetic use.

(3) The statement of identity shall be presented in bold type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

Section 6. Name and Place of Business of Manufacturer,

Packer, or Distributor. (1) The label of a cosmetic in package form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(2) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied in the case of a corporation only by the actual corporate name, which may be preceded or followed by the name of the particular division of the corporation. Abbreviations for "Company," "Incorporated," etc., may be used and "The" may be omitted. In the case of an individual partnership, or association, the name under which the business is conducted shall be used.

(3) Where the cosmetic is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such cosmetic; such as "Manufactured for_____," "Distributed by_____," or any wording that expresses the facts.

(4) The statement of the place of business shall include the street address, city, state and zip code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the zip code shall apply only to consumer commodity labels developed or revised after the effective date of this regulation. In the case of nonconsumer packages, the zip code shall appear either on the label or the labeling (including the invoice).

(5) If a person manufactures, packs, or distributes a cosmetic at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such cosmetic was manufactured or packed or is to be distributed, unless such statement would be misleading.

Section 7. Declaration of Net Quantity of Contents. (1) The label of a cosmetic in package form shall bear a declaration of the net quantity of contents. This shall be expressed in terms of weight, measure, numerical count, or a combination of numerical count and weight or measure. The statement shall be in terms of fluid measure if the cosmetic is liquid or in terms of weight if the cosmetic is solid, semisolid, or viscuous, or a mixture of solid and liquid. If there is a firmly established, general consumer usage and trade custom of declaring the net quantity of a cosmetic by numerical count, linear measure, or measure of area, such respective term may be used. If there is a firmly established, general consumer usage and trade custom of declaring the contents of a liquid cosmetic by weight, or a solid, semisolid, or viscuous cosmetic by fluid measure, it may be used. Whenever the department determines for a specific packaged cosmetic than an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, it shall by regulation designate the appropriate term or terms to be used for such cosmetic.

(2) Statements of weight shall be in terms of avoirdupois pound and ounce. Statements of fluid measure shall be in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid ounce subdivision thereof and shall express the volume at 68°F. (20.)

(3) When the declaration of quantity of contents by numerical count, linear measure, or measure of area does not give accurate information as to the quantity of cosmetic in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or the total weight or measure of the cosmetic as will give such information.

(4) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eights, sixteenths, or thirty-seconds; except that if there exists a firmly established, general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(5) The declaration shall be located on the principal display panel of the label with respect to packages bearing alternate principal display panels it shall be duplicated on each principal display panel; provided, that:

(a) The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth (1/4) ounce or less, may be considered to be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this regulation, but the type size of the net quantity of contents statement shall be governed by the dimensions of the decorative container; and

(b) The principal display panel of a cosmetic marketed on a display card to which the immediate container is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

(6) The declaration shall appear as a distinct item on the principal display panel, shall be separated by at least a space equal to the height of the lettering used in the declaration from other printed label information appearing above or below the declaration and by at least a space equal to twice the width of the letter "n" of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count, such as "giant pint" and "full quart," that tends to exaggerate the amount of the cosmetic in the container. It shall be placed on the principal display panel within the bottom thirty (30) percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed; provided, that:

(a) On packages having a principal display panel of five (5) square inches or less, the requirement for placement within the bottom thirty (30) percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this regulation; and

(b) In the case of a cosmetic that is marketed with both outer and inner retail containers bearing the mandatory label information required by this regulation, and the inner container is not intended to be sold separately, the net quantity of contents placement requirement of this section applicable to such inner container is waived.

(7) The declaration shall accurately reveal the quantity of cosmetic in the package exclusive of wrappers and other material packed therewith; provided that:

(a) In the case of cosmetics packed in containers designed to deliver the cosmetic under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration; and

(b) In the case of a package which contains the integral components making up a complete kit, and which is designed to deliver the components in the manner of an application (for example, a home permanent wave kit), the declaration may state the net quantity of the contents in non-descriptive terms of the number of applications available in the kit when the instructions for use as shown on the container are followed.

(8) The declaration shall appear in conspicuous and easily legible bold-face print or type in distinct contrast, by typography, layout, color, embossing or molding, to other matter on package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specification that:

(a) The ratio of height to width of the letter shall not exceed a differential of three (3) units to one (1) unit (no more than three (3) times as high as it is wide).

(b) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(c) When fractions are used, each component numeral shall meet one-half (1/2) the minimum height standards.

(9) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specification:

(a) Not less than one-sixteenth (1/16) inch in height on packages the principal display panel of which has an area of five (5) square inches or less.

(b) Not less than one-eighth (1/8) inch in height on packages the principal display panel of which has an area of more than five (5) but not more than twenty-five (25) square inches.

(c) Not less than three-sixteenths (3/16) inch in height on packages the principal display panel of which has an area of more than twenty-five (25) but more than 100 square inches.

(d) Not less than one-fourth (1/4) inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than one-half (1/2) inch in height if the area is more than 400 square inches.

(10) Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in subsection (9)(a) through (d) of this section shall be increaed by one-sixteenth (1/16) of an inch.

(11) On packages containing less than four (4) pounds or one (1) gallon and labeled in terms of weight of fluid measure:

(a) The declaration shall be expressed both in ounces with identification by weight or by liquid measure and, if applicable (one (1) pound or one (1) pint or more), followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see example set forth in subsection (13)(a) and (b) of this section), or in the case of liquid measure, in the largest whole unit (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see example in subsection (13)(c) and (d) of this section). Net weight or fluid measure of less than one (1) ounce

shall be expressed in common or decimal fractions of the respective ounce and not in drams.

(b) The declaration may appear in more than one (1) line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." or "6 oz. net wt." and "Net contents 6 fl. oz." or "6 fl. oz."

(12) On packages containing four (4) pounds or one (1) gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fractions of the pound; in the case of fluid measure, it shall be expressed in the largest whole unit (gallons, followed by common or decimal fractions of a gallon or by the next smaller whole unit or units (quarts or quarts and pints) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see example in subsection (13) of this section).

(13) Examples:

(a) A declaration of 1 1/2 pounds weight shall be expressed as "Net wt. 24 oz. (1 lb. 8 oz.)", "Net wt. 24 oz. (1 1/2 lb.)", or "Net wt. 24 oz. (1.5 lb.)."

(b) A declaration of three-fourths pound avoirdupois weight shall be expressed as "Net wt. 12 oz."

(c) A declaration of 1 quart liquid measure shall be expressed as "Net contents 32 fl. oz. (1 qt.)."

(d) A declaration of 1 3/4 quarts liquid measure shall be expressed as "Net contents 56 fl. oz. (1 qt. 1 1/2 pt.)" or "Net contents 56 fl. oz. (1 qt. 1 pt. 8 oz.)" but not in terms of quart and ounce such as "Net contents 56 fl. oz. (1 qt. 24 oz.)."

(e) A declaration of 2 1/2 gallons liquid measure shall be expressed in the alternative as "net contents 2 gal. 2 qt." and not as "2 gal. 4 pt."

(14) For quantities, the following abbreviations and none other may be employed (periods and plural forms are optional): weight, wt.; gallon, gal.; square, sq.; quart, qt.; fluid, fl.; pint, pt.; yard, yd.; ounce, oz.; feet or, foot, ft.; pound, lb.

(15) On packages labeled in terms of linear measure, the declaration shall be expressed both in terms of inches and if applicable (one (1) foot or more), the largest whole units (yards, yards and feet, feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of inches and any remainder shall be in terms of inches or common or decimal fractions of the foot or yard. Examples are "86 inches (2 yd. 1 ft. 2 inches)," "90 inches (2 1/2 yd.)" "30 inches (2.5)," etc.

(16) On packages labeled in terms of area measure, the declaration shall be expressed in terms of square inches and if applicable (one (1) square foot or more), the largest whole square unit (square yards, square yards and square feet, square feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of square inches and any remainder shall be in terms of square inches or common or decimal fractions of the square foot or square yard; for example, "158 sq. inches (1 sq. ft. 14 sq. inches)," etc.

(17) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel describing in non-descriptive terms the net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the cosmetic contained in the package; for example, "giant pint" and "full quart." Dual or combination declarations of net quantity of contents as provided for in subsections (1), (3), and (11) of this section (for example, a combination of net weight plus numerical count) are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

(18) A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(19) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

Section 8. Prominance of Required Statements. (1) A word, statement or other information required may lack that prominence and conspicuousness required by KRS 217.095(3) by reason (among other reasons) of:

(a) The failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(b) The failure of such word, statement, or information to appear on two (2) or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions or purchase, the part or panel displayed;

(c) The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(d) Insufficiency of labeling, for the prominent placing of such word, statement, or information, resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the Act to appear on the label;

(e) Insufficiency of label space, for the prominet placing of such word, statement, or information, resulting from the use of label space to give materially greater conspicuousness to any word, statement, or information, or to any design or device; or

(f) Smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(2) All words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear thereon in the English language; provided, however, that in the case of articles distributed solely in the Commonwealth of Puerto Rico or in a territory where the predominant language is one other than English, the predominant language may be substituted for English.

(3) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the Act to appear on the label or labeling shall appear on the labeling in the foreign language.

Section 9. Exemptions. (1) Except as provided by subsections (2) and (3) of this section, a shipment or other delivery of a cosmetic which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in intrastate commerce and the time of holding in such establishment, from compliance with the labeling requirements of KRS 217.085(1) and 217.095(2) if:

(a) The person who introduced such shipment or delivery into intrastate commerce is the operator of the establishment where such cosmetic is to be processed, labeled, or repacked; or

(b) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post office address of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such cosmetic in such establishment as will insure, if such specifications are followed, that such cosmetic will not be adulterated or misbranded upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until two (2) years after the final shipment or delivery of such cosmetic from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the department who requests them.

(2) An exemption of a shipment or other delivery of a cosmetic under subsection (1)(a) of this section shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment, become void ab initio if the cosmetic comprising such shipment, delivery or part is adulterated or misbranded when so removed.

(3) An exemption of a shipment or other delivery of a cosmetic under subsection (1)(b) of this section shall become void ab initio with respect to the person who introduced such shipment or delivery into commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by such clause.

(4) An exemption of a shipment or other delivery of a cosmetic under subsection (1)(b) of this section shall expire:

(a) At the beginning of the act or removing such shipment or delivery, or any part thereof, from such establishment if the cosmetic comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the Act when so removed; or

(b) Upon refusal by the operator of the establishment where such cosmetics is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement, as required by such clause.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975
RECEIVED BY LRC: January 15, 1975 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 45:080)

RELATES TO: KRS 217.005 to 217.215, 217.992
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
NECESSITY AND FUNCTION: The Kentucky Food, Drug and Cosmetic Act, KRS 217.005 to 217.215 and 217.992 authorizes the Department for Human Resources to regulate the misbranding and adulteration of foods and cosmetics. This regulation establishes uniform requirements relating to the disposition of salvaged foods, cosmetics and related merchandise.

Section 1. Citation of Regulation. This regulation may be cited as the "State Food and Cosmetic Salvage Regulation."

Section 2. Definitions. The following definitions shall apply in the interpretation and the enforcement of this regulation: (1) "Employee" means any person employed by a salvage processing plant or distributor who does, or may in any manner handle or come in contact with the handling, storing, transporting, or selling of salvageable food, cosmetics or related merchandise.

(2) "Distressed merchandise" means any food, cosmetic, or other item listed under subsection (5) of this section which has had the label lost or which has been subjected to possible damage due to accident, fire, flood, adverse weather, or to any other similar cause; or which is suspected of having been rendered unsafe or unsuitable for human or animal consumption or use.

(3) "Perishable food" means any food of such type or in such physical state that it may spoil or otherwise become unfit for human consumption.

(4) "Salvage distributor" means a person who engages in the business of distributing, peddling or otherwise trafficking in any salvaged merchandise.

(5) "Salvage processing plant" means an establishment operated by a person who is engaged in the business of reconditioning, labeling, relabeling, repackaging, recoopering, sorting, cleaning, culling or by other means salvages, sells, offers for sale, or distributes for human or animal consumption or use any salvaged food, beverage, including beer, wine and distilled spirits, vitamins, food supplements, dentrifrices, cosmetics, single-service food containers or utensils, containers and packaging materials used for foods and cosmetics, soda straws, paper napkins, or any other product of a similar nature that has been damaged or contaminated by fire, water, smoke, chemicals, transit, or by any other means.

(6) "Salvageable merchandise" means any food, cosmetic, or other item listed under subsection (5) of this section which can be reconditioned, labeled, relabeled, repackaged, recoopered, sorted, cleaned, culled or by any other means be salvaged to the satisfaction of the Department.

(7) "Salvaged merchandise" means merchandise which has been reconditioned or salvaged pursuant to the provisions of this regulation and is acceptable for such human or animal consumption or use as may be designated by the department.

(8) "Vehicle" means any truck, car, bus or other means by which distressed, salvageable or salvaged merchandise is transported from one location to another.

Section 3. Permit Requirements. (1) No person shall operate a salvage processing plant or act as a salvage distributor within the Commonwealth of Kentucky, who does not possess a permit issued by the department. Only a person who complies with the requirements of this regulation shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A permit shall be posted in every processing plant, and each distributor shall have a copy of a valid permit in each vehicle which he operates. The name and address of the salvage processing plant or distributor and the permit number must be conspicuously displayed on the outside of all vehicles being used for salvage operations. Each permit shall expire on December 31 next following its date of issuance.

(2) Any person desiring to operate a salvage processing plant or as a salvage distributor shall make written application for a permit on forms provided by the department. Upon receipt of such an application, the department shall make an inspection of the salvage processing plant or distributor to determine compliance with the provisions of this regulation. When inspection reveals that the applicable requirements of this regulation have been met, a permit shall be issued to the applicant by the department.

Section 4. Notice to Department of Distressed Merchandise. It shall be the duty of any person owning or having possession of any merchandise listed in Section 2(5) which becomes distressed merchandise to notify the department prior to such merchandise being removed from the premises at which it was located at the time it became distressed merchandise. It shall also be the duty of the owner or manager of the salvage processing plant to notify the department within forty-eight (48) hours whenever distressed merchandise subject to the provision of this regulation is obtained.

Section 5. Movement of Distressed Merchandise. Distressed merchandise shall be moved from the site of a fire, flood, wreck or other cause as expeditiously as possible so as not to become putrid, unwholesome, rodent or insect harborages, or otherwise a menace to public health. All distressed and salvageable merchandise prior to reconditioning shall be transported only in vehicles provided with adequate refrigeration for product maintenance. No interstate movement of distressed or salvageable merchandise shall be made without the prior approval of the department, the appropriate control agency in the state receiving the merchandise, and the Federal Food and Drug Administration.

Section 6. Reconditioning and Labeling of Distressed Merchandise. (1) All metal cans offered for sale shall be free from rust and rim or seam dents. Springers, flippers, and swells shall be deemed to be unfit for sale or use. Containers having press caps or screw caps that have been totally immersed in water as the result of fire, flood or similar mishap shall be deemed to be unfit for sale or use.

(2) Hermetically sealed cans or tins of food, except cans or tins which are opened by pull tabs, which have been partially or totally submerged in water as a result of flood, sewer backup, or other reasons, shall after thorough cleaning be subjected to a sanitizing rinse of a concentration of 200 ppm available chlorine for a minimum period of one (1) minute, or shall be sanitized by another method approved by the department, and subsequently be treated to inhibit rust formation prior to use or sale. All other types of packages (including cans or tins which are opened by pull tabs) so damaged shall be deemed unsafe for use or sale.

(3) Any cans or tins showing excessive rust shall have labels removed, the outer surfaces reconditioned by buffing, a protective coating applied where necessary, and shall be relabeled. Relabelirg of other types of containers may be required where circumstances are justified.

(4) All salvaged merchandise shall be labeled to indicate that the merchandise has been salvaged. All salvaged merchandise in containers are to be provided with labels meeting the appropriate requirements of KRS 217.035 and 219.095. Where original labels are removed from containers which are to be resold, the replacement labels must show the name and address of the salvage processing plant as the distributor.

Section 7. Records of Distressed Merchandise. A record or receipt of distressed merchandise, salvageable merchandise and salvaged merchandise shall be kept by the salvage processing plant and shall be kept open for inspection by the department during business hours. These records shall be kept on the premises of the salvage processing plant for a period of one (1) year following the completion of transactions involving a lot of merchandise.

Section 8. All salvageable and salvaged merchandise, while being stored or processed at a salvage processing plant, or during transportation, shall be protected from contamination. All perishable foods shall be stored at such temperatures as will protect against spoilage. All potentially hazardous foods shall be amintained at safe temperatures (45°F or below, or 140°F or above). Frozen foods shall be maintained at 0°F or below. Poisonous and toxic materials shall not be transported with distressed, salvageable or salvaged merchandise or stored in a salvage processing plant; provided, however, that such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitation purposes may be used or stored in salvage processing plants. Such poisonous and toxic materials shall be identified, and shall be used only in such manner and under such conditions as will not contaminate salvageable or salvaged merchandise, or constitute a hazard to employees and when not in use shall be stored in cabinets which are used for no other purpose.

Section 9. Personnel Health and Disease Control. (1) No employee while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in an area of a salvage processing plant or for a salvage distributor in any capacity in which there is a likelihood of such person contaminating salvageable or salvaged merchandise with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the department immediately.

(2) All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to good hygienic practices while on duty. Employees shall wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his hands.

Section 10. Salvage Processing Plant Equipment and Utensils. (1) All equipment and utensils used in a salvage processing plant shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable and shall be in good repair; and the surfaces of such equipment and utensils coming in contact with salvageable or salvaged merchandise shall, in addition, be easily accessible for cleaning, non-toxic, corrosion-resistant and relatively non-absorbent; provided, that, when approved by the department, exceptions may be made to the above materials requirements. All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas. Equipment in use at the time of adoption of this regulation which does not meet fully the above requirements, may be continued in use if it is in good repair, capable of being maintained in a sanitary condition and surfaces coming in contact

with salvageable or salvaged merchandise are non-toxic. Single-service articles shall be made from non-toxic materials.

(2) All utensils and surfaces of equipment coming in contact with salvageable or salvaged merchandise used in a salvage processing plant shall be thoroughly cleaned and sanitized prior to such use. Other surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition. After cleaning and until use, all equipment and utensils shall be stored and handled as to be protected from contamination. All single-service articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once.

Section 11. Salvage Processing Plant Sanitary Facilities and Controls. (1) The water supply shall be adequate, of a safe, sanitary quality and from a source approved by the Department for Natural Resources and Environmental Protection. Hot and cold running water under pressure shall be provided in all areas where foods, or cosmetics are processed, or equipment, utentils, or containers are washed.

(2) All sewage and other liquid waste shall be disposed of in a public sewerage system or, in the absence thereof, in a manner approved by the Department for Natural Resources and Environmental Protection.

(3) All plumbing shall comply with state Plumbing Code.

(4) Each salvage processing plant shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials and such receptacles in toilet rooms for women shall be covered. Where the use of non-water-carried sewage disposal facilities are approved by the department, such facilities shall be separage from the establishment.

(5) Each salvage processing plant shall be provided with adequate, conveniently located hand-washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

(6) All garbage and rubbish containing foods or cosmetics, shall, prior to disposal, be kept in leakproof, non-absorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use; provided, that such containers need not be covered when stored in a special vermin-proofed room or enclosure, or in a waste refrigerator. All other rubbish shall be stored in containers, rooms, or areas in an approved manner. Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

(7) Effective measures shall be taken to protect against the entrance into the salvage processing plant and the breeding or presence on the premises of rodent, insects, and other vermin.

Section 12. Salvage Plant Construction and Maintenance. (1) The floor surfaces in all rooms and areas in which salvageable or salvaged merchandise is stored or processed and in which utensils are washed, and walk-in refrigerators, dressing or locker rooms and toilet rooms, shall be of smooth, non-absorbent materials, and so constructed as to be easily cleanable; provided, that the floors of non-refrigerated, dry storage areas need not be non-absorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor. The walls and ceilings of all rooms shall be kept clean and in good repair.

(2) All areas in which salvageable or salvaged merchandise is processed or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be adequately lighted. During all cleanup activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned.

(3) All rooms in which salvageable or salvaged merchandise is processed or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices when used shall be designed to prevent condensate from dripping into foods or cosmetics, or onto preparation surfaces. Filters, when used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable state and local fire-prevention requirements and shall, when vented to the outside air, discharge in such manner as not to create a nuisance.

(4) Adequate facilities shall be provided for the orderly storage of employee's clothing and personal belongings.

(5) All parts of the salvage processing plant and its premises shall be kept clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination or salvageable and salvaged merchandise. None of the operations connected with a salvage processing plant shall be conducted in any room used as living or sleeping quarters. Soiled coats, and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of a salvage processing plant's operations.

(6) Vehicles used to transport distressed, salvageable, or salvaged merchandise shall be maintained in a clean condition to aid in protecting the product from contamination.

Section 13. Plan Review of Future Construction. When a salvage processing plant is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a salvage processing plant, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangements, and construction materials or work areas and the location, size and type of fixed equipment facilities, and a plumbing riser diagram shall be submitted to the department for approval before such work is begun.

Section 14. Inspections; Notices. (1) Inspection of salvage processing plants and distributors. At least once every twelve (12) months, the department shall inspect each salvage processing plant and distributor and shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(2) Inspection Records. Whenever the department makes an inspection of a salvage processing plant or distributor, its representative shall record the findings on an inspection report form provided for this purpose, and shall furnish the original of such inspection report form to the permit holder or his representative in charge.

(3) Issuances of Notices. Whenever the department makes an inspection of a salvage processing plant or distributor and determines that any of the requirements of this regulation have been violated, the department shall notify the permit holder or person in charge of such violations by means of an inspection report form or other written notice. In such notification, the department shall:

(a) Set forth the specific violations found.
(b) Establish a specific and reasonable period of time for the correction of the violations found.
(c) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in suspension of the permit.
(d) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the department within the period of time established in the notice for correction.

(4) Service of Notices. Notices provided for under this section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the department.

Section 15. Salvage Processing Plants and Distributors Outside Jurisdiction of the Department. Salvaged merchandise from salvage processing plants and distributors located outside the jurisdiction of the Commonwealth of Kentucky may be sold within the state, if such plants and distributors conform to the provisions of this regulation or to substantially equivalent provisions and have a valid permit from the department. To determine the extent of compliance with such provisions, the department may accept reports from responsible authorities in other jurisdictions where such plants and distributors are located.

Section 16. Suspension and Revocation 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 in the performance of its 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 violations 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) 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 complying with the requirements of this regulation, the permit shall be reinstated.

(4) Revocation of permits. For serious or repeated violations of any of the requirements of this regulation, or for interference with the department in the performance of its 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) days period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(5) Hearings. The hearings provided or in this section shall be conducted by the department at a time and place designated by it. Based upon the record of such hearing, the department shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A transcript of the hearing shall not be made unless the interested party assumes the costs thereof and a request is made therefor at the time a hearing is requested.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975

RECEIVED BY LRC: January 15, 1975 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 45:100)

RELATES TO: KRS 217.808 to 217.812, 217.990(8)
PURSUANT TO: KRS 13.082, 194.050, 211.090(1)(c)
SUPERSEDES: FV-1

NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 217.808 et seq. to regulate food vending machines. This regulation relates to the sanitation and inspection of food vending machines, food vending commissaries and the issuance and suspension of permits. The purpose of this regulation is to establish uniform requirements for the regulation of food vending machines and food vending commissaries in Kentucky.

Section 1. Citation of Regulation. This regulation may be cited as the "State Food and Beverage Vending Machine Code."

Section 2. Sale of Adulterated or Misbranded Food Prohibited. (1) No person shall sell, offer or expose for sale, through vending machines, or have in his possession with intent to sell therefrom, any food which is adultered or misbranded as set forth in KRS 217.025 and 217.035 of the Kentucky Food, Drug and Cosmetic Act.

(2) Samples of food may be taken and examined by the department as often as may be necessary to determine freedom from adulteration or misbranding.

Section 3. Sanitation Requirements for Vending Machine Operations. (1) Food supplies. All food intended for sale through vending machines and condiments or other foods available at vending machine locations shall be wholesome, correctly labeled and processed under sanitary conditions acceptable to the department. All meat and meat products and poultry and poultry products shall have been inspected and passed for wholesomeness by an official governmental agency. All hermatically sealed foods offered for sale shall have been processed in approved food processing establishments. Home prepared food shall not be used or offered for sale through vending machines. Potentially hazardous food shall be held at safe temperatures except during necessary periods of preparation and machine service.

(2) Consumer containers. All food-contact surfaces of containers shall be protected from contamination. If condiments or other foods are provided for service in conjunction with food dispensed by a vending machine, they shall be packaged in individual portions in single-service containers or shall be dispensed from approved sanitary dispensers which are washed, sanitized and filled at the commissary or be commercially prepared in non-reusable containers. Relish bowls and similar condiment containers shall not be used at unattended locations. Drinking straws, stirrers, toothpicks, spoons, knives, forks and similar articles which are provided in conjunction with food dispensed by a vending machine shall be individually wrapped or dispensed from bulk containers in a sanitary manner.

(3) Equipment maintenance and operations. Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units, or both, and thermostatic controls which insure the maintenance of applicable temperatures at all times. Such vending machines shall also have controls which prevent the machine from vending potentially hazardous food until serviced by the company, in the event of power failure or other conditions, resulting in noncompliance with temperature requirements in the food storage compartment. Hot food vending machines designed to heat foods through the potentially hazardous range, 45°F. to 140°F., shall also be equipped with automatic controls which prevent the machine from vending such food if heating through this temperature range is not accomplished in 120 minutes or less. Provided, however, equipment in use at the time of the adoption of this regulation that does not meet fully the above requirements, may be continued in use if it is in good repair, capable of being maintained in a sanitary condition and the food contact surfaces are non-toxic.

(4) Inspection of vending commissaries. All commissaries providing food for vending machines covered by this regulation shall comply with the applicable provisions of the current "State Food Service Code."

(5) Machine location. The machine location shall be such as to minimize the potential for contamination of the food, shall be well lighted, easily cleanable, and shall be kept clean. Conveniently located handwashing facilities shall be available for use by employees servicing or loading bulk food machines.

(6) Exterior construction and maintenance. The exterior construction of the vending machine shall be such as to facilitate cleaning and to minimize the entrance of insects and rodents, and the exterior of the machine shall be kept clean. Service connections to machines vending potentially hazardous food shall be such as to protect against unintentional or accidental interruption of service to the machine.

(7) Interior construction and maintenance. Interior surfaces and component parts of the vending machine shall be so designed and constructed as to permit easy cleaning, and shall be kept clean. All food-contact surfaces of the machine shall be of smooth, nontoxic, corrosion-resistant, and relatively nonabsorbent material, and shall be capable of withstanding repeated cleaning and sanitizing by normal procedures. Such surfaces shall be protected against contamination.

(8) Water supply. Water used in vending machines shall be adequate in quantity, of a safe and sanitary quality and from a source complying with applicable standards of the Department for Natural Resources and Environmental Protection. Vending machines shall be so installed and operated as to prevent the production of toxic substances in the water.

(9) Waste disposal. All wastes shall be properly disposed of and, pending dispositions, shall be kept in suitable container so as to prevent creating a nuisance.

(10) Delivery of food, equipment, and supplies to machine locations. Food, food-contact surfaces of containers, equipment and supplies, shall be protected from contamination while in transit to machine location. Potentially hazardous food, while in transit and in storage on location, shall be maintained at safe temperatures.

(11) Personnel-cleanliness. Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices while engaged in direct handling of foods, or food-contact surfaces of utensils or equipment.

Section 4. Health and Disease Controls. No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, a cold, diarrhea, gastrointestinal upsets, or a respiratory infection, shall work in any area of a commissary or vending operation in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the vending machine or commissary operation has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the department immediately.

Section 5. Procedure When Infection is Suspected. When the department has reasonable cause to suspect the possibility of disease transmission from any employee, the department shall secure a morbidity history of the suspected employee or make such other investigation as may be indicated, and take appropriate action. The department may require any or all of the following:

(1) The immediate exclusion of the employee from all commissaries and vending machine operations.

(2) The immediate closure of the commissaries and operations concerned until, in the opinion of the department, no further danger of disease out-break exists.

(3) Restriction of the employee's services to some area of work where there would be no danger of transmitting disease.

(4) Adequate medical examination of the employee and of his associates, with such laboratory examinations as may be indicated.

Section 6. Issuance of Permits. (1) No person shall operate a vending machine company within the Commonwealth of Kentucky who does not possess a valid permit issued to him by the department as provided by KRS 217.809. Only a person who complies with the requirements of this regulation shall be entitled to receive and retain such a permit. Permits shall not be transferable from one company to another company or place. A valid permit shall be conspicuously posted in the headquarters office of every food vending company.

(2) Any person desiring to operate one (1) or more vending machines in the Commonwealth of Kentucky shall make application in writing on forms provided by the department. Such applicant shall provide the following information:

(a) The applicant's full name, post office address, and whether such applicant is an individual, firm or corporation. If any partnership exists, the names of the partners, together with their addresses shall be included.

(b) The location of the commissary or commissaries and of other establishments where vending machines are repaired or renovated.

(c) The identity and form of the products to be dispensed through vending machines and the number of each such type vending machine in his possession.

(d) Submit initially with completed permit application

and yearly thereafter to the department, a list of the number of all vending machines operated by the company and their specific location within each county served and of all commissaries or other establishments from which the machines are serviced.

(e) Accompany each application for a permit to operate a vending machine company with the correct fee as provided by KRS 217.811.

(f) Contain the signature of the applicant or applicants.

(3) Upon receipt of such application, the department shall make an inspection of the vending machine company to determine compliance with the provisions of this regulation. A numbered operator's permit shall be issued to the applicant by the department after compliance by the operator with the applicable provisions of this regulation.

(4) The company shall provide on each machine or on a wall placard placed at the location of the machine(s) the company's name, address and telephone number. This identification shall also contain the words "Department for Human Resources Permit_____" or DHR Permit_____." Such information shall be readily visible after placement on the machine or at the machine location.

(5) Whenever a machine is no longer in service, is sold or transferred to another vending machine company, the company holding the permit for that machine shall remove the identification from such machine.

Section 7. 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's personnel 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 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.

Section 8. Reinstatement of Suspended Permits. Any company 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 complying with the requirements of this regulation, the permit shall be reinstated.

Section 9. Revocation of Permits. For serious or repeated violations of any of the requirements of this regulation, or for interference with the department's personnel 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 the permit shall be permanently revoked 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. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

Section 10. Hearings. All hearings shall be conducted by the department at a time and place designated by it. Based upon the record of such hearing, the department shall make a finding of fact and conclusion of law. A transcript of the hearing shall not be made unless the interested party assumes the costs thereof and a request in writing is made therefor at the time a hearing is requested.

Section 11. Inspection Frequency. The department shall inspect each new vending machine location prior to its operation and as often as deemed necessary thereafter by the department. The department shall inspect commissaries preparing food for vending purposes at least once every six (6) months and shall make as many additional inspections or reinspections as are necessary to obtain compliance with established requirements.

Section 12. Access for Inspection. Representatives of the department, after proper identification shall be permitted to enter at any reasonable time, upon any private or public property within the Commonwealth of Kentucky where vending machines or commissaries are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the vending machine law. The company shall make provisions for the department's representatives to have access, either in company with an employee, or otherwise to the interior of all vending machines operated by the company.

Section 13. Inspection Records. Whenever the department makes an inspection of a commissary or a vending machine location, they shall record their findings on inspection report forms provided for this purpose, and shall furnish the original of such inspection report forms to the permit holder or his representative.

Section 14. Issuance of Notices. Whenever the department makes an inspection of a commissary or a vending machine location and discovers that any requirements of this regulation have been violated, it shall notify the company of such violations by means of an inspection report form or other written notices. In such notification, the department shall:

(1) Set forth the specific violations found;

(2) Establish a specific and reasonable period of time for the correction found;

(3) State that failure to comply with any notice issued in accordance with the provisions of this regulation may result in suspension of permit;

(4) State that an opportunity for appeal from any notice or inspectional findings will be provided if a written request for a hearing if filed with the department within the period of time established in the notice for correction.

Section 15. Service of Notices. Notices provided for under this regulation shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the department.

Section 16. Commissaries Located Outside of the Commonwealth of Kentucky. Food from commissaries located outside the jurisdiction of the Commonwealth of Kentucky may be sold within this state if such commissaries conform to the provisions of the state food service code or to substantially equivalent provisions of such state. To determine the extent of compliance for the issuance of a permit to a company located outside of the state, the initial application for a permit and the application yearly thereafter shall be accomplished by a copy of the most recent sanitation inspection report from the responsible health authority having jurisdiction where such a commissary or commissaries are located. Out-of-state companies shall, upon request of the department, submit copies of the most recent sanitation inspection report at other times during the permit year.

Section 17. Plan Review of Future Construction. Whenever a vending machine commissary is hereafter constructed or extensively remodeled, or whenever an existing structure is converted for use as a commissary, properly prepared plans and specifications for such construction, remodeling or alteration, showing layout, arrangements and construction materials of work areas, and the location, size and type of fixed equipment and facilities, and a plumbing riser diagram shall be submitted to and approved by the department before work is begun.

APPROVED: JOHN P. BELL, M.D., Chairperson
Council for Health Services

ACCEPTED: STANLEY HAMMONS, M.D., Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: January 15, 1975
RECEIVED BY LRC: January 15, 1975 at 4:31 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 Personnel 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
- 010 Rules and regulations
- 020 Supplemental payments
- 030 Substitute Teachers
- 035 Substitute teaching by retired teachers
- 036 Part-time service
- 037 Administrative staff membership
- 038 Fractional service year
- 039 New entrants
- 040 Reciprocal arrangements
- 045 Transfer to other systems
- 050 Out-of-State service interest rates
- 055 Military service credit
- 060 Refunds
- 070 Applications for retirement
- 100 Insurance
- 110 Leave of absence
- 115 Tax-sheltered contributions
- 120 Voluntary contributions
- 125 Omitted contributions
- 130 Additional contributions
- 135 Interest credited to accounts
- 140 Disability
- 145 Basis for options
- 150 Optional benefits
- 155 Annuity payments
- 160 Annuity tables
- 165 Surviving children's benefits
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Ch. 2 Board of Trustees
- 010 Election of chairman; vice-chairman

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
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- 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
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- 050 Factors and agents
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- 070 Railroad companies; display of retailers' permit
- 100 Receipts for tax paid to retailers – Use tax
- 110 Use tax on construction machinery

Ch. 26 Sales and Use Tax – Service and Professional Occupations
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- 020 Physicians and surgeons
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- 060 Painters and finishers
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- 100 Towel and linen service

Ch. 27 Sales and Use Tax – Miscellaneous Retailer Occupations
- 010 Auctioneers
- 020 Blueprints and photostat copies
- 030 Brokers, lienors and fiduciaries
- 040 Finance companies
- 050 Florists and nurserymen
- 080 Meals served by railroads, airplanes, etc.
- 090 Memorial dealers
- 100 Motor vehicles, motor homes and trailers
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- 140 Publishers of newspapers, magazines and periodicals
- 150 Repairers and reconditioners of personal property
- 170 Sales by civic clubs and similar organizations
- 180 Vending machines

Ch. 28 Sales and Use Tax – Miscellaneous Retail Transactions
- 010 Admissions
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- 090 Tangible personal property; security instrument enforcement
- 100 Sales to employees
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- 100 Demonstration and display
- 110 Resale certificates
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Ch. 40 Selective Excise Tax – Alcoholic Beverage
- 030 Malt beverage tax
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Ch. 41 Selective Excise Tax – Cigarettes
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- 080 Assignment
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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
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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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- 050 Licenses and permits; Fees
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Ch. 6 Board of Licensure for Nursing Home Administrators
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