Mabel D. Robertson of

Administrative Register of kentucky

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Public Hearings Are Scheduled

The following public hearings on proposed regulations have been scheduled in Frankfort. Persons having an interest in the subject matter of these regulations are invited to appear and testify, or to submit comments in writing to the issuing agencies:

June 3 and 4 at 10 a.m. EDT

Kentucky Insurance Code, 49 regulations [1 Ky.R. 1074-1091], Auditorium, Capital Plaza Tower, Frankfort,

June 6 at 1:30 p.m. EDT

Operators of Radiation Equipment, 902 KAR 105:010 through 902 KAR 105:070, seven regulations [1 Ky.R. 1158-1161], second floor board room, Health Services Building, 275 East Main Street, Frankfort.

Subcommittee To Meet June 11

The next regularly scheduled meeting of the Administrative Regulation Review Subcommittee is June 11, 1975 at 10 a.m. EDT in Room 307 at the State Capitol. The meeting is open to the public.

DEADLINE FOR NEXT ISSUE

The deadline for submitting proposed regulations for publication in the July issue of the **Administrative Register** is Friday, June 13, 1975.

Register Size To Change In August

Starting with the August issue of the **Administrative Register,** (Volume 2, No. 1), the format will be reduced to the more convenient size of 8½ by 11 inches. Each issue will be punched so that users can file them in ordinary ring binders.

The Legislative Research Commission currently is arranging to have published bound volumes containing all administrative regulations which will be in effect as of July 2, 1975. (On this date, all old regulations which have not been repromulgated are repealed by law.)

Volume 2 of the **Register,** starting in August, will continue to supplement the bound volumes of the Kentucky Administrative Regulations Service. Subscribers will be notified how they may obtain these bound volumes and at what cost.

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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Record 385 Rules Become Effective

A record 385 regulations were approved by the Administrative Regulation Review Subcommittee at its May 14 meeting. All of the approved regulations were filed and became effective on that date.

Seven regulations were withdrawn by the issuing agency and 19 others were returned by the Subcommittee for further consideration by the issuers. Two other regulations were approved, conditioned upon receipt of a letter from the Secretary of Human Resources approving certain sanitation standards in them. These two regulations will become effective upon receipt of the letter by the Regulations Compiler.

Tentative minutes of the meeting, subject to Subcommittee approval at its meeting on June 11, 1975, follow:

Subcommittee Minutes

The Administrative Regulation Review Subcommittee held its eleventh meeting on Wednesday, May 14, at 10 a.m. EDT in the Senate Chamber of the Capitol. Present were:

Members: Senator Michael R. Moloney, Chairman: Representative James A. Davis and Representative Bobby H. Richardson.

Guests: From the Department for Human Resources, Peggy Peak, Faye C. Roberts and Margaret Surshes, all of Louisville; W.O. Hubbard, Lynn T. Mitchell and James G. Childers, of the Office of Counsel; Thyra Whitford and Vinson Straub, Bureau of Social Services; Marcy Holladay, William T. Burkett, Carolyn Rosenkrans and Elaine Clark, Division of Licensing and Regulations; Irving Bell, Office of Consumer Health and Protection; representing child care facilities, Irene Venters, Shirley A. West, Linda Moberly, Mary Kenny, Milton J. Thomasson, Martha Thomasson, Francis Slussi, Beverly J. Bruce, Nellie Laslie, Janice Purdy, Violet Halladay, Diane M. Darsa, Anne H. Smith, Marie Lewis, Jean M. Schmidt, Carolyn Elsing, Margaret Bridgers, Lloyd H. Bridgers, Joyce Huber, Betty Wilson, Betty Hensley, Dorothy Cheatham, Mary Sandman, Grace Beddle, Lattie Clark, Carolyn H. Covington, Bonnie L. Powers, Ted Estes, Dixie Estes, Joe Perreault, Rosemary Borders, Patricia A. Murrell, Donna Glass, Jann Kelsey, Barbara Stephens, Ollie C. Pillow, Odessa Greer, Louis Cook, Jewell Earle, Jarrel Snead, Mary Haber, and E.S. Gilson, Jr., attorney for the Fayette County Day Care Association; Jay Paradis, Louisville attorney; Gary L. Dailey, Bureau of Highways; Bruce K. Davis, Bureau of Vehicle Regulation; Eugene Perkins, Department for Natural Resources and Environmental Protection; Jerry Reece, Department of Labor; G. Lee Langston, Department of Insurance; J. Carlisle Myers, Jr., Blue Grass Council, Boy Scouts of America; Byron McNeely, Boy Scouts of America; Lt. Col. David B. May and Lt. Robert Bahen, Kentucky National Guard Youth Activities Council.

LRC Staff; Phillip R. Patton, E. Hugh

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Subcommittee Minutes

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Morris, Mabel Robertson, Garnett Evins, Deborah Herd, Tom Dorman, Henry Vance and Don Paris.

Press: William Bradford, Associated Press; Herb Sparrow, United Press International; Ray Cohn, Lexington Herald Leader and Anne Pardue, Courier-Journal.

The minutes of the meeting of April 9, 1975 were approved.

During consideration of seven regulations pertaining to Child Day Care Centers, issued by the Department for Human Resources, the following testified on behalf of operators of proprietary day care homes: E.S. Gilson, Jr., Dixie Estes, Ted Estes, Joyce Huber, Mary Kenny, Barbara Stephens, Milton J. Thomasson and Louis Cook.

These witnesses contended that the agency had failed in its statement of affirmative consideration to dispose of certain issues claimed to have been raised at a public hearing.

Lynn T. Mitchell, attorney for the agency, contended that all issues related directly to the seven regulations had been considered and commented upon in the statement of consideration. However, William O. Hubbard, of the department's Office of Counsel, asked permission to withdraw the seven regulations for further consideration by the department. The subcommittee agreed and 905 KAR 2:010 through 905 KAR 2:060 were withdrawn from consideration.

The subcommittee heard testimony from J. Carlisle Myers, Jr., Byron McNeely and Lieutenant Colonel David B. May relating to 902 KAR 10:040, pertaining to Youth Camps. The witnesses alleged that a requirement for 40 square feet per camper was unreasonable and unnecessary and in excess of the 30 square foot minimum prescribed by federal authorities.

Colonel May testified the regulation would work a hardship on operation of National Guard Camps. Irving Bell, assistant director of the Office of Consumer Health Protection, claimed the regulation was proper and the space requirement was in accord with current practices elsewhere. Upon motion seconded and approved, the regulation was ordered filed.

Two regulations issued by the Board of Barbering pertaining to sanitation requirements, 201 KAR 14:085 and 201 KAR 14:155, were ordered held pending receipt of a letter from the Secretary of Human Resources approving the standards. The two regulations will be filed and become effective upon receipt of said letters by the Regulations Compiler.

The following regulations were returned to the issuing agencies for these reasons:

103 KAR 15:030, Income Tax; Sale of government bonds; gain or loss, returned because the statute cited as the basis for the regulation is not the relevant statute.

103 KAR 28:080, Sales and Use Tax; Horse industry, returned for the reason that the exemption granted by the regulation is not authorized by statute.

201 KAR 13:040, Ophthalmic Dispensers; Licensing; application, examination; temporary permit, returned because the requirement that an applicant be 21 years of age is contrary to the provisions of KRS 326.040 which provides "18 years of age."

201 KAR 13:060, Ophthalmic Dispensers; Military service; reciprocity, returned because KRS 326.040 provides for a $25 fee and makes no distinction authorizing a greater fee for "foreign" applicants.

201 KAR 14:015, Barbering; Retaking of apprentice examination, returned because requiring an applicant, after failing the examination, to complete an additional 120 hours of instruction is an impermissible extension of legislatively delegated authority.

201 KAR 14:065, Barbering; Place of business requirements, returned because the subject matter of Sections 1 and 2 of the regulation are unrelated.

201 KAR 14:075, Barbering; Shop advertising, returned because the board does not have statutory authority to prohibit the advertising of the prices of barber services.

201 KAR 14:105, Barbering; School application, medical certificate, returned because the statute cited as authority for the regulation does not exist.

201 KAR 14:145, Barbering; New school locations, returned because there is no statutory authority for the board to limit the issuance of a license to operate a barber school to locations in cities of a certain population.

201 KAR 14:160, Barbering; Student regulations; dismissal, appeal, returned because there is no statutory authority for the board to establish rules of conduct for students attending barber schools.

201 KAR 14:165 Barbering: Number of students per instructor, returned because the regulation is a restatement of KRS 317.540(3).

303 KAR 1:040, State Fair Board, Fair Grounds and Exhibition Center; Firearms and deadly weapons, returned because it would appear that Section 1 of the Kentucky Constitution would invalidate this regulation.

401 KAR 1:015, Natural Resources and Environmental Protection, Plumbing; License application; examination, returned because the renewal fee increases, in light of the statutory application fee, are "unreasonable" in violation of KRS 318.054.

503 KAR 1:010, Justice, Kentucky Law Enforcement Council; Training courses; application, eligibility.

503 KAR 1:020, Justice, Kentucky Law Enforcement Council; School's certification.

503 KAR 1:030, Justice, Kentucky Law Enforcement Council; Instructor's certification.

503 KAR 1:040, Justice, Kentucky Law Enforcement Council; Basic training certification.

503 KAR 1:050, Justice, Kentucky Law Enforcement Council; In-service schools; certified graduates, all returned for the reason that the regulations are not properly promulgated. These regulations should statutorily be adopted by the Kentucky Law Enforcement Council and approved by the Secretary of Justice.

503 KAR 1:059, Justice, Kentucky Law Enforcement Council; Repeals, returned as unnecessary. KRS 13.084 provides that all pre-existing regulations are repealed on July 1, 1975.

The following regulations were approved and ordered filed, becoming effective on May 14:

101 KAR 1:050, Personnel Rules; Compensation plan, as amended.

103 KAR 16:040, Income Tax; Dissolution or withdrawal of corporation.

101 KAR 1:050, Personnel Rules; Compensation plan, as amended.

103 KAR 16:040, Income Tax; Disolution or withdrawal of corporation.

103 KAR 16:140, Income Tax; Subchapter S and DISC treatment.

103 KAR 25:010, Sales and Use Tax; Permits.

103 KAR 25:020, Sales and Use Tax; Application for retail sales and use tax permit.

103 KAR 25:030, Sales and Use Tax; Leased departments.

103 KAR 25:080, Sales and Use Tax; Sales tax, price bracket system.

103 KAR 25:090, Sales and Use Tax; Use tax, price bracket system.

103 KAR 26:070, Sales and Use Tax; Construction contractors.

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103 KAR 30:010, Sales and Use Tax, Exemptions; Food for human consumption.

103 KAR 30:090, Sales and Use Tax, Exemptions; Farm machinery.

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The Subcommittee adjourned at 1:45 p.m. to meet next on June 11, 1975 at 10 a.m. EDT.

How To Cite

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

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

601 KAR 1:010

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

Emergency Regulation

JULIAN M. CARROLL, GOVERNOR
Executive Order 75-442
May 13, 1975

EMERGENCY REGULATION
Department of Revenue

WHEREAS, Emergency Regulation 103 KAR 30:220E filed by the Department of Revenue on January 29, 1975, will expire May 29, 1975; and

WHEREAS, the Administrative Regulation Review Subcommittee determined that the Department does not have the authority to promulgate the regulation permanently in its present form; and

WHEREAS, two of the three-member subcommittee objected specifically to the $500 limitation imposed in the regulation and indicated that the regulation would be acceptable provided such limitation were removed; and

WHEREAS, to refile the regulation for processing through normal procedure without the emergency feature would cause a lapsed period following the May 29 termination date;

NOW, 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, Julian M. Carroll, Governor of the Commonwealth of Kentucky, hereby acknowledge that the declaration of an emergency by the Department of Revenue exists and submit the attached regulation to the Legislative Research Commission. This is done with the intent that the Department shall process the regulation through the normal process for filing administrative regulations within 120 days if it desires that the regulation become permanent.

JULIAN M. CARROLL, Governor
THELMA L. STOVALL, Secretary of State

SECRETARY OF THE CABINET
Department of Revenue

103 KAR 30:225E. Local government purchases for public purposes.

RELATES TO: KRS 139.470
PURSUANT TO: KRS 13.082
EFFECTIVE: May 15, 1975
EXPIRES: September 12, 1975
NECESSITY AND FUNCTION: KRS 139.470(1) exempts from sales and use tax those transactions which the state is prohibited from taxing under the Kentucky Constitution (Section 170). During the first several years of its existence, the sales and use tax law was administered on the basis that the exemption for "public property used for public purposes" in Section 170 applied only to ad valorem property tax and not to sales-use tax. However, the Court of Appeals has ruled that to impose use tax on out-of-state purchases by a city violates Section 170 of the Kentucky Constitution. The sales tax, which applies to sales made by Kentucky vendors, was not an issue before the court and has continued to be levied on sales to local governments. This has caused a serious budget problem for local governments, particularly because of the tremendous increase in the cost of utilities. Also, a significant volume of business is being lost to out-of-state competitors by Kentucky businesses who also pay income, property, and other taxes in Kentucky. This regulation is needed to reconcile administration of the sales-use tax law with the requirements of the Kentucky Constitution and in so doing eliminate the competitive advantage currently enjoyed by out-of-state business under present administrative procedure.

Section 1. On and after the effective date of this regulation, sales tax does not apply to receipts from sales made to units of local government in Kentucky.

Section 2. The provisions of Section 1 apply only to property and services purchased by a unit of local government solely for use in its governmental function. Any official or employee who uses his position to make a tax-free purchase for his own personal use or that of any other person will subject himself to the penalties provided in KRS 139.990 and other applicable laws.

Section 3. Every retailer making sales of a kind described in Section 1 shall require an official or an employee exercising comparable authority of the local government to sign and acknowledge in writing upon a copy of the invoice that delivery of the property was actually made to a unit of local government. Such invoice shall be retained by the seller as documentary evidence in support of his deduction of the sale from gross receipts on his sales tax return.

Section 4. The term "local government" as used in this regulation means any county, city, or special district in Kentucky. Special districts are defined in KRS 65.005 and include water districts, fire protection or volunteer fire department districts, and similar type operations which are authorized and regulated by statute and which provide government type services.

Section 5. To facilitate the change in tax application, occasioned by this regulation, suppliers of utility services shall apply the new procedure beginning with the first customer billing after the effective date of this regulation.

MAURICE P. CARPENTER, Commissioner
ADOPTED: May 13, 1975
APPROVED: WILLIAM E. SCENT, Secretary
RECEIVED BY LRC: May 15, 1975 at 9:36 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, as proposed to be amended, was published in the April issue [1 Ky.R. 693]. Following a hearing, the issuing agency proposed a change in the amended language, which was approved by the Administrative Regulation Review Subcommittee on May 14, 1975. The regulation, as shown below, became effective on that date.)

SECRETARY OF THE CABINET
Department of Personnel
As Amended

101 KAR 1:050. Compensation plan.

RELATES TO: KRS 18.170, 18.190, 18.210 and 18.240
PURSUANT TO: KRS 13.082, 18.170 and 18.210
EFFECTIVE: March 14, 1975
NECESSITY AND FUNCTION: KRS 18.210 requires the Commissioner of Personnel to prepare and submit to the Board rules which provide for a pay plan for all employees in the classified service, taking into account such factors as the relative level of duties and responsibilities of various classes, rates paid for comparable positions elsewhere, and the state's financial resources. This rule is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. Preparation, Approval, and Amendment of the Plan. After consultation with appointing authorities and the Commissioner of the Executive Department for Finance and Administration, the Commissioner shall prepare and recommend to the Board a compensation plan for all classes of position. The Board shall present the plan, through the Commissioner of the Executive Department for Finance and Administration, to the Governor for his approval. The plan shall provide salary ranges for the various classes, with the salaries consistent with the functions outlined in the classification plan. Such salary ranges shall include minimum, intervening, maximum, and longevity rates of pay for each class. Each class of position in the classification plan shall be assigned to a salary range in the compensation plan.

Section 2. Entrance Salary. Initial appointments to state service shall be made at the minimum of the pay range for the class unless:

(1) The Commissioner determines that it is not possible to recruit qualified employees at the established entrance salary in a specific area, in which case, he may, at the request of the appointing authority, authorize the recruitment for a class of position at a higher step of the range, provided that all other employees in the same class of position in the same agency in the same locality are adjusted in salary to the same step.

(2) (a) The Commissioner authorizes the appointment of a qualified applicant at the second or third step of the range, provided that any such exception is based on the outstanding and unusual character of the employee's experience, education and ability over and above the minimum qualifications specified for the class, provided that all other employees possessing similar qualifications in the same class of position in the same agency in the same locality are adjusted in salary to the same step.

(b) An agency head signs the personnel action form appointing a college graduate applicant, who is not appointed under 101 KAR 1:050, Section 2(2)(a) and who has an undergraduate average of 3.25 on a four (4) point scale, or equivalent, or better, and has submitted an official college transcript to the Department of Personnel before the effective date of his appointment.

Section 3. Re-Entrance to State Service. Appointing authorities, with the approval of the Commissioner, may place re-employed, reinstated and probationarily appointed former employees at a salary determined by one (1) of the following methods:

(1) The same class:
(a) Request the same salary that was paid at the time of separation if such salary is within the current salary range;
(b) Request a salary relative to that which was paid employee at time of separation (original salary plus increases resulting from a change of salary range) if such salary is within the current salary range;
(c) Request a lower salary within the current salary range which falls in one (1) of the steps within the salary range;
(d) Request a salary in accordance with the standards used for making new appointments.
(2) A higher class:
(a) Request the same salary that was paid at the time of separation if such salary is within the higher salary range;
(b) Request a salary relative to that which was paid the employee at time of separation (original salary plus increases resulting from a change of salary range) if such salary is within the higher salary range;
(c) Request a salary in accordance with the standards used for making new appointments.
(3) A lower class:
(a) Request the same salary that was paid at the time of separation if such salary is within the lower salary range;
(b) Request a salary relative to that which was paid the employee at the time of separation (original salary plus increases resulting from the change of salary range) if such salary is within the lower salary range;
(c) Request a salary in accordance with the standards used for making new appointments.

Section 4. Salary Adjustments. (1) Change in Salary Range. Whenever a new or different salary range is made applicable to a class of position, persons employed in positions of that class at the effective date of the adjustment shall have their salary placed at least at the minimum salary step of the new range. An adjustment may be made to the salary step of the new range corresponding to that step which an employee held under the range formerly applicable to his class of position. In fixing salaries on an adjustment, an appointing authority shall afford equitable treatment to all employees affected by the adjustment. Salary adjustments resulting from different salary ranges being made applicable to a class of position shall not affect an employee's normal anniversary increment date.

(2) An employee who is promoted may have his salary raised to the lowest step of the salary range for the class of his new position which will provide an increase over the salary received prior to promotion. If the promotion is [involves] to a classification which constitutes an unusual increase in the level of responsibility, the appointing authority, with the prior written approval of the commissioner, may grant a two or three step salary increase over the employee's previous salary, provided the proposed salary is within the salary range for the position.

(3) An employee who is demoted shall have his salary reduced to at least the maximum rate of the new class; however, if an employee whose performance is satisfactory is demoted through no fault of his own as a result of the reallocation of his position to a lower class and his salary is above the maximum, he may retain the salary he received before the reallocation, but he shall not receive salary advancements so long as he remains in a position with a maximum rate no higher than this salary.

(4) Transfer. An employee who is transferred to the same class of position shall be paid the same salary that he received prior to transfer.

(5) Reclassification. An employee who is advanced to a higher pay grade through a reclassification of his position shall have his salary raised to the lowest step of the salary range for the class which will provide an increase over the salary received prior to the advancement.

(6) Reallocation. An employee who is advanced to a higher pay grade through a reallocation of his position shall have his salary raised to the lowest step of the salary range for the class which will provide an increase over the salary received prior to the advancement.

(7) Detail to Special Duty. An employee who is approved for detail to special duty as provided by 101 KAR 1:110, Section 4, may have his salary raised to the lowest step of the salary range for the class of the new position which will provide an increase over the salary received prior to the detailed assignment.

(8) Salary Reduction. Employees who are transferred back to their old class, after completion of a detail assignment or unsatisfactory probationary period following a promotion, shall have their salary reduced to the salary rate received prior to the detail assignment or promotion.

Section 5. Salary Advancements. (1) All salary advancements shall be based upon quality and quantity of work giving due consideration to length of service, and shall correspond with the steps of the approved salary range, and shall, in the classified service, be limited to employees having status.

(2) Employees shall be eligible and may be given consideration by the appointing authority for a one-step salary advancement at the beginning of any month following the successful completion of the probationary period. An employee may not be given salary advancement more than once for successful completion of a probationary period in the same classification. Thereafter, an employee shall be eligible and given consideration by the appointing authority for a one-step salary advancement at the beginning of any month following completion of twelve (12) months continuous satisfactory service since last receiving an increase in salary. The service may be temporary, provisional, or probationary.

(3) Any permanent full-time employee who has served continuously for one (1) year immediately preceding the recommendation and who has not received an outstanding merit advancement within twenty-four (24) months, and who has not received more than one (1) outstanding merit advancement in his present grade, is eligible for a one-step outstanding merit salary advancement in his present grade in addition to any other salary advancements to which he might be entitled if:
(a) His acts or ideas have resulted in significant financial savings to the Commonwealth, or to a significant improvement in service to its citizens, or;
(b) His job performance is outstanding. The appointing agency must submit written justification to the Commissioner and the personnel action form must be approved by the agency head and the Commissioner to be effective. In a fiscal year, an agency with sufficient budgeted funds may grant as many outstanding merit salary advancements as ten (10) percent of the number of its employees at the close of the prior fiscal year.

(4) Subject to the approval of the Commissioner, any permanent, full-time employee who, after his probationary period, satisfactorily completes 260 classroom hours of job-related instruction, is eligible for an educational achievement one-step salary advancement.

(5) New increment anniversary dates will be established when:
(a) An employee first enters on duty. Increment anniversary date will be the first of the month if the employee enters on duty the first work day of the month. For employees entering on duty after the first work day of the month, the anniversary date shall be the first day of the following month;
(b) An employee receives an increase in salary as a result of a promotion;
(c) An employee going on leave without pay, shall result in a postponement of employee's receiving an increment one (1) full month for each full or partial month he is on leave.

(6) Increment anniversary dates will not change when:
(a) An employee's position class receives a new or different salary range;
(b) An employee receives a salary adjustment as a result of his position being reallocated or reclassified;
(c) An employee is transferred from one department to another in the same salary grade and at the same rate of pay;
(d) An employee receives a demotion to a position of a lower class or his position receives a lower classification;
(e) An employee is approved for detail to special duty as provided by 101 KAR 1:110, Section 4;
(f) An employee receives an outstanding merit salary advancement under 101 KAR 1:050, Section 5(3), or an educational achievement salary advancement under 101 KAR 1:050, Section 5(4);
(g) An employee receives an adjusted increment based on the fact that the employee had not received the maximum number of salary advancements permitted.

(7) An employee who has not received the maximum number of salary advancements permitted by the time limits set forth may be given additional salary advancements at the beginning of any month provided his salary is not advanced to a step of the salary range higher than he would have reached had he received all salary advancements permitted.

(8) No employee shall have his salary advanced to a point above the maximum of the salary range applicable to the class of his position except as provided by 101 KAR 1:050, Section 5(3)(4), and 101 KAR 1:050, Section 6.

Section 6. Longevity Increases. (1) All salary advancements with the longevity plan shall be based upon quality and quantity of work, giving due consideration to length of service, and shall correspond with the steps of the approved salary range, and shall, in the classified service, be limited to employees having status.

(2) An employee shall be eligible and considered for advancement to the first longevity step after completion of twelve (12) months of satisfactory service at the salary rate preceding the first longevity step and seven (7) years of total state service.

(3) An employee shall be eligible and considered for advancement to the second longevity step after completion of twelve (12) months of satisfactory service at the salary rate preceding the second longevity step and nine (9) years of total state service.

(4) An employee shall be eligible and considered for advancement to the third longevity step after completion of twelve (12) months of satisfactory service at the salary rate preceding the third longevity step and eleven (11) years of total state service.

(5) Requirements as to total service. Service requirements for advancement to the longevity steps require satisfactory service. The service does not have to be continuous. Absences of leave without pay, except approved educational leave, in excess of thirty (30) working days shall be deducted in computing total service. Re-employed persons who have been

dismissed for cause from state service shall not receive credit for service prior to the dismissal.

(6) The longevity steps may be used for promotions, demotions, and changes in pay grade, provided the employee possesses the total service required for advancement to the longevity step.

Section 7. Paid Overtime. Overtime for which pay is authorized shall have the approval of the Commissioner of Personnel and the Commissioner of the Executive Department for Finance and Administration.

Section 8. Maintenance and Maintenance Allowance. In each case where an employee or the employee and his family are provided with full or part maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, such compensation in kind shall be treated as part payment and its value shall be deducted from the appropriate salary rate in accordance with the schedule promulgated by the Commissioner after consultation with appointing authorities and the Commissioner of the Executive Department for Finance and Administration.

CATTIE LOU MILLER, Secretary
Kentucky Personnel Board

WILLIAM E. SCENT, Secretary

ADOPTED: April 11, 1975
RECEIVED BY LRC: May 9, 1975 at 10:44 a.m.

(The following regulation, published originally in the March issue [1 Ky.R. 598], was amended by the issuing agency to meet objections of the Administrative Regulation Review Subcommittee. The amended regulation was approved by the Subcommittee at its May 14, 1975 meeting and became effective on that date.)

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky State Real Estate Commission
As Amended

201 KAR 11:125. Salesman required to complete instruction for examination.

RELATES TO: KRS 324.040
PURSUANT TO: KRS 13.082
EFFECTIVE: May 14, 1975
NECESSITY AND FUNCTION: To inform and set certain standards for the licensees and to protect the public.

Section 1. On and after July 1, 1972, no salesman shall be permitted to submit an application for the broker's examination until after he has completed and passed his thirty (30) clock hours of classroom instruction in real estate practices, and certificate or transcript is on file at the offices of the commission, with the exception of those qualifying under KRS 324.040(5).

GEORGE L. CAVE, Chairman

ADOPTED: May 8, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 12, 1975 at 11:10 a.m.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Barbering
As Corrected

201 KAR 14:025. Demonstration permit.

RELATES TO: KRS 317.440
PURSUANT TO: KRS 317.440
SUPERSEDES: KBB:Dem-1-1
EFFECTIVE: May 14, 1975
NECESSITY AND FUNCTION: This regulation defines and regulates the demonstration practices of barbering, hairpieces and wigs.

Section 1. No person shall demonstrate or attempt to demonstrate any of those practices which constitute the practice of barbering, which includes men's hairstyling, hairpieces and wigs, unless he shall first apply for and obtain a permit to give or perform such demonstrations from the Kentucky Board of Barbering.

Section 2. The board shall issue such permits upon application therefor on forms prescribed and furnished by the board, to any person who establishes to the satisfaction of the board that:

(1) He is the holder of a valid license to practice barbering, in this state, or any state of the United States, and has been such a holder for not less than three (3) years immediately preceding the date of the submission of his application to the board; and

(2) He is qualified to conduct such demonstration based on either oral or written proof.

(3) He shall [should] buy a demonstrator's permit for $25.00 for each year, which shall be renewed at licensing time. He shall also notify the board at least seven (7) days prior to each demonstration.

Section 3. Such demonstrations or lectures pursuant to any such permit shall not be construed to be the teaching of barbering under KRS 317.450(5), since they are not given under a regularly scheduled curriculum in a school of barbering.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Barbering
As Corrected

201 KAR 14:060. Licensing requirements for qualified non-residents.

RELATES TO: KRS 317.450
PURSUANT TO: KRS 317.440
SUPERSEDES: KBB:Lic:Non-Res-1
EFFECTIVE: May 14, 1975
NECESSITY AND FUNCTION: Licensing requirements for qualified non-residents, regular and apprentices.

Section 1. Any person who is at least eighteen (18) years of age and of good moral character and temperate habits, who has a current license or certificate of registration as a practicing barber of another state or country, which has substantially the same requirements for licensing or registering barbers as are required of KRS Chapter 317 and the various regulations adopted pursuant thereto, shall upon payment of the required fee be granted permission to take an examination to determine his fitness to receive a license to practice barbering.

Section 2. For an applicant coming from a state or country without substantially the same requirements, they shall [must] have been a registered barber and worked for three (3) years.

Section 3. Any apprentice who is at least sixteen and one-half (16 1/2) years of age and of good moral character and temperate habits and has a current license or a certificate of registration as an apprentice in a state or country which has substantially the same requirements for licensing an apprentice as is provided in KRS Chapter 317 and the various regulations adopted pursuant thereto, shall upon payment of the required fee be granted permission to take an examination to determine his fitness to receive a license as an apprentice.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 1:145. Gear allowed for commercial fishing.

RELATES TO: KRS 150.010, 150.025, 150.120, 150.170, 150.175, 150.445, 150.450
PURSUANT TO: KRS 13.082
AMENDS: 301 KAR 1:145
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. This amendment is necessary to add slat traps to the list of legal commercial gear. It has become further necessary to amend to restrict gill and trammel nets to the Ohio and Mississippi Rivers.

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.a. 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. (Effective until January 1, 1976.)

b. Are legal gear only in Ohio and Mississippi Rivers and overflow lakes directly connected with each river. Minimum mesh size is three (3) inches in the Mississippi and overflow lakes and four (4) inches in the Ohio River and its overflow lakes. (Effective January 1, 1976 and thereafter until amended.)

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.
(e) Slat trap or wood basket:
1. Must be constructed entirely of wood and nails or similar fastenings. No wire or other mesh may be added to any part of trap.
2. There must be at least two (2) openings left between slats no smaller than one and one-fourth (1 1/4) inches wide in the catch portion of the trap. These openings may not be restricted by cross-bracings to a length shorter than eight (8) inches.
3. The trap may be no larger than two (2) feet in diameter or square end measure.
4. Must have one tag attached to opening ring or square (hoop net, seine, trotline tag).

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner
ADOPTED: March 10, 1975
APPROVED: May 7, 1975 DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: May 12, 1975 at 2:30 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
(Proposed Amendment)

301 KAR 3:020. License fees.

RELATES TO: KRS 150.025, 150.175, 150.237, 150.225
PURSUANT TO: KRS 13.082
AMENDS: 301 KAR 3:020
NECESSITY AND FUNCTION: This regulation sets the license fees for hunting and fishing as provided for in KRS 150.225. This amendment is necessary to change the commercial fishing license fees and to change the price of the commercial gear tags to a block cost of ten (10) tags and to consolidate the number of different gear tags.

Section 1. License fees for hunting and fishing[, effective August 1, 1972,] are as follows:

(1) Sport fishing license:
Statewide fishing license (resident) $ 5.00
Statewide fishing license (nonresident) 10.00
Ohio River fishing license (resident Ohio, Indiana and Illinois only) 5.00
15-day fishing license (nonresident only) 4.00
3-day fishing license (nonresident only) 2.50
Trout stamp 2.25
Fishing and hunting license (combination resident) 9.00

(2) Commercial fishing license: (Effective until January 1, 1976.)
Commercial fishing license (resident) 16.50
Commercial fishing license (nonresident) 35.50
Ohio River Commercial fishing license (resident Ohio, Indiana and Illinois only) 16.50

(3) Commercial fishing license: (Effective January 1, 1976, and thereafter until amended.)
Commercial fishing license (resident) plus 10 commercial gear tags 50.00
Commercial fishing license (nonresident) plus 10 nonresident commercial gear tags 100.00
Ohio River Commercial fishing license (resident Ohio, Indiana, and Illinois only) plus 10 Ohio River commercial gear tags 50.00

(4) Hoop net tag: (Effective until January 1, 1976.)
Commercial trotline tag (resident) 2.50
Commercial tag (nonresident) 6.00
Ohio River commercial tag (resident Ohio, Indiana & Illinois only) 2.50

(5) Commercial gear tag: (Not to be sold singly) (Effective January 1, 1975, and thereafter until amended.)
Commercial gear tag (resident) blocks of 10 tags 15.00
Commercial gear tag (nonresident) blocks of 10 tags 40.00
Ohio River commercial gear tag (resident Ohio, Indiana, and Illinois only) blocks of 10 tags 15.00

(6) Seine tag for each 100 ft. seine, gill net, trammel net or part thereof: (Effective until January 1, 1976.)
(resident) 2.50
(nonresident) 4.50
Ohio River commercial seine tag (resident Ohio, Indiana & Illinois only) 2.50

(7) Live fish and bait dealers license:
Live fish and bait dealers license (resident); separate license required for each place of business 17.00
Live fish and bait dealers license (nonresident) 30.00

(8) Musseling license (resident) 17.00
Musseling license (nonresident) 250.00

(9) Hunting license:
Statewide hunting license (resident) 5.00
Statewide hunting license (nonresident) 27.50
Statewide hunting license (3-day nonresident) (small game only) 10.00
Statewide Jr. Hunting license (resident only) 3.50
Hunting and fishing license (combination resident) 9.00

(10) Trapping license (resident) 5.00
Trapping license (nonresident) 27.50
Trap bags .05

(11) Big Game permit (deer) (resident or nonresident) 10.50

(12) Taxidermist license 5.00

(13) Commercial guide license (resident) 10.00
Commercial guide license (nonresident) 30.00

(14) Fur processor's license (resident) 100.00
Fur buyer's license (resident) 7.50
Fur buyer's license (nonresident) 100.00

(15) Special nonresident hunting preserve license valid only for preserve issued (not required if hunter has valid hunting license) 5.00

(16) Kentucky regulated shooting preserve permit 25.00

(17) Propagation permit (either fish or game) including pet permit 5.00

(18) Scientific permit 1.00

(19) Mussel buyer's license (resident) 100.00
Mussel buyer's license (nonresident) 300.00

(20) Food permit for selling bobwhite quail from propagation farms only 100.00
Retail food permit for propagated quail 1.00

(21) Commercial waterfowl shooting permit fee (operator's license) 25.00

(22) Falconry permit (birds of prey) 10.00

(23) Pay lake license (minimum $50 for first two (2) acres or less; $10 per additional acre or part thereof up to maximum of $100)

Section 2. The kind of license or tags authorized by this regulation shall not be changed, altered or defaced in any manner, except trout stamp, which must carry the licensee's signature in ink across the face of stamp and be attached to the back of the proper fishing license. All licenses, permits, tags and stamps are nontransferable.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner
ADOPTED: March 10, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: May 12, 1975 at 2:29 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

(The following regulation, published originally in the March issue [1 Ky.R. 626] was amended by the issuing agency to conform to objections raised by the Administrative Regulation

Review Subcommittee. The amended regulation was approved at the Subcommittee's May 14, 1975 meeting and became effective on that date.)

DEPARTMENT OF JUSTICE
Bureau of State Police
As Amended

502 KAR 5:010. Promotional system.

RELATES TO: KRS 16.050, KRS 16.080
PURSUANT TO: KRS 15A.140, 15A.160, 16.080
EFFECTIVE: May 14, 1975
NECESSITY AND FUNCTION: KRS 15A.140, 15A.160 and 16.080 empowers the Commissioner, Bureau of State Police in conjunction with the Secretary of Justice, to adopt regulations governing the promotion of State Police officers. This regulation establishes a promotional system for State Police officers.

Section 1. Promotions to sergeant within the Bureau of State Police shall be on the following terms and conditions:
(1) The applicant must be classified as senior trooper to be eligible for promotion to sergeant.
(2) Promotions shall be based on the highest cumulative score computed from the following criteria:
(a) Thirty percent (30%) on personnel performance evaluation.
(b) Thirty percent (30%) on oral examination.
(c) Forty percent (40%) on a written examination.
(3) The promotional list shall continue in existence for one (1) year and promotions shall be made in consecutive order beginning with the highest numerical ranking to fill an interim vacancy. When two (2) or more applicants receive the same numerical score, the order of placement on the list shall be determined by seniority of service. Upon the determination of a new numerical ranking following a new examination all previous rankings shall be null and void.
(4) The written examination shall be prepared and administered by an individual designated by the commissioner. The materials and text books will be selected by the commissioner and his staff. The commissioner will inform all applicants at least three (3) months prior to the examination date of the exact material from which test questions will be taken.
(5) The written test shall be administered to all applicants at the same time. Immediately upon completion of the written test the applicant will receive his numerical score. Such numerical score shall remain valid for a period of two (2) years following the date of examination unless the source material upon which the test is based is changed by more than thirty percent (30%).
(6) The oral examination shall be conducted by interview boards designated by the commissioner consisting of the following members:
(a) The commissioner or his designated appointee not lower than rank of captain;
(b) An officer from another police agency of the rank equal to the position for which the applicant is competing;
(c) An instructor from an accredited law enforcement education program;
(d) A personnel director from private industry; and
(e) An officer from the Kentucky State Police of the rank equal to the position for which the applicant is competing.
(7) The designated oral boards will perform all interviews under guidelines developed and approved by the commissioner.
(8) Personnel evaluations shall be made by the appropriate supervisory personnel under procedures established and approved by the Commissioner of State Police.
Section 2. Promotions from sergeant to lieutenant within the State Police shall be on the same terms and conditions as promotions to sergeant, and in addition any applicant must have completed at least one (1) continuous year of service in grade as sergeant.
Section 3. Promotions from lieutenant to captain within the State Police shall be on the same terms and conditions as promotions to lieutenant, and in addition any applicant must have completed at least one (1) continuous year of service in grade as lieutenant.
Section 4. The Bureau of State Police will develop and administer only one (1) test for each of the above ranks. All eligible applicants will be permitted to participate in the promotional process to the next highest position of responsibility wherever the vacancy exists.
Section 5. All ranks above the grade of captain are temporary and shall not be subject to the provisions for selection and promotion as required herein. All officers in such temporary positions shall serve at the pleasure of the commissioner and shall revert to their previous permanent rank upon the termination of their temporary appointment.
Section 6. The total number of supervisory officers of all classifications shall be limited to a ratio not to exceed one (1) supervisor for every five (5) non-supervisory officers.
Section 7. No officer of the State Police, other than temporary positions above the rank of captain, shall be promoted to the next highest rank without competing with other officers as described by this promotional procedure.
Section 8. There shall be no discrimination on account of race, national origin, color, religion, creed, sex, or political affiliation with respect to the State Police promotional system. All personnel actions are to be based solely on the basis of merit.

TRUETT A. RICKS, Commissioner

ADOPTED: April 23, 1975
APPROVED: HENRI L. MANGEOT, Secretary
RECEIVED BY LRC: April 24, 1975 at 11:01 a.m.

(The following regulation, published initially in the April issue [1 Ky.R. 848], was amended following a hearing. The amended regulation was approved by the Administrative Regulation Review Subcommittee on May 14, 1975 and became effective on that date.)

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
As Amended

806 KAR 3:020. Annual statements.

RELATES TO: KRS 304.2-180, 304.3-240
PURSUANT TO: KRS 304.2-110, 13.082
AMENDS: 806 KAR 3:020
EFFECTIVE: May 14, 1975
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This regulation permits the Commissioner of Insurance to require an insurer to synopsize material contained in its annual statement in order to be compatible with Commonwealth electronic computers.

Section 1. The Commissioner of Insurance may require that each insurer file a synopsis of the material contained in its annual statement, arranged in such form as the commissioner shall deem suitable for use in conjunction with an electronic computer[, or for use by the National Association of Insurance Commissioners].

EDWARD L. FOSSETT
Chief Deputy Commissioner

ADOPTED: May 8, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: May 8, 1975 at 12:10 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:090. Trisulfapyrimidine.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regualtion lists Trisulfapyrimidine pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Trisulfapyrimidine Tablet Pharmaceutical Products. The following Trisulfapyrimidine tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

Trisulfapyrimidine 500mg/5ml Tablet Form	
Neotrizine	Eli Lilly & Company
Sulfose	Wyeth Laboratories, Inc.
Terfonyl	E. R. Squibb & Sons, Inc.
Triple Sulfa #2	Vangard Laboratories
Trisem	Beecham-Massengill Pharmaceuticals
Trisulfapyrimidine	Geneva Drugs, Ltd.
Trisulfapyrimidine	Paramount Surgical Supply Corp.
Trisulfapyrimidine	Zenith Laboratories
Trisulfazine	The Central Pharmacal Company

Section 2. Trisulfapyrimidine Liquid Suspension Pharmaceutical Products. The following trisulfapyrimidine liquid suspension pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

Trisulfapyrimidine 500mg/5ml Liquid Suspension	
Neotrizine	Eli Lilly & Company
Sulfose	Wyeth Laboratories
Terfonyl	E. R. Squibb & Sons, Inc.
Triple Sulfa Liquid	Richie Pharmacal Company
Triple Sulfa Suspension	Vangard Laboratories
Trisem	Beecham-Massengill Pharmaceuticals

E. C. SEELEY, M.D., Chairperson

ADOPTED: April 29, 1975
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: May 15, 1975 at 3:25 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Al Austin, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council
(Proposed Amendment)

902 KAR 1:130. Chlorpromazine Hydrochloride.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Chlorpromazine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Chlorpromazine Hydrochloride Tablet Pharmaceutical Products. The following Chlorpromazine Hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Chlorpromazine Hydrochloride 10mg. Tablet Form

Chlorpromazine Hydrochloride	Paramount Surgical Supply Corp.
Chlorpromazine Hydrochloride	Purepac Pharmaceutical Co.
Chlorpromazine Hydrochloride	Rondex Laboratories, Inc.
Chlorpromazine Hydrochloride	Zenith Laboratories, Inc.
Marazine	Geneva Drugs, Ltd.
Proma	Vangard Laboratories
Promopar	Parke-Davis & Company
Thorazine	Smith, Kline & French Labs.

(2) Chlorpromazine Hydrochloride 25mg. Tablet Form

Chlorpromazine Hydrochloride	Abbott Laboratories
Chlorpromazine Hydrochloride	Paramount Surgical Supply Corp.
Chlorpromazine Hydrochloride	Purepac Pharmaceutical Co.
Chlorpromazine Hydrochloride	Rachelle Laboratories
Chlorpromazine Hydrochloride	Rondex Laboratories, Inc.
Chlorpromazine Hydrochloride	Zenith Laboratories, Inc.
Marazine	Geneva Drugs, Ltd.
Proma	Vangard Laboratories
Promopar	Parke-Davis & Company
Thorazine	Smith, Kline & French Labs.

(3) Chlorpromazine Hydrochloride 50mg. Tablet Form

Chlorpromazine Hydrochloride	Abbott Laboratories
Chlorpromazine Hydrochloride	Paramount Surgical Supply Corp.
Chlorpromazine Hydrochloride	Purepac Pharmaceutical Co.
Chlorpromazine Hydrochloride	Rachelle Laboratories
Chlorpromazine Hydrochloride	Rondex Laboratories, Inc.
Chlorpromazine Hydrochloride	Zenith Laboratories, Inc.
Marazine	Geneva Drugs, Ltd.
Proma	Vangard Laboratories
Promopar	Parke-Davis & Company
Thorazine	Smith, Kline & French Labs.

(4) Chlorpromazine Hydrochloride 100mg. Tablet Form

Chlorpromazine Hydrochloride	Abbott Laboratories
Chlorpromazine Hydrochloride	Paramount Surgical Supply Corp.
Chlorpromazine Hydrochloride	Purepac Pharmaceutical Co.
Chlorpromazine Hydrochloride	Rachelle Laboratories
Chlorpromazine Hydrochloride	Rondex Laboratories, Inc.
Chlorpromazine Hydrochloride	Zenith Laboratories, Inc.
Marazine	Geneva Drugs, Ltd.
Proma	Vangard Laboratories
Promopar	Parke-Davis & Company
Thorazine	Smith, Kline & French Labs.

(5) Chlorpromazine Hydrochloride 200mg. Tablet Form

Chlorpromazine Hydrochloride	Abbott Laboratories
Chlorpromazine Hydrocholoride	Paramount Surgical Supply Corp.
Chlorpromazine Hydrochloride	Purepac Pharmaceutical Co.
Chlorpromazine Hydrochloride	Rachelle Laboratories
Chlorpromazine Hydrochloride	Rondex Laboratories, Inc.
Chlorpromazine Hydrochloride	Zenith Laboratories, Inc.
Marazine	Geneva Drugs, Ltd.
Proma	Vangard Laboratories
Promopar	Parke-Davis & Company
Thorazine	Smith, Kline & French Labs.

E. C. SEELEY, M.D., Chairperson
ADOPTED: April 29, 1975
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: May 15, 1975 at 3:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Al Austin, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

(The following regulation, published originally in the March issue [1 Ky.R. 642], was amended following a public hearing and was approved by the Administrative Regulation Review Subcommittee at its meeting May 14, 1975, becoming effective on that date.)

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
As Amended

902 KAR 10:040. Youth camps.

RELATES TO: KRS 211.180
PURSUANT TO: KRS 13.082, 194.050, 211.090(3)[(1)(c)]
SUPERSEDES: San. 7
EFFECTIVE: May 14, 1975
NECESSITY AND FUNCTION: KRS 211.180 authorizes the Department for Human Resources to regulate certain public health matters including the sanitation of public and semipublic recreational areas; the detection, prevention and control of communicable disease and health hazards; and to provide for the protection and improvement of the health of school age children. This regulation establishes uniform standards for Youth Camps and includes the issuance, suspension, and revocation of permits to operate; submission of plans for construction and equipment layout; plumbing; lighting; ventilation; water supply; sewage disposal; solid waste disposal; sanitary standards for operation; inspections; and other matters necessary to insure a safe and sanitary environment in order to protect the health and safety of children who attend camps in this state.

Section 1. Citation of Regulation. This regulation may be cited as "The Kentucky Youth Camp Regulation."

Section 2. Definitions. The following definitions shall apply in the interpretation and enforcement of this regulation.

(1) "Camp" or "youth camp" means any area, parcel, or tract of land on which facilities are established, maintained or operated for recreational, educational, or vacation purposes for five (5) or more youths under eighteen (18) years of age, either free of charge, or for payment of a fee; provided, however, that individual or family camp units are excluded from the requirements of this regulation. This definition includes the following types of camps:

(a) "Day camp" means a camp operated for all or part of the day but less than twenty-four (24) hours a day during one (1) or more seasons of the year;

(b) "Primitive or outpost camp" means a portion of the permanent camp premises or other site under control of the youth camp operator at which the basic needs for camp operation, such as places of abode, water supply system, and permanent toilet and cooking facilities are not usually provided; and

(c) "Residential camp" means a camp operating on a permanent campsite and providing overnight lodging facilities.

(2) "Camper" means any child under eighteen (18) years of age living apart from, or with the intention of living apart from, his relatives, parents, or legal guardians, while attending a youth camp.

(3) "Camp director" means the individual on the premises of any youth camp who has the primary responsibility for the administration of program operations and supportive services for such camp and the supervision of the youth camp staff of such camp.

(4) "Camp operator" means any private or public agency, organization, or person, and any individual, who operates, controls or supervises a youth camp, whether such camp is operated for profit or not for profit.

(5) "Department" means the Department for Human Resources and the local health department having jurisdiction and their duly designated representatives.

(6) "Natural bathing place" means a swimming place, together with shores, buildings, equipment, and appurtenances if any, and the water and the land areas used in connection therewith, at a lake, stream, or other body of fresh water.

(7) "Permanent structure" means any building and appurtenances owned and operated by the camp management for living, dining, kitchen, sleeping, toilet, bathing, shelter, tool shed, storage, assembly, infirmary, or stable, so constructed as to be immobile and permanent.

(8) "Permit" means a written document issued by the department giving a designated person permission to operate a specific camp.

(9) "Person" means any individual, firm, partnership, company, corporation, trustee, association, or any public or private entity.

(10) "Semi-permanent structure" means any building, tent, structure or trailer and appurtenances owned and operated by the camp management for sleeping, living, dining, toilet,

bathing, kitchen, tool shed, storage, assembly, infirmary, or animal shelter, so constructed as to be movable, may be easily disassembled, and not permanent in nature.

(11) "Swimming crib" means a pool structure partly submerged in a stream, river or lake to utilize the water thereof, and used as an enclosure for swimming.

Section 3. Permits. No person shall operate a youth camp within the Commonwealth of Kentucky who does not possess a valid permit issued to him without fee 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. The permit shall be posted or readily available at every camp. Each permit shall expire on December 31 next following its date of issuance.

Section 4. Application for a Permit. (1) Any person desiring to operate a camp shall make written application on forms provided by the department. The application shall include:

(a) Applicant's full name and address and indicate whether the applicant is an individual, firm or corporation;
(b) If a partnership, the names of the partners, and their addresses;
(c) The location of the camp;
(d) The type of camp; and
(e) The signature of the applicant or applicants.

(2) Upon receipt of such an application, the department shall make an inspection of the camp to determine compliance with the provisions of this regulation. When inspection discloses that the applicable requirements of this regulation have been met, a permit shall be issued to the applicant by the department.

Section 5. Camp Site. The camp site shall be located on land that provides good natural drainage. The area on which the tents, buildings, or structures are erected, together with such other areas frequently used for camp activities, shall be well drained and not located in a swamp or similar place in which mosquitos may breed.

Section 6. Lodging Facilities. (1) All places used for human habitation in a camp shall be provided with adequate artificial or natural lighting and ventilation and shall be maintained in a safe and sanitary condition; provided, however, that artificial lighting shall not be required in tents.

(2) Floors, walls and ceilings in all permanent and semi-permanent structures used for living and sleeping purposes shall be kept clean and in good repair. Tent material shall be flame retardant; provided, however, that existing camps shall have three (3) years from the effective date of this regulation to meet this requirement.

(3) All gas or oil burning heating and cooking facilities provided in any camp shall be properly vented and maintained. No open-faced gas or oil burning heaters shall be allowed under any circumstances.

(4) The number of sleepers per permanent structure of any camp shall be such that each sleeper may be provided with at least forty (40) square feet of floor space; provided, however, that existing camps shall have three (3) years from the effective date of this regulation to meet this requirement unless a time extension is granted by the department for justifiable cause but in no event shall the area per sleeper be less than 30 square feet [slight variances may be permitted for existing structures]. Permanent structures used as sleeping quarters shall be designed to provide a minimum of two (2) feet between beds, cots, or sleeping bags when arranged side by side. Beds, cots, or sleeping bags shall be placed so that heads of sleepers are at least six (6) feet apart, and if double decked beds are used, there shall be not less than twenty-seven (27) inches between the lower mattress and the bottom of the upper bed. If semi-permanent structures at a residential camp are used for sleeping purposes, the provisions of this subsection shall apply.

(5) Mattresses shall be flame retardant and provided with covers; provided, however, that existing camps shall have two (2) years from effective date of this regulation to meet this requirement. Sleeping surfaces shall be provided with at least one (1) sheet or mattress cover; provided, however, this requirement shall not apply if the camper provides his own sleeping bag.

(6) All articles of bedding provided by the camp shall be kept clean and in good repair. Linen shall be changed at least once weekly and more often if necessary, or when there is a new camper.

Section 7. Water Closets [Toilet], Privies, Lavatory and Shower Facilities. (1) Each residential and day camp site shall be provided with water closets, handwashing and shower facilities for each sex accommodated, as shown in the following tables; provided, however, that day camps shall not be required to provide shower facilities.

Persons of Each Sex to be Served	Boys Water Closets	Boys Urinals*	Girls Water Closets	Boys or Girls Lavatories	Boys or Girls Showers
1-18	1	1	2	1	1
19-33	2	1	2	2	2
34-48	2	2	3	2	3
49-63	3	2	4	3	4
64-79	3	3	5	3	5
80-95	4	3	6	4	6

*Water closets can be substituted for urinals when facilities may be used by both sexes.

For camps having more than 95 residents there shall be provided: one additional water closet and lavatory for each 25 residents; one additional shower for each 20 residents; and one urinal per 50 male residents.

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(2) Toilets and bathhouses containing water closets, lavatories and showers shall be adequately ventilated, have natural or artificial lighting of twenty (20) footcandles, the floors shall be of concrete or other impervious material.[,and] Toilets shall be so located and distributed that no habitable permanent or semi-permanent structure or tent will be more than 500 feet from such facilities.

(3) Hot and cold water shall be provided at all showers at the campsites where overnight facilities are furnished; provided, however, existing camps will not be required to furnish hot water.

(4) Lavatories or handwashing facilities shall be conveniently located to all toilet facilities. Water, hand-cleansing soap, and approved sanitary towels or other approved hand-drying device shall be provided at all lavatories and handwashing facilities.

(5) All toilets, lavatories and bathing facilities shall be maintained in good repair and shall be kept clean at all times.

(6) When flush type toilets are not provided, other types of toilet facilities such as earth pit privies or chemical type may be used if so constructed and maintained as to prevent flybreeding, nuisances and contamination of any water supply. Privies shall be provided at the ratio of one pit opening for every ten (10) campers. Privies shall not be located within 100 feet of any kitchen or other place where food is prepared or served, and shall be located apart from any building used for bathing or lodging.

(7) Adequate toilet tissue shall be provided at each toilet facility.

(8) Flame retardant, easily cleanable containers shall be provided in all toilet facilities and shall be covered in toilets for females.

(9) All plumbing shall comply with the State Plumbing Code.

Section 8. Sewage and Waste Disposal. All sewage and waste matter shall be disposed of into a public sewerage system, if available. In the event a public sewerage system is not available, disposal shall be made into a private system designed, constructed and operated in accordance with the requirements of the Department for Natural Resources and Environmental Protection; provided, however, if a public sewerage system subsequently becomes available, connections shall be made thereto and the camp sewerage system shall be discontinued.

Section 9. Water Supply System. (1) The water supply shall be potable, adequate and from an approved public supply of a municipality or water district, if available. In the event a public water supply of a municipality or water district is not available, the supply for the camp shall be developed and approved in accordance with applicable requirements of the Department for Natural Resources and Environmental Protection; provided, however, if a public water supply of a municipality or water district subsequently becomes available, connections shall be made thereto and the camp supply shall be discontinued.

(2) Adequate drinking fountains or portable water coolers of an approved type shall be provided within the camp. Common drinking cups, glasses or vessels are prohibited.

(3) Where portable drinking water containers are used, they shall be of easily cleanable construction, kept securely closed and so designed that water may be withdrawn from the container only by water tap or faucet and shall be maintained in a sanitary condition.

(4) All ice used shall be from an approved source and shall be handled and stored in such a manner as to prevent contamination. If ice is made on the premises of any camp, the ice-making machine shall be of approved construction and the water shall be of the same bacteriological quality as approved drinking water.

Section 10. Refuse Handling. (1) The storage, collection and disposal of refuse shall be so conducted as not to create a health hazard, rodent harborage, insect breeding area, accident or fire hazard, or air pollution violation and shall conform to all other requirements of the Department for Natural Resources and Environmental Protection.

(2) All refuse shall be stored in flytight, watertight, rodent proof containers and containers shall be emptied and cleaned at such frequency so as to prevent a nuisance; provided, however, plastic bags containing food waste may be used if disposal of on a daily basis or if used as liners in rodent proof containers, or if used for non food refuse.

(3) Approved container storage location shall be provided

and shall be so designed and maintained as not to create a nuisance.

(4) All refuse containing garbage shall be collected at least once per week or more often if deemed necessary.

Section 11. Maintenance of Animal Facilities. (1) Barns, stables, corrals or other structures used to house horses and other animals shall be located at least 500 feet from any sleeping, eating or food preparation area. Tie-rails, or hitching posts shall not be located within 200 feet of any dining hall, kitchen or other place where food is prepared, cooked or served.

(2) Barns, stables and corrals shall be located on a well-drained, sloping area and so situated as to prevent contamination of any water supply.

(3) Manure shall be removed from barns, stalls, and corrals as often as necessary to prevent a fly problem. Fly repellants or other precautions shall be used to prevent such shelters from becoming an attractant for or breeding place for flies.

Section 12. Swimming Facilities and Recreational Water Activities. (1) All swimming pools, natural bathing places and swimming cribs shall comply with applicable regulations of the Department for Natural Resources and Environmental Protection and with applicable local regulations.

(2) All small craft and boating activities shall be conducted in compliance with applicable rules and regulations of the Department of Transportation, Division of Water Enforcement.

(3) All swimming and small craft and boating activities shall be under the supervision of a person holding a current American Red Cross Senior Life Saving Certificate or its equivalent at all times. All necessary life saving devices shall be provided.

(4) A method of checking swimmers recognized by the American Red Cross Life Saving and Water Safety Standards shall be enforced.

(5) Epidemiological investigation, sanitary survey and other factors shall indicate that the area is safe for swimming.

Section 13. Insect, Rodent and Pest Control. (1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestations. Extermination methods and other measures to control insects and rodents shall be in accordance with applicable state laws and regulations.

(2) Camps shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitos or other pests.

(3) Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe and other building materials shall be stored at least one (1) foot above the ground.

Section 14. Camp Director, Records and Reports, Medical Supervision and First Aid. (1) The camp operator shall assure that a camp director or an authorized representative is available within the camp boundaries at all times while the camp is in operation.

(2) Records or personal data, including a medical history, shall be kept on each person attending a camp. Minimum records shall include the name, date of birth, and address of each person in camp; the name, address and telephone number of parents or guardians; and the medical history, and dates of admission and discharge of each camper.

(3) Residential camps shall have facilities for isolation of persons suspected of having a communicable disease. Other camps shall provide for the immediate isolation of campers suspected of having a communicable disease.

(4) Adequate first aid supplies and equipment as designated by the physician on call shall be located within the camp. Residential camps shall have a person holding an American Red Cross Standard First Aid and Personal Safety Certificate or its equivalent on site twenty-four (24) hours a day while the camp is in session. All other camps shall have a person holding, as a minimum, a First Aid Course Certificate from the American Red Cross or its equivalent on site while camp is in session. The certificates shall be made available for examination upon request of an authorized agent of the department.

(5) All prescription drugs shall be kept in a locked cabinet or container.

(6) A nearby physician shall be available or on call for medical emergencies and the camp shall have access to a telephone, with emergency telephone numbers posted. Transportation shall be available at all times in the event of an emergency.

(7) All serious illnesses and accidents resulting in death or injury, other than minor injuries which require only first aid treatment and which do not involve medical treatment, shall be reported to the department at the end of the camping season, but in no event later than December 31 of each year, on forms provided by the department.

Section 15. Safety and Accident Prevention. (1) All camps shall comply with applicable rules and regulations of the State Fire Marshal and applicable local fire codes pertaining to fire safety, fuel supply and fuel connections.

(2) In every camp with an electrical system, the wiring, fixtures, and equipment shall be installed and maintained in accordance with applicable codes and regulations.

(3) Protection; Natural Hazards.

(a) Natural hazards within the boundaries of the camp shall be plainly marked as such and such measures and procedures as approved by the department shall be complied with to insure the safety of the campers.

(b) Poison plants such as poison sumac and poison ivy shall be subject to control and elimination from areas where their presence is hazardous to campers.

(4) Elimination of artificial hazards.

(a) All buildings, grounds and equipment shall be maintained in such a manner as to eliminate or minimize the danger from holes, glass, splinters, sharp projections and other hazardous conditions so as to protect the safety of all persons residing or using the facilities at the camp site.

(b) All insecticides, pesticides and chemical poisons shall be plainly labeled and stored in a safe place.

(c) Gasoline and other highly flammable fluids shall be plainly marked and stored in a locked container or building not occupied by residents of the camp and at a safe distance from sleeping quarters or buildings where people congregate.

Section 16. Plan Review of Future Construction. (1) Any person or persons contemplating construction, alteration, addition to or change in the construction of any permanent camp shall, prior to the initiation of any such construction, submit plans in triplicate to the department, through the local health department concerned, of any proposed camp, additions, alterations, or change in construction which shall show:

(a) Name and address of owner or operator of camp;

(b) Area and dimension of the site;

(c) Property lines;

(d) A separate floor plan of all buildings and other improvements constructed or to be constructed including location and number of sanitary conveniences, including water closets, urinals, showers, handwashing facilities and including a plumbing riser diagram;

(e) Detail drawings of sewage disposal facilities including written specifications of sewage plant disposal facilities;

(f) Detail drawings of water supply if source is other than public; and

(g) The location and size of water and sewer lines within the camp.

(2) In camps where central food preparation and food service buildings are to be provided, plans and specifications shall be submitted showing the kitchen floor plan, layout and type of equipment, storage area, restrooms, dining area all in accordance with the State Food Service Code.

(3) In camps where artificially constructed swimming pools are contemplated, plans and specifications shall be submitted to the Department for Natural Resources and Environmental Protection for review and approval prior to construction.

Section 17. Inspection of Camp. (1) Each camping season an inspection shall be made by the department on each camp at least once prior to the opening of the camp and at least once while the camp is in actual operation. The department shall make as many additional inspections and reinspections as are necessary for the enforcement of this regulation.

(2) Whenever an agent of the department makes an inspection of a camp he shall record his findings on an official department inspection report form and provide the permit holder or operator with a copy. The inspection report shall:

(a) Set forth any violation(s) found;

(b) Establish a specific and reasonable period of time for the correction of the violation(s) found; and

(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.

Section 18. Suspension of Permit. (1) Whenever the department has reason to believe that an imminent public health hazard exists, or whenever the permit holder has interfered with the authorized agents of the department in the performance of their duties, the permit may be suspended immediately upon notice to the permit holder without a hearing. In such event the permit holder may request a hearing which shall be granted as soon as practicable.

(2) In all other instances of violation of the provisions of this regulation the department shall serve upon the holder of the permit a written notice specifying the violation(s) in question and afford the holder a reasonable opportunity to correct same. Whenever a permit holder or operator has failed to comply with any written notice issued under the provisions of this regulation, the permit holder or operator shall be notified in writing that the permit shall be suspended at the end of five (5) days following service of such notice, unless a written request for a hearing is filed with the department, by the permit holder, within such five (5) day period.

(3) The hearings provided for in this regulation shall be conducted by the department at a time and place designated by it. At the conclusion of the hearing, the department shall make a finding of fact and conclusion of the law. A transcript of the hearing need not be made unless the interested party assumes the costs thereof and a request is made therefor at the time a hearing is requested.

Section 19. 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 five (5) days following receipt of written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension of the

permit have been corrected, the department shall make a reinspection. If the applicant is found to be in compliance with the requirements of this regulation, the permit shall be reinstated.

Section 20. Revocation of Permits. For serious or repeated violations of any of the requirements of this regulation or for interference with the agents of the department in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the department. Prior to such action, the department shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of ten (10) days following service of such notice, unless a request for a hearing is filed with the department by the permit holder, within such ten (10) day period.

JOHN P. BELL, M.D., Chairperson
WILLIAM P. McELWAIN, M.D., Commissioner
ADOPTED: April 15, 1975
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: April 17, 1975 at 10:02 a.m.

Proposed Regulations

KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 4:010. Definitions.

RELATES TO: KRS 250.480
PURSUANT TO: KRS 13.082
SUPERSEDES: AES-3 (1965)-1
NECESSITY AND FUNCTION: To provide a discrete definition for certain fertilizer terms as they relate to the regulation of fertilizers in the state.

Section 1. The terms "fertilizer" and "commercial fertilizer" as used in KRS 250.360 to 250.480 shall apply to any substance containing one or more recognized plant nutrient(s) which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth.

Section 2. The term "grade" means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash stated in whole numbers in the same terms, order and percentages as in the "guaranteed analysis."

Section 3. The term "bulk fertilizer" means fertilizer distributed in non-packaged form.

Section 4. The term "custom-mixed fertilizer" means a mixture of fertilizers or commercial fertilizers each batch of which mixture is mixed according to the specific instructions of the final purchaser.

Section 5. The term "specialty fertilizer" is a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, flowers, golf courses, parks, cemeteries, green houses and nurseries.

Section 6. The term "specialty fertilizer-pesticide mixture" is a specialty fertilizer to which a pesticide(s) has been added.

Section 7. The term "percentage," by symbol or word, when used on a fertilizer label shall represent only the amount of individual plant nutrients in relation to the total product by weight.

Section 8. The term "label" means the display of all written, printed, or graphic matter upon the immediate container of or accompanying a fertilizer; and, any advertisements, brochures, posters, or television and radio announcements used in promoting the sale of such fertilizers.

Section 9. The term "official sample" means any sample of any fertilizer taken by the director or his agent and designated as "official" by the director.

Section 10. The term "investigational allowance" means an allowance for variations inherent in the taking, preparation and analysis of an official sample of commercial fertilizer.

Section 11. The term "guaranteed analysis" means the minimum percentage of plant nutrients claimed to be in a fertilizer.

Section 12. The term "fertilizer material" means a fertilizer which either:
(1) Contains important quantities of no more than one of the primary plant nutrients (nitrogen, phosphoric acid and potash); or
(2) Has approximately eighty-five (85) percent of its plant nutrient content present in the form of a single chemical compound; or
(3) Is derived from a plant or animal residue or by-product or a natural material deposit which has been processed in such a way that its content of primary plant nutrients has not been materially changed except by purification and concentration.

Section 13. The term "mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.

CHARLES E. BARNHART, Director
ADOPTED: April 29, 1975
RECEIVED BY LRC: May 5, 1975 at 12:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Kentucky Agricultural Experiment Station, Agricultural Science Building, North, University of Kentucky, Lexington, Kentucky 40506.

KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 4:020. Registration.

RELATES TO: KRS 250.360 to 250.480
PURSUANT TO: KRS 13.082
SUPERSEDES: AES-3 (1965)-2
NECESSITY AND FUNCTION: To interpret the fertilizer law as it relates to registering of fertilizer.

Section 1. Registration.. Each brand and grade of fertilizer shall be registered before being sold, offered or exposed for sale in Kentucky. Application to register fertilizer shall be made on forms furnished by the director. When an application to register fertilizer not previously registered is submitted, it shall be accompanied by a complete label, or facsimile label. Custom-mixed fertilizer shall be registered. Application for permission to register custom-mixed fertilizers shall be made on special forms. A copy of the invoice for such mixtures shall become the application for registration of the grade it represents. All registrations expire on the thirty-first (31st) of December of each year.

Section 2. Cancellation of Registrations. The director may cancel the registration of any brand of fertilizer or refuse to register any brand of fertilizer as herein provided, upon satisfactory evidence that the fertilizer as marketed does not conform to the label or that the product has no value as a fertilizer.

CHARLES E. BARNHART, Director

ADOPTED: April 29, 1975
RECEIVED BY LRC: May 5, 1975 at 12:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Kentucky Agricultural Experiment Station, Agricultural Science Building, North, University of Kentucky, Lexington, Kentucky 40506.

KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 4:030. Brand name.

RELATES TO: KRS 250.360 to 250.480
PURSUANT TO: KRS 13.082
SUPERSEDES: AES-3 (1965)-3
NECESSITY AND FUNCTION: To interpret the fertilizer law as it relates to the use and display of the brand name of fertilizers.

Section 1. Mixed Fertilizer. In the labeling of field or agricultural grades of mixed fertilizer, the grade numerals shall be a part of the brand name and shall appear on the front face of the container. In the case of specialty fertilizer the brand and grade are not required to be on the front face of the container if the specialty labeling format is followed.

Section 2. Fertilizer Materials. The numerals that represent the percent of available plant nutrients in a material may appear as a part of the brand name.

Section 3. Unacidulated Phosphatic Materials. Total phosphoric acid shall not appear as a part of the brand name of unacidulated mineral phosphatic materials or of organic phosphatic materials.

Section 4. Fertilizers with boron (B) added. Fertilizers to which boron has been added at a level of 0.03 percent or more shall have as a part of the brand name the words "with boron" and in addition the words "with boron" shall appear each other place on the container that the grade numerals appear.

Section 5. Fertilizers with pesticides added. Field or agricultural grades of fertilizer to which a pesticide has been added shall have as part of the brand name the words "with (name of pesticide)." The words "with (name of pesticide)" shall also appear each other place on the container that the grade numerals appear.

CHARLES E. BARNHART, Director

ADOPTED: April 29, 1975
RECEIVED BY LRC: May 5, 1975 at 12:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Kentucky Agricultural Experiment Station, Agricultural Science Building, North, University of Kentucky, Lexington, Kentucky 40506.

KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 4:040. Chemical guarantee.

RELATES TO: KRS 250.360 to 250.480
PURSUANT TO: KRS 250.480
SUPERSEDES: AES-3 (1965)-4
NECESSITY AND FUNCTION: To interpret the fertilizer law as it relates to the form and content of the manufacturer's guarantee of plant nutrients contained in a fertilizer.

Section 1. (1) The chemical guarantee (guaranteed analysis) of a mixed fertilizer or a fertilizer material shall show the percentage of each plant nutrient claimed to be in the fertilizer with special labeling for field crop fertilizer for tobacco.

(2) The chemical guarantee for a mixed fertilizer shall appear as follows with the plant nutrients listed in columnar form and in this order:

GUARANTEED ANALYSIS

Total Nitrogen (N)	X.X%
Available Phosphoric Acid (P2 05)	X.X%
Soluble Potash (K2 O)	X.X%
Calcium (Ca)	X.X%
Magnesium (Mg)	X.X%
Sulfur (S)	X.X%
Boron (B)	X.X%
Chlorine (Cl)	X.X%
Cobalt (Co)	X.X%
Copper (Cu)	X.X%
Iron (Fe)	X.X%
Manganese (Mn)	X.X%
Molybdenum (Mo)	X.X%
Sodium (Na)	X.X%
Zinc (Zn)	X.X%

(3) When no claims for secondary and micronutrients are made, only the guarantee for nitrogen, available phosphoric acid and soluble potash shall be shown.

(4) When a claim is made as to the form of nitrogen present in the fertilizer the forms shall be identified and guaranteed immediately below the total nitrogen guarantee in the format shown below:

Total nitrogen (N) X.X%
X.X% Ammoniacal nitrogen
X.X% Nitrate nitrogen
X.X% Water insoluble nitrogen
X.X% "other recognized forms of nitrogen."

Section 2. Maximum chlorine guarantee for field crop tobacco fertilizers. All commercial fertilizers sold for or represented for use on field crop tobacco, not plant beds, must, in addition to the foregoing guarantee, give a guarantee for chlorine not to exceed one and one-half (1 1/2) percent as: Chlorine (Cl), Maximum.....X.X%.

Section 3. Elemental guarantees for phosphorus and potassium. Guarantees for elemental phosphorus and potassium may be shown. When such guarantees are shown they shall be in addition to the presently required available phosphoric acid and potash and shall be shown as follows:

GUARANTEED ANALYSIS

Total Nitrogen (N)		X.X%
Available Phosphoric Acid (P2 05)		X.X%
(Equivalent to Available Phosphorus (P)	X.X%)	
Soluble Potash (K2 O)		X.X%
(Equivalent to Soluble Potassium (K)	X.X%)	

Section 4. Unacidulated Phosphatic Material. Unacidulated mineral phosphatic materials and bonemeal, tankage, and other organic phosphatic materials must show a chemical guarantee for both available and total phosphoric acid. The total phosphoric acid guarantee shall appear as a parenthetical statement immediately below the available phosphoric acid guarantee.

Section 5. Additional Plant Nutrients. (1) Additional plant nutrients, besides nitrogen, phosphorus and potassium, when mentioned in any form or manner shall be registered and shall be guaranteed. Guarantees shall be made on the elemental basis. When claims for such nutrients are made, the minimum percentages which will be accepted for registration are as follows:

Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulfur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo)	0.0005
Sodium (Na)	0.10
Zinc (Zn)	0.05

(2) Guarantees or claims for the above-listed additional plant nutrients are the only ones which will be accepted. Proposed labels and directions for use of the fertilizer shall be furnished with the application for registration upon request. Any of the above-listed elements which are guaranteed shall appear in the order listed, immediately following guarantees for the primary nutrients, nitrogen, available phosphoric acid, and soluble potash.

Section 6. Pesticides. When a pesticide has been incorporated into a fertilizer, a pesticide guarantee shall be shown as required by the applicable state and federal pesticide laws. This is in addition to the chemical guarantee for the fertilizer.

CHARLES E. BARNHART, Director

ADOPTED: April 29, 1975
RECEIVED BY LRC: May 5, 1975 at 12:46 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Kentucky Agricultural Experiment Station, Agricultural Science Building, North, University of Kentucky, Lexington, Kentucky 40506.

KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 4:050. Labeling.

RELATES TO: KRS 250.360 to 250.480
PURSUANT TO: KRS 250.480
SUPERSEDES: AES-3 (1965)-5
NECESSITY AND FUNCTION: To interpret the fertilizer law as it relates to labeling of fertilizers.

Section 1. Labeling information must agree with the information shown on the registration.

Section 2. (1) The label information for bagged fertilizer may be printed on the bag or on a sticker or tag and attached to the bag. This information shall include:
(a) Net weight;
(b) Brand and grade;
(c) Guaranteed analysis; and
(d) Name and address of manufacturer.
(2) On printed bags or other printed containers of fifty-one (51) pounds to 100 pounds net weight, the grade numerals shall be in type of not less than one and one-half (1 1/2) inches; on printed bags or other containers of fifty (50) pounds net weight, the grade numerals shall be in type of not less than one (1) inch; and on printed bags or containers of less than fifty (50) pounds net weight, the grade numerals shall be in proportion to the size of the container and in line with the above-specified type size.

Section 3. Bulk. (1) The same label information is required for bulk fertilizer as for bagged. This information may be written on the invoice or on a statement attached to the invoice or shipping ticket. This information must accompany each load or lot of bulk fertilizer.
(2) Bulk fertilizer may be delivered in unlabeled containers, provided they are not sealed. Such containers may be furnished by the purchaser. Any second-hand bags that are used as containers shall be thoroughly clean and turned wrong side out, or the original labeling obliterated.
(3) Bulk fertilizer that is being held in bins awaiting distribution shall have posted on each bin a sign showing the grade of fertilizer in that bin. These grade numerals shall be large enough to be easily read at a reasonable distance.

Section 4. Custom-Mixed. Each load of custom-mixed fertilizer shall be accompanied by an invoice or shipping ticket which bears the total net weight and guaranteed analysis, or lists the net weight and guaranteed analysis of each material used in the formulation, or both. This invoice or shipping ticket shall be considered as the label and shall show the name and address of the manufacturer and the final purchaser.

Section 5. Specialty Fertilizer. The required labeling information for specialty fertilizer is the same as for other mixed fertilizers. If this information does not appear in a readable and conspicuous form on the front face of the container, it shall occupy at least the upper-third of a side of the container and shall conform to the specialty labeling format adopted by the Association of American Plant Food Control Officials.

Section 6. Boron in Fertilizer. (1) The labeling of a fertilizer to which boron has been added at a level of 0.03 percent or more shall give directions for use and carry a warning against misuse.
(2) Custom-mixed fertilizer to which boron has been added shall have attached to each bag, or in the case of bulk, to the invoice, additional labeling which shows the presence of boron, directions for use, and a warning statement.

Section 7. Pesticides in Fertilizers. Each container or bulk shipment of a fertilizer-pesticide mixture must bear a label that meets the requirements of the fertilizer law and applicable state and federal pesticide laws.

CHARLES E. BARNHART, Director

ADOPTED: April 29, 1975
RECEIVED BY LRC: May 5, 1975 at 12:46 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Kentucky Agricultural Experiment Station, Agricultural Science Building, North, University of Kentucky, Lexington, Kentucky 40506.

KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 4:060. Shipment reports; inspection fees.

RELATES TO: KRS 250.360 to 250.480
PURSUANT TO: KRS 250.480
NECESSITY AND FUNCTION: To interpret the fertilizer law as it relates to making reports of fertilizer shipments into the state and the payment of inspection fees.

Section 1. Monthly Shipment Reports. Manufacturers distributing or selling fertilizer in the state shall mail the director a monthly report showing the county of the consignee, the number of net tons of each grade of fertilizer distributed during the month, the form in which it was distributed (bags, bulk, liquid, etc.), and whether it was for farm or nonfarm use. This information shall be reported by one of the following methods: (i) submitting a summary report approved by the director covering shipments made during the month, or (ii) submitting a copy of each invoice executed during the month covering shipments made during the month. These reports must be submitted on or before the 10th day of each month covering shipments made during the preceding month. Manufacturers distributing or selling less than thirty (30) tons of fertilizer in the state per year may be exempted from submitting the monthly shipment reports.

Section 2. Inspection Fees. Each manufacturer who distributes a commercial fertilizer in this state shall file with the director on forms furnished by the director a monthly, quarterly, or semi-annual statement setting forth the number of net tons of each grade of fertilizer distributed during the period, the form in which it was distributed (bags, bulk, liquid, etc.), and whether it was for farm or nonfarm use. This statement accompanied by the inspection fee of fifty (50) cents per ton shall be submitted by the tenth (10th) of the month following the end of the reporting period.

Section 3. No information furnished the director under this regulation shall be disclosed in such a way as to divulge the operation of any manufacturer.

CHARLES E. BARNHART, Director

ADOPTED: April 29, 1975
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Kentucky Agricultural Experiment Station, Agricultural Science Building, North, University of Kentucky, Lexington, Kentucky 40506.

KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 4:070. Violations; stop sale notices.

RELATES TO: KRS 250.360 to 250.480
PURSUANT TO: KRS 250.480
NECESSITY AND FUNCTION: To interpret the fertilizer law as it relates to the handling of apparent violations of the law.

Section 1. Stop Sale Notices. The director may issue and enforce a written or printed "stop sale" notice to the owner or custodian of any lot of fertilizer and to hold at a designated place when said fertilizer is being offered or exposed for sale in violation of any of the provisions of the law or regulations until the law or regulations have been complied with and said fertilizer is released in writing by the director, or said violation has been otherwise legally disposed of by written authority.

CHARLES E. BARNHART, Director

ADOPTED: April 29, 1975
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KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 5:010. Licenses.

RELATES TO: KRS 260.775 to 260.845, 260.992
PURSUANT TO: KRS 260.795 to 260.805
SUPERSEDES: AES-CL 14, 15, 16
NECESSITY AND FUNCTION: The Director of the Agricultural Experiment Station, University of Kentucky is charged with the enforcement of KRS Chapter 260 to regulate milk buyers, milk testers and milk weighers and samplers. The function of the regulation is to license those who are adjudged and qualified as a milk buyer, tester or weigher and sampler.

Section 1. A current license to buy and a current license to test milk shall be prominently displayed (posted separately) in each buying place.

Section 2. A current license to weigh and sample milk in cans or in bulk tanks from producers shall be displayed at the buying place at which the licensee normally delivers milk. A second copy shall be carried by the licensee when in the act of weighing, sampling, or delivering producer's milk.

Section 3. All licenses issued under the authority of this law expire on June 30 of each year. They are required to be renewed on or before July 1 by mailing an application properly filled out and signed with required fee accompanying it. A notice to renew with application blank is sent out to each current license holder on or about June 15. In case such application blank is not received by June 25, the license holder is directed to write to U.K. Regulatory Services, Kentucky Agricultural Experiment Station, Lexington, Kentucky, 40506, and request that one be sent. The renewal fee is shown on the application.

Section 4. In order that new operators may legally sample

and weigh milk or sample and measure milk they must make application on a form furnished by the Experiment Station and the fee called for on the application be paid. Applicants will be issued a sixty (60) day temporary non-renewable license with approved procedures for weighing (measuring) and sampling milk for pay purposes. Every two (2) months of the year all persons holding a temporary license will take a written examination, given by U.K. Regulatory inspectors and if completed successfully will be issued a permanent license. Temporary licenses held by samplers and weighers who fail to present themselves for a written examination after due notification or found unqualified will have their license revoked after which they cannot legally sample and weigh milk for producers.

CHARLES E. BARNHART, Director

ADOPTED: April 29, 1975
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Kentucky Agricultural Experiment Station, Agricultural Science Building, North, University of Kentucky, Lexington, Kentucky 40506.

KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 5:020. Testing.

RELATES TO: KRS 260.775 to 260.845, 260.992
PURSUANT TO: KRS 260.800, 260.825
SUPERSEDES: AES-4, CL-13, 19, 25
NECESSITY AND FUNCTION: The Director of the Agricultural Experiment Station, University of Kentucky is charged with the enforcement of KRS Chapter 260 to regulate milk testers. The function of this regulation is to provide uniform standards, procedures and equipment for the "Babcock" and "Milkotester" methods of milkfat testing by licensed milk testers.

Section 1. The "Babcock Test," described as method 16.056-16.057 of the official methods of analysis of the Association of Official Analytical Chemists, 12th edition, 1975, is declared to be an official method for use in Kentucky and shall be performed in accordance with procedures approved by the director or his agents for the analysis of milk fat. The approved procedures are available on request.

Section 2. The "Milkotester" method, described as method 16.060-16.064 of the official methods of analysis of the Association of Official Analytical Chemists, 12th edition, 1975, is declared to be an official method for use in Kentucky and shall be performed in accordance with procedures approved by the director or his agents for the analysis of milk fat. The approved procedures are available on request.

Section 3. (1) Before a license to test will be issued to any person it is necessary that he or she satisfactorily pass an examination on the Babcock test if this is the method used for milkfat analysis.

(2) Before a license to test will be issued to any person using the Milkotester method of milk fat analysis it will be necessary that he or she satisfactorily pass an examination on both the Babcock and Milkotester methods of milkfat analysis.

(3) In order that new operators may legally test until such time as they may appear for examination, they may secure a temporary permit in lieu of license. To secure this permit it is necessary that application be made on the form furnished by the Agricultural Experiment Station and fee called for on the application form paid. Licenses will be issued to holders of permits who pass satisfactory examinations. Testers failing on their first examination may have their permits extended one (1) time only. Permits may be extended if a legitimate excuse for not appearing is received by the Agricultural Experiment Station within five (5) days after the date of the examination at which the holder was notified to appear. All other permits of testers notified for examination become null and void and their holders cannot legally test further.

Section 4. Each record sheet of results of tests is required to be dated and signed by the licensed tester(s). If a book or sheet with columns for more than one (1) series of tests covering different periods of time is used, then licensed tester(s) is to date and sign each column immediately after tests recorded therein are finished. These original sheets are to be permanent records and are required to be kept on file with other records of weights and payments for twelve (12) months.

CHARLES E. BARNHART, Director

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KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 5:030. Test samples.

RELATES TO: KRS 260.775 to 260.845, 260.992
PURSUANT TO: KRS 260.785
SUPERSEDES: AES-CL 13, 17, 23
NECESSITY AND FUNCTION: The Director of the Agricultural Experiment Station, University of Kentucky is charged with the enforcement of KRS Chapter 260 to regulate milk buyers, milk testers and milk weigher and samplers. The purpose of this regulation is to establish guidelines and approved procedures to insure accurate fresh and composite milk samples for milk at testing.

Section 1. (1) All mixing tanks in which milk received in cans from producers is dumped shall be checked; the plant samplers and weighers and the management shall assist the inspector in making check tests of the mixing tank. These checks shall be made on all tanks that have not been approved by the Agricultural Experiment Station within the past twelve (12) months. In these check tests including twenty (20) or more comparisons, one sample is taken in the usual manner. The other is taken after thorough stirring. The average variation and the plus and minus balance shall both be checked. To determine the average variation, total all variations and divide by the number of tests (usually twenty (20)). The results shall not exceed .07 percent. A plus and minus balance of .03 percent or less is satisfactory. Tanks that according to these checks show a definite trend (+ or - .03 percent or more and average variation of .07 percent or more) are subjected to condemnation. It shall be the responsibility of the management to make changes within a reasonable time in such tanks so as to secure samples considered satisfactory.

(2) The weigh tank shall be maintained in a satisfactory mechanical and sanitary condition, free from dents or bulges which may prevent adequate draining. Scales shall be balanced daily. When there is no evidence of the scales having been checked within six (6) months, the plant sampler and weigher and manager shall assist the inspector in making a check.

(3) All milk dumped into the weigh tank shall be sampled unless it is frozen, partially frozen, lumpy, curdled or churned, or milk otherwise in a condition which will not permit uniform distribution of milk fat. The producer should be notified promptly if his milk was unsuitable for thorough mixing so that corrective measures can be taken.

Section 2. Either composite milk samples or fresh milk samples may be used for milk fat testing of milk received in cans. Composite milk samples must be held for seven (7) days following the last scheduled day for testing of all producers milk samples.

Section 3. (1) With composite samples use one (1) corrosive sublimate (mercuric chloride or bichloride of mercury) tablet containing not less than 0.3 gram (4.6 grains) of mercuric chloride per tablet, or some equally effective preservative, in each eight (8) ounce composite sample bottle. Three-tenths (0.3) gram of mercuric chloride is sufficient preservative to keep a 140 ml. composite sample of milk for four (4) weeks. Composite samples shall be tested immediately after the compositing period ends. At plants receiving milk from a large number of patrons, arrangements must be made to care for and test all of the samples before they deteriorate sufficiently to affect the accuracy of the tests. Keeping all composite samples (except those being tested during the current day) at 50° Fahrenheit or under is required.

(2) A minimum of ten (10) ml. shall be taken from each producer's delivery of milk. The quantity removed shall be the same for each day's production during a compositing period. The total composite sample at the time of testing shall be not less than 100 ml. If for example, a producer delivers milk only two (2) days during a compositing period, then a minimum sample of fifty (50) ml. must be taken on each of the two (2) days.

(3) Composite sample bottles shall have a capacity of not less than eight (8) ounces, be free from cracks, and be tightly fitted with an approved rubber stopper.

(a) Each bottle shall be identified with a legible mark of identification.
(b) Every sample bottle shall be clean and dry before the addition of a preservative and maintained in such a manner as to prevent the accumulation of moisture which may dilute the sample of milk.
(c) Each milk plant shall be provided with at least two (2) complete sets of sample bottles.

Section 4. (1) When a dipper, thief, or similar manual device is used, it must be rinsed once prior to use with the milk which is to be sampled. When an automatic sampler is used, it must be operated in accordance with the manufacturer's instructions, and must include the correct vacuum, no leaks in the line and proper slope in lines to permit prompt drainage. The sampler and weigher must operate the automatic sampler so the milk fills the dome to the line marked thereon for this purpose (about one-half (1/2) full). It is possible for the automatic sampler to cause the check on mixing accuracy to be unsatisfactory.

(2) If the weigh tank will not hold all the milk from any one (1) producer without the level of milk extending above the bottom of the strainer box, the lot of milk shall be split into two (2) equal portions and a sample taken from each lot. On the first day of the compositing period, after the portion for that day has been put in the bottle, and after allowing

for preservative to soften, the bottle shall be given a slight rotary motion to color the milk.

(3) The composite sarples shall be stored away from strong light in a clean sanitary cabinet maintained at a temperature between 35° and 50° Fahrenheit. The samples shall not be kept at room temperature for longer than (1) hour each day during the compositing period.

(4) Place the sample bottles in tempering bath with the surface of the water slightly above the level of the milk in the bottles.

(5) The temperature of the bath should not exceed 110° Fahrenheit at the time of placing the cold samples in it. Shortly thereafter the temperature should be adjusted as the temperature of the milk rises, so that the final temperature of both bath and samples is 100° Fahrenheit. (Two (2) baths may be used, one (1) for heating and one (1) thermostatically controlled for holding at 100° Fahrenheit). (Two (2) baths may be used, one (1) for hearing and one (1) thermostatically controlled for holding at 100° Fahrenheit.)

(6) Do not mix the milk in the sample bottles when at churning temperature (70° to 90° Fahrenheit).

(7) Any sample which may become diluted with water must be discarded and a permanent record made of the date of accident and the identity of the sample.

(8) Any cream adhering to the sides of the bottle and the stopper must be re-incorporated with the contents by gently rotating and inverting the bottle. A rubber policeman or nylon bristle brush may be used if preferred.

(9) (a) The composite sample, after reaching 100° Fahrenheit is poured into a mixing container and back into the original sample bottle until at least two (2) round trips are made. The mixing container shall be drained at least fifteen (15) seconds prior to re-use.

(b) If the bottle is not over two-thirds (2/3) full, the sample may be mixed by shaking horizontally back and forth six (6) round trips through a distance of about six (6) inches within a period of three (3) seconds. Care must be used to avoid churning when this procedure is used. The sample for testing shall pipetted immediately after mixing.

(10) Temperature of milk for pipetting. The temperature of the milk at the time of pipetting shall be 100° Fahrenheit.

(11) Pipetting. The tip of the milk pipette (calibrated to contain 17.6 ml of water at 20° Centigrade) should be at a level approximately equal to one-half (1/2) the height of the milk in the sample bottle. The pipette is then filled until the topmost surface of the milk is even with the graduation mark on the pipette. The milk is then discharged into a test bottle by inserting the whole length of the long delivery tube of the pipette into the neck of the test bottle before releasing its contents. The lip of the test bottle must be vented to permit air to escape readily from the bottle, preferably by means of a grooved rubber washer at the base of the bulb of the pipette.

(12) When the charge has drained, usually about ten (10) to fifteen (15) seconds after free flow has stopped, blow out the last drop or remove the pipette from the test bottle with a quick upward movement in order to remove the last drop from the tip of the pipette. Two pipettes used alternately, may be advantageous.

Section 5. Buyers of milk received from producers farm bulk tanks with fresh samples taken during any twenty-four (24) hour period must observe the following:

(1) Samples will be collected from every producers' shipment of milk and delivered to the buyer.

(2) Individual tank truck load samples must be obtained whenever producer samples are used for milk fat tests.

(3) Samples must be collected in a clean, dry, sanitized container. Four (4) ounces of milk shall be obtained with at least one-half (1/2) inch air space in top of container. Samples shall be kept between 33° to 40° Fahrenheit and in an upright position until they are tested for milk fat.

(4) Fresh milk samples must be held for twenty-four (24) hours for retest following the last scheduled date for testing.

CHARLES E. BARNHART, Director

ADOPTED: April 29, 1975
RECEIVED BY LRC: May 5, 1975 at 12:43 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Kentucky Agricultural Experiment Station, Agricultural Science Building, North, University of Kentucky, Lexington, Kentucky 40506.

KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 5:040. Sampling and weighing.

RELATES TO: KRS 260.775 to 260.845, 260.992
PURSUANT TO: KRS 260.785
SUPERSEDES: AES-CL 13
NECESSITY AND FUNCTION: The Director of the Agricultural Experiment Station, University of Kentucky is charged with the enforcement of KRS Chapter 260 to regulate milk weigher and samplers. The purpose of this regulation is to establish procedures for milk weigher and samplers to use for accurate sampling and measuring of milk in farm bulk tanks.

Section 1. Each pickup of milk is required to be sampled and weighed (measured). Upon arrival at the farm the milk in the bulk tank may be measured at once if the agitator is not running. If the agitator is running, a sample may be obtained for milk fat testing first, after at least five (5) minutes of agitation. Measurement of milk can only be made after the milk surface in the farm tank becomes motionless.

Section 2. Bulk milk weigher and samplers shall use the following equipment in their milk sampling procedures:

(1) Sample rack and compartment on truck to hold one (1) sample for fat test for each patron, load samples, and other required samples.

(2) Need refrigerant to contain temperature of samples between 33° and 40° Fahrenheit.

(3) Sample bags, tubes, bottles: thoroughly clean, dry leakproof container holding at least four (4) ounces of milk plus one-half (1/2) inch air space.

(4) Sample dipper or other sampling devices of sanitary construction approved by the Department for Human Resources. Shall hold one-fourth (1/4) of the required sample or one (1) ounce.

Section 3. Bulk milk weighers and samplers shall use the following procedures in measuring farm bulk milk:

(1) Any foam in the area of measurement should be gently moved to one side with the measuring rod.

(2) The measuring rod should be clean, dry and free of fat before taking a reading. Insert rod into the milk slowly and seat it firmly without pounding.

(3) Read the rod to the nearest graduation mark and the correct weight recorded as indicated on the conversion chart. A second check reading is required. It's a good practice to record both the dip stick reading and the weight from the conversion chart on the farm weight ticket.

(4) Any unusual condition, such as the tank not level, agitator out, etc. must be recorded on the weight ticket and should be reported to the buyer.

Section 4. Bulk milk weighers and samplers shall use the following procedures in sampling producers farm bulk milk:

(1) Milk must be agitated sufficiently to obtain a homogeneous blend. A minimum of five (5) minutes of agitation is required to obtain a representative sample for milkfat testing out of farm tanks less than 1,000 gallon capacity. Farm tanks over 1,000 gallon capacity shall be agitated at least ten (10) minutes.

(2) To eliminate moisture and sanitizing solution, rinse dipper and or other sampling devices at least twice with milk before taking samples.

(3) While the agitator is still running take samples. Do not start pumping the milk on to truck until sampling is completed. Take a total of four (4) ounces of milk.

(4) Each sample tube, bottle, or plastic bag must be plainly, permanently labeled with identity of the producer and the date the sample was taken.

Section 5. Weight records are required to be made and accounted for in accordance with either subsections (1), (2), or (3) below:

(1) A separate record or ticket must be made for each "pickup" (may be duplicated). This ticket must show the amount of milk in pounds, the date, and the signature of the person who measured and sampled the milk. These tickets must be taken to the plant with the milk they represent by the person who signed them and delivered by him to the person designated to receive them.

(2) A record of the amount of milk obtained at each "pickup" shall be left at the farm; this record shall be made in ink, indelible pencil, or by a permanent duplicating process, properly dated and authenticated.

(3) If the weight record form is unsuitable for a signature being entered after each recorded amount of milk, the person who measures and samples it shall sign a certificate at the plant to cover the weight records for each load of milk. In this certificate he shall certify that he personally measured and sampled all of the milk in the load delivered on the said date. In addition, he shall date and sign the weight record at the end of the pay period.

(4) If the licensed sampler and weigher does not accompany the truckload of milk to the plant, he shall date and sign a separate certificate and send it to the plant with the weight records and milk they represent. The form for such a certificate follows:

I certify that I personally sampled and measured all of the milk obtained in the load delivered this date.

Date..... Signature.....
Delivered by..... Rec'd by.....

(5) Milk samples shall be under the haulers immediate surveillance at all times until they are delivered to the buyer, except as provided in Section 5(3).

Section 6. All licensed weighers and samplers transporting farm bulk milk in bulk tank trucks shall be required to obtain a "load sample" from the tank on their truck immediately after the last producers milk is pumped into their truck tank.

(1) The load sample must be taken with a sanitized dipper from the porthole on top of tank on the truck. Care must be taken to prevent any foreign material from entering the porthole which could contaminate the milk when the load sample is taken.

(2) This load sample is to be used for comparison of load

and individual producers samples for the purpose of grading and evaluation of the haulers competency in sampling.
(3) This load sample is to be taken by all bulk haulers in addition, not in lieu of any other load samples required by the buyer of the milk.

CHARLES E. BARNHART, Director

ADOPTED: April 29, 1975
RECEIVED BY LRC: May 5, 1975 at 12:44 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Kentucky Agricultural Experiment Station, Agricultural Science Building, North, University of Kentucky, Lexington, Kentucky 40506.

KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 5:050. Inspections.

RELATES TO: KRS 260.775 to 260.845, 260.992
PURSUANT TO: KRS 260.825
SUPERSEDES: AES-CL-18
NECESSITY AND FUNCTION: The Director of the Agricultural Experiment Station, University of Kentucky is charged with the enforcement of KRS Chapter 260 to regulate milk buyers, testers, and weighers and samplers.

Section 1. For the purpose of enforcement of KRS 260.775 to 260.992, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees duly designated by the director, upon presenting appropriate credentials, are authorized to enter, during normal business hours, any place where milk is being sold, or handled from Kentucky producers, to inspect records pertaining to the purchase and payment of milk, to obtain samples, data and records pertaining to weighing and sampling and testing of producers milk for pay purposes which is necessary to administer the law.

Section 2. (1) Testers and samplers and weighers shall be inspected and graded on the accuracy of their operations and on their compliance with requirements of the law and regulations under the law for which they are responsible. Criteria for awarding grades shall be established annually by the Examining Board, distributed to all licensees and applicants and printed on the inspection report. Grades given will be: A Excellent; B Good to Fair; C Poor (Probation); D Unsatisfactory.
(2) Two (2) consecutive D grades received by a tester or a sampler and weigher will necessitate a hearing before the Milk Coordinator of the Division of Regulatory Services and possible referral to the Examining Board for further action.

Section 3. Buyers shall be inspected and rated on items for which they are responsible. Notice shall be given to correct any discrepancies. Unsatisfactory compliance and violations shall be handled in accordance with provisions of the law.

CHARLES E. BARNHART, Director

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KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 5:060. Purchases from farm bulk tanks.

RELATES TO: KRS 260.775 to 260.845, 260.992
PURSUANT TO: KRS 260.780
SUPERSEDES: AES-CL-24
NECESSITY AND FUNCTION: The Director of the Agricultural Experiment Station, University of Kentucky is charged with the enforcement of KRS Chapter 260 to regulate milk buyers. The function of this regulation is to set up aids and safeguards to insure compliance with the law which states that buyers must purchase milk from farm bulk tanks that is measured and sampled by licensed sampler and weighers only.

Section 1. Buyers who purchase milk held in farm bulk tanks shall keep a sampler and weighers license record file on all samplers and weighers who sample and measure milk in farm bulk tanks purchased by said buyer. This file must show for each such person: his name, address, signature, description and the status of his license or permit to sample and weigh.

Section 2. Milk buyers must check weigh tickets or records and certificates daily to insure that they are in accordance with the creamery license law and regulations.

CHARLES E. BARNHART, Director

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KENTUCKY AGRICULTURAL EXPERIMENT STATION

12 KAR 5:070. Uniform standards for payment.

RELATES TO: KRS 260.775 to 260.845, 260.992
PURSUANT TO: KRS 260.780
SUPERSEDES: AES-CL 13, 21, 22
NECESSITY AND FUNCTION: The Director of the Agricultural Experiment Station, University of Kentucky, is charged with the enforcement of KRS Chapter 260 to regulate milk buyers. The functions of this regulation is to provide uniform standards in the payment of producer milk based on milk fat tests, for fresh or composite samples, special samples and tests and required records of tests.

Section 1. (1) Special samples are those samples taken in emergencies to replace churned, spilled, soured or other regular samples determined as "wild." Two (2) or more of these daily samples must be taken and tested; the samples may be composited or the results averaged. Results of tests on special samples are designated as special tests.
(2) A "wild" test for fresh samples is defined as one testing 0.75 percent above or below the patron's last average pay test and determined to not be watered. A "wild" test for composite samples is defined as one testing 0.40 percent above or below the patron's last average pay test and determined to not be watered.
(3) When a plant obtains a "wild" milk test it may be discarded and tests obtained from the next two (2) milk deliveries used in its place.

Section 2. Age and number of samples used for pay purposes. (1) Composite milk samples shall cover a period not to exceed sixteen (16) days.
(2) Fresh milk samples are samples not over twenty-four (24) hours old when received by the buyer.
(3) Manufacturing milk: use the average of three (3) fresh milk samples for each producer per fifteen (15) day pay period as equally distributed over the pay period as possible.
(4) Grade A milk: use samples from at least five (5) days production for each producer taken fairly evenly dispersed throughout the pay period.
(5) Fresh milk samples should be tested preferably on the day sampled but within seventy-two (72) hours from the time of procurement, otherwise they must be preserved in accordance with methods outlined for composite samples.

Section 3. Records of tests to be used as a basis for pay designated in these regulations as legal test records consist of:
(1) Records of tests made on composite samples.
(2) Records of tests made on fresh samples.
(3) Records of retests and special tests.

Section 4. (1) The requirements for legal test records are:
(a) All legal test records must be original, that is recorded as they are read.
(b) All legal test records must be recorded in ink or indelible pencil and each separate sheet dated and signed by a licensed tester.
(c) Changes or corrections to any legal test records must be made by drawing a line through the incorrect test and entering the correct test and tester's initials nearby. (Erasures and write-overs are forbidden).
(d) Records of retests and special tests must be made on record sheets other than the regular (original) test record sheets.
(e) All legal test records must be kept on file for twelve (12) months.
(2) Each licensed tester is responsible for the accuracy of the tests he makes and the accuracy and completeness of the records of these tests. Anything done or left undone to the test records to cause their authenticity to be questionable and therefore illegal is contrary to this regulation.

Section 5. (1) The consolidated pay records are required to be made in a clear, permanent manner, properly arranged and identified. This consolidated record must be accurately compiled from the original weight records, legal test records, base price used and other factors affecting the price. A statement shall be supplied each producer with payment for each pay period. The pay record and statement are required to agree and both are required to show: dates covered by payment, amount of milk received and paid for, the average butterfat test of this milk, the price per hundredweight paid, the gross value, deductions if any, and amount paid. Records including original weight records, pay records, test records, and evidence of payment having been made, shall be kept on file for twelve (12) months.
(2) All tests used as basis for pay must be taken from and agree with the "legal test records" as described and specified above. It is illegal to "make up" tests, to raise or lower tests, to manipulate tests or records or to use any test not backed up by proper records.

CHARLES E. BARNHART, Director

ADOPTED: April 29, 1975
RECEIVED BY LRC: May 5, 1975 at 12:43 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Director, Kentucky Agricultural Experiment Station, Agricultural Science Building, North, University of Kentucky, Lexington, Kentucky 40506.

SECRETARY OF THE CABINET
Department of Revenue

103 KAR 30:225. Local government purchases for public purposes.

RELATES TO: KRS 139.470
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 139.470(1) exempts from sales and use tax those transactions which the state is prohibited from taxing under the Kentucky Constitution (Section 170). During the first several years of its existence, the sales and use tax law was administered on the basis that the exemption for "public property used for public purposes" in Section 170 applied only to ad valorem property tax and not to sales-use tax. However, the Court of Appeals has ruled that to impose use tax on out-of-state purchases by a city violates Section 170 of the Kentucky Constitution. The sales tax, which applies to sales made by Kentucky vendors, was not an issue before the court and has continued to be levied on sales to local governments. This has caused a serious budget problem for local governments, particularly because of the tremendous increase in the cost of utilities. Also, a significant volume of business is being lost to out-of-state competitors by Kentucky businesses who also pay income, property, and other taxes in Kentucky. This regulation is needed to reconcile administration of the sales-use tax law with the requirements of the Kentucky Constitution and in so doing eliminate the competitive advantage currently enjoyed by out-of-state business under present administrative procedure.

Section 1. On and after the effective date of this regulation, sales tax does not apply to receipts from sales made to units of local government in Kentucky.

Section 2. The provisions of Section 1 apply only to property and services purchased by a unit of local government solely for use in its governmental function. Any official or employee who uses his position to make a tax-free purchase for his own personal use or that of any other person will subject himself to the penalties provided in KRS 139.990 and other applicable laws.

Section 3. Every retailer making sales of a kind described in Section 1 shall require an official or an employee exercising comparable authority of the local government to sign and acknowledge in writing upon a copy of the invoice that delivery of the property was actually made to a unit of local government. Such invoice shall be retained by the seller as documentary evidence in support of his deduction of the sale from gross receipts on his sales tax return.

Section 4. The term "local government" as used in this regulation means any county, city, or special district in Kentucky. Special districts are defined in KRS 65.005 and include water districts, fire protection or volunteer fire department districts, and similar type operations which are authorized and regulated by statute and which provide government type services.

Section 5. To facilitate the change in tax application, occasioned by this regulation, suppliers of utility services shall apply the new procedure beginning with the first customer billing after the effective date of this regulation.

MAURICE P. CARPENTER, Commissioner
ADOPTED: May 13, 1975
APPROVED: WILLIAM E. SCENT, Secretary
RECEIVED BY LRC: May 15, 1975 at 9:35 a.m.

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

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 2:010. Application.

RELATES TO: KRS Chapters 42, 44, 45
PURSUANT TO: KRS 45.180
SUPERSEDES: Fin-Tr 1-2
NECESSITY AND FUNCTION: KRS 45.300 requires the Executive Department for Finance and Administration to install a unified system of accounts for the state. Pursuant to KRS 45.170(2) the Executive Department for Finance and Administration is empowered to prescribe all forms to be used in, or in conjunction with, the unified system of accounts. This regulation provides generally for the application to all state officers and employees and others entitled to reimbursement of their travel and other official expenses out of the State Treasury of the procedures to be followed in claiming reimbursement for such expenses.

Section 1. These regulations shall apply equally to all departments, boards, commissions, and other agencies of the Commonwealth, except members of the General Assembly and employees thereof. Nothing in these regulations is intended to supersede any statute relating to official travel by employees of the Commonwealth.

Section 2. The Commissioner of the Executive Department for Finance and Administration is responsible for insuring that all authorized travel reimbursement conforms to these regulations. The commissioner may on written request by an agency head approve exceptions to these regulations where such exception is clearly in the best interest of the Commonwealth, and does not violate the manifest intent of the regulations or statutes.

Section 3. All questions regarding proper interpretation of these regulations shall be determined by the Manager, Division of Accounts, Executive Department for Finance and Administration, acting for or on behalf of the Commissioner of the Executive Department for Finance and Administration, and such determination shall be final and conclusive.

Section 4. The executive head of each agency is responsible for assuring that all claims for reimbursement of expenses claimed under these regulations were incurred in the performance of official duties undertaken at the ultimate direction of the agency head.

Section 5. Any agency may establish internal regulations governing travel within the framework of these regulations; however, reimbursement limitations set out in these regulations may not be exceeded in any event.

Section 6. All persons who travel on official business under the provisions of these regulations shall provide themselves with sufficient personal funds to defray all expenses to be incurred in connection with their travel.

WILLIAM E. SCENT, Commissioner
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 15, 1975 at 1:51 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 2:020. Official travel.

RELATES TO: KRS Chapters 42, 44, 45
PURSUANT TO: KRS 45.180
SUPERSEDES: Fin-Tr 2-2
NECESSITY AND FUNCTION: The Executive Department for Finance and Administration is authorized by statute to prescribe rules governing the form and provisions of travel reimbursement regulations. This regulation precludes travel expense reimbursement of any person not a state employee and requires items of expense exceeding two dollars ($2) be documented by a receipt.

Section 1. No reimbursement will be made under these regulations for expenses incurred by, or on behalf of, any person other than employees, bona fide wards, or other persons in the official service of the Commonwealth. However, reimbursement may be made for expenses incurred pursuant to 200 KAR 2:060. Only actual and necessary expenses of official travel will be reimbursed. All travel shall be by the most direct route and most economical means. No reimbursement may be claimed or allowed for meals, lodging, or other travel expense provided free of charge to an employee in official travel status.

Section 2. Each item of expense (except mileage and three dollars ($3) per night for a camper vehicle) exceeding two dollar ($2) for which reimbursement is claimed, must be supported by or documented with a receipt. Receipts for lodging and other expenses must be on a pre-printed receipt of the hotel, motel, restaurant, or other establishment utilized. Every employee who is required to travel incident to the performance of his official duties shall be responsible for maintaining sufficient records to show the details of his daily expenses while on official travel status.

Section 3. The expense of only one (1) employee shall be included on a single travel voucher (Form AP-6), except for an employee who has custody of and pays the expenses for a ward of the Commonwealth or other person for whom he is officially responsible. The names and status or official relationship of such persons must be shown on the voucher.

Section 4. (1) An employee on official travel status may be granted annual leave, during which no travel expenses will be reimbursed. An employee on official travel status may be continued on travel status for a period of seven (7) calendar days if he becomes incapacitated due to illness or injury that qualifies as official sick leave. Medical expenses are not allowable as travel expense. On non-working days, an employee on official travel status will cease to be so considered if:
(a) He returns to his official work station or domicile, or
(b) The non-working day is immediately preceeded or followed by a period of annual leave.
(2) If an employee works on a holiday or other non-working day, such day is considered to be a working day.

WILLIAM E. SCENT, Commissioner
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 15, 1975 at 1:52 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 2:040. Authorization for travel.

RELATES TO: KRS Chapters 42, 44, 45
PURSUANT TO: KRS 45.180, 13.082
SUPERSEDES: Fin-Tr 4-4
NECESSITY AND FUNCTION: The Executive Department for Finance and Administration is authorized to issue rules and regulations governing the reimbursement of state officers and employees for travel or other expenses incident to the discharge of their official duties. This regulation requires that travel be authorized in advance by agency heads; if outside the Commonwealth of Kentucky but within North America to be authorized by the agency head with prior approval by the Commissioner of the Executive Department for Finance and Administration. Travel outside North America must, in addition, be approved by the Governor.

Section 1. All travel, for which actual and necessary expenses may be reimbursed, shall be authorized in advance by the agency head or his designated representative. All travel outside the Commonwealth, but within North America (United States, including Alaska, Hawaii, Canada, and Mexico) shall be authorized by the agency head or his designated representative, and shall have prior approval of the Commissioner of the Executive Department for Finance and Administration or his designated representative. Requests for travel outside of North America, as defined above, must, in addition, be approved by the Governor of the Commonwealth or his designated representative. Written requests for such out-of-state travel shall be submitted, together with Finance Form AP-7, to the Commissioner of the Executive Department for Finance and Administration. All such requests must be received by the Commissioner of the Executive Department for Finance and Administration at least five (5) working days prior to the first day on which any expenses related to such travel are incurred.

Section 2. The executive director or other employee charged with administering the day-to-day operations and affairs of administrative boards or commissions may be delegated authority by the board or commission to authorize travel in-state for himself. Comparative signature cards on file with the Division of Accounts will suffice as notice of the delegation of travel approved authority. For travel outside the geographic limits of the Commonwealth, Form AP-7 shall be prepared as described in Section 1.

WILLIAM E. SCENT, Commissioner
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 15, 1975 at 1:50 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 2:050. Transportation.

RELATES TO: KRS Chapters 42, 44, 45
PURSUANT TO: KRS 45.180, 44.060
SUPERSEDES: Fin-Tr 5-2
NECESSITY AND FUNCTION: The Executive Department for Finance and Administration is required by statute to promulgate rules and regulations pursuant to which state employees and officials are reimbursed for travel expenses incurred in the performance of their official duties. This regulation requires that the means of transportation employed be the most economical via the most direct route, special conditions warranting additional expense must meet approval of the Commissioner of the Executive Department for Finance and Administration; airline travel is to be by coach class unless it is unavailable, and reimbursement for use of privately-owned automobiles.

Section 1. The means of transportation used by state officers, agents, and employees travelling on Commonwealth business shall be the most economical and/or standard mode available, via the most direct and usually travelled routes. Additional expenses incurred as a result of using other means of transportation or routes will not be allowed unless special conditions warranting such additional expenses are justified to the satisfaction of the Commissioner of the Executive Department for Finance and Administration. Agency heads are responsible for insuring that all transportation means and practices within their agencies are the most economical obtainable under the circumstances of the travel involved, consistent with their programs and in the best interest of the Commonwealth.

Section 2. Railroad sleeping car accommodations are limited to a roomette when practicable.

Section 3. Commercial airline travel shall be by coach class and shall be on American airplanes. No first class airline travel may be claimed or reimbursed unless coach class is unavailable. Reimbursement for first class airline travel and travel on foreign airlines shall be granted by the specific written request of the agency head and with the approval of the Commissioner of the Executive Department for Finance and Administration. The definition of an American airplane is an airplane registered under the laws of the United States but excludes those operating under certificates or permits held by foreign airlines.

Section 4. The cost of hiring automobiles or other special conveyances may be allowed if ordinary means of public transportation cannot be utilized to the best interest of the Commonwealth. Justification for the expense of special conveyances used shall be noted on Form AP-6 and shall be approved by the agency head.

Section 5. Employees are encouraged to employ buses and subways where possible in intracity travel. Taxi fare may be allowed when other, more economical means of ground transportation are unavailable or impracticable.

Section 6. State-owned vehicles and credit cards may be utilized for travel when available. No mileage allowance shall be claimed or reimbursed when state-owned vehicles are used.

Section 7. Privately-owned automobiles may be authorized for official travel if state-owned vehicles or common carrier transportation are unavailable or impracticable.

Section 8. Computation of mileage for in-state travel will be from point of origin to point of destination as given in the State Department of Transportation Official Mileage Map. Rand McNally mileage maps will be used for out-of-state travel. Reimbursement will be made only for actual miles travelled. However, when point of origin is the employee's private residence, reimbursement will be based on the lesser of the distance between work station and destination or private residence and destination.

Section 9. Vicinity travel and necessary authorized travel within an employee's work station, as defined in 200 KAR 2:030, will be reported separately on Form AP-6.

Section 10. Reimbursement for the use of privately-owned automobiles authorized for official travel shall be at the rate of twelve (12) cents per mile. However, the total mileage reimbursement allowed for out-of-state travel in a privately-owned automobile shall not exceed the lesser of rail or air coach fare to the same destination.

Section 11. Actual parking, bridge, and toll charges incurred during authorized travel by automobile are reimbursable. Toll charge receipts will not be required for in-state travel where two (2) axle vehicles are used; however, where vehicles with more than two (2) axles are used receipts will be required for all toll charges.

Section 12. Return trip, excursion or other reduced rate railroad or airplane fares shall be obtained whenever available and practicable.

Section 13. The use of privately owned airplanes is permitted when it is to the advantage of the state, measured by both comparative travel cost and the time of travel. Reimbursement of such travel expense shall be computed as provided in Section 10 above. State-owned airplanes shall be used whenever available for authorized air travel. Agencies requiring the use of state-owned planes shall make all necessary arrangements with the Division of Aeronautics, Department of Transportation.

WILLIAM E. SCENT, Commissioner
ADOPTED: May 15, 1975
RECEIVED BY LRC: May 15, 1975 at 1:51 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 2:070. Miscellaneous expenses.

RELATES TO: KRS Chapters 42, 44, 45
PURSUANT TO: KRS 45.180
SUPERSEDES: Fin-Tr 7-3
NECESSITY AND FUNCTION: The Executive Department for Finance and Administration has the statutory duty of setting forth not only the procedure for the reimbursement of travel expenses, but also reimbursement of expenses ancillary to travel. This regulation sets forth policy in regard to reimbursement of baggage expenses, registration fees, and telephone and telegraph charges.

Section 1. Charges for baggage in excess of the weight carried free by common carriers may be allowed if such excess was used exclusively for official business. Storage and handling charges may also be allowed on the same conditions. Reasonable expenses for baggage handling services are allowed, for

delivery to or from a common carrier, delivery to or from a lodging accommodation.

Section 2. The payment of registration fees, including any organizational membership dues, by officially designated representatives of state agencies required as admittance or attendance fees for participation in meetings will be allowed. If the fee entitles registrants to meals, the cost allocated to meals shall be considered meals expense and so charged.

Section 3. Expenses for necessary official telephone and telegraph messages may be allowed. Wherever possible telephone calls to an agency's central office should be made collect. Other miscellaneous expenses may be allowed by the Commissioner of the Executive Department for Finance and Administration, provided that they were incurred as an incident to official travel and are clearly shown to have been necessary in the performance of official duties.

WILLIAM E. SCENT, Commissioner

ADOPTED: May 15, 1975
RECEIVED BY LRC: May 15, 1975 at 1:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 2:100. Group accommodations; prior approval.

RELATES TO: KRS Chapters 42, 44, 45
PURSUANT TO: KRS 45.180
SUPERSEDES: Fin-Tr 10
NECESSITY AND FUNCTION: KRS 45.180(2) provides that the Executive Department for Finance and Administration may issue rules and regulations to permit state agencies and institutions to contract with hotels for services to a group of their employees while on official travel status. This regulation provides for contracts with hotels and motels for accommodation by various agencies for a group of state employees with the prior approval of the Commissioner of the Executive Department for Finance and Administration.

Section 1. Contract for hotel accommodations by various agencies. Any state agency or institution may independently contract with a hotel, motel, or other establishment for the occupancy and use of one or more rooms in such establishment by a group of state employees who are engaged in official state business away from their official work station. Such a contract shall be only for group employee lodging, and shall not apply to any other expenses incurred by employees on travel status. A group shall be defined as five (5) or more persons.

Section 2. Prior approval of Commissioner of the Executive Department for Finance and Administration. A written request to the Commissioner of the Executive Department for Finance and Administration by the agency or institution shall be tendered, and his approval thereof shall be obtained before any such hotel rental agreement may be entered into by the agency or institution. The written request shall specifically indicate:

(1) The reason for the request;
(2) The length of the anticipated occupancy;
(3) The number of employees and rooms required;
(4) The expected amount of charges to be incurred;
(5) The location of the official business necessitating the travel;
(6) Name and location of the hotel, motel, or other establishment proposed as vendor.

Section 3. Hotel Rental Agreement. Upon approval of the request by the Commissioner of the Executive Department for Finance and Administration, the agency shall enter into an agreement with the establishment proposed as vendor for the necessary accommodations. Form AP-20, hotel rental agreement, will be used. A substitution of vendors may be made in the event that the proposed vendor as approved by the Commissioner, Executive Department for Finance and Administration, is unable to provide the necessary rooms on the dates required.

Section 4. Payment of the Lodging Charges Incurred. A statement from the hotel, motel, or other establishment of charges incurred under the hotel rental agreement, together with the commissioner's letter of approval and the hotel rental agreement, shall be attached to a department authorization for payment, Form P-7, and forwarded to the Division of Accounts for approval and payment.

Section 5. Use of State Park Facilities. Where a state agency or institution makes use of state park facilities, payment will be made by inter-account bill. Agreements with state parks may be written to include rooms and meals.

Section 6. Non-State Employees. Where a state agency or institution furnishes lodging or subsistence, or both, to non-state employees, the regulations will apply as described in Sections 1 through 4 above, except that the hotel rental agreement may be written to include meal charges, but not to exceed the subsistence reimbursement permissable under 200 KAR 2:060.

WILLIAM E. SCENT, Commissioner

ADOPTED: May 15, 1975
RECEIVED BY LRC: May 15, 1975 at 1:53 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Coal Producing County Development Fund

200 KAR 4:010. Expenditure of funds.

RELATES TO: KRS Chapter 42
PURSUANT TO: KRS 42.300, 42.310, 13.085
SUPERSEDES: Finance - 5
NECESSITY AND FUNCTION: KRS 42.300 and 42.310 require the Executive Department for Finance and Administration, with the advice of the Advisory Committee for the Coal Producing County Development Fund, to promulgate regulations governing the expenditure of funds allocable to coal producing counties out of the Coal Producing County Development Fund. All such funds allocated for the developmental purposes of coal producing counties shall be expended as provided in this regulation.

Section 1. As used in this regulation and except where the context may indicate otherwise, the word "fund" shall mean the Coal Producing County Development Fund and the words "advisory committee" shall mean the Advisory Committee for the Coal Producing County Development Fund created and established by KRS 42.300 and 42.310.

Section 2. The Department of Revenue shall require all coal operators to file with the Department of Revenue on or before July 15 of each year a Kentucky Coal Severance Tax annual recap (or such other form as may be prescribed by the Department of Revenue) showing a breakdown of the coal severance tax paid for coal mined in each coal producing county in the Commonwealth of Kentucky during the preceding twelve (12) month period ending June 30 of each year. The severance tax breakdown by county is to agree with the total of the tax reported as paid on the monthly coal severance tax returns filed with the Department of Revenue. Not later than August 1 of each year the Department of Revenue shall transmit to the Executive Department for Finance and Administration a report of the total amount of coal severance taxes paid into the State Treasury by the coal operators for each county during the preceding fiscal year.

Section 3. The Coal Producing County Development Fund shall be allocated among the coal producing counties on a pro rata basis according to the amount of the coal severance taxes collected in each county as reported by the Department of Revenue. The sum or sums to be allocated to each coal producing county shall be transferred to, maintained in, and expended from a separate account in the State Treasury in the name of each such county. Funds in the Coal Producing County Development Fund not required to be held for immediate expenditure for the purposes authorized by KRS 42.300, 42.310 and this regulation shall be invested on a pooled basis and the income from such investments shall be prorated among the coal producing counties according to their allocable shares in the fund. The Commissioner of the Executive Department for Finance and Administration, on or before August 15 of each year, shall inform the fiscal court of each coal producing county of the principal amount of the funds allocated to each such county out of the fund.

Section 4. (1) Funds allocated out of the Coal Producing County Development Fund may be expended in the counties for which the funds have been allocated for the following purposes inclusive:

(a) Acquisition and/or development of industrial sites;
(b) Acquisition and/or development of public recreational facilities;
(c) Drainage control and land reclamation projects;
(d) Construction of roads, bridges, railroad sidings, sewer and water projects in connection with the development of industrial sites and recreation facilities;
(d) Other construction and renovation projects of publicly owned facilities in the county with the approval of the Executive Department for Finance and Administration and the advisory committee.

(2) All public recreational facilities, the acquisition or development of which is financed either wholly or in part from funds allocated out of the Coal Producing County Development Fund shall, except when required to be closed for the performance of necessary maintenance, be kept open daily and seasonally during ordinary and reasonable recreational hours for the use and enjoyment of the general public. Any such recreational facilities developed on lands held in the name of the Commonwealth of Kentucky for the use and benefit of a district board of education shall be subject to regulation and control by the district board of education during school hours but shall otherwise be kept open and available for public use and enjoyment. The fiscal courts of coal producing counties may impose upon district boards of education such requirements

not in conflict with state law or in derogation of the statutory powers of such boards of education, as the fiscal courts deem necessary and desirable relative to the maintenance and supervision of recreational facilities developed on school property and financed either wholly or in part out of the fund.

Section 5. The fiscal court of each coal producing county shall give full consideration to the needs of all areas of their county in determining projects to be undertaken utilizing funds allocated to them out of the fund. The state municipal aid formula shall be used as a guide to insure the allocation of funds throughout the county. The fiscal court shall give special consideration to development funds for which federal matching funds may be available. All projects proposed to be undertaken in each coal producing county utilizing that county's allocable share of the fund shall be advertised by the fiscal court in a local newspaper having county-wide circulation; such advertisements shall contain a brief description of the project or projects proposed, the estimated cost if known, the amount of the funds available for the project or projects and solicit public comment on the proposed project or projects.

Section 6. The fiscal court of each coal producing county, after advertisement as required by Section 5 of this regulation, shall submit to the Office for Local Government in the Executive Department for Finance and Administration on or before September 15 of each year a list of projects proposed by the fiscal court to be undertaken through the use of monies allocated to them out of the fund, tag either with an explanation of all other projects considered and the fiscal court's basis for the projects recommended. Fiscal courts may, in lieu of such projects during any year, retain their allocable share of the fund, or a part thereof, for use in future years in connection with projects authorized under KRS 42.300, 42.310 and this regulation.

Section 7. All projects proposed by fiscal courts under KRS 42.300, 42.310 and this regulation shall be subject to review by the Office for Local Government in the Executive Department for Finance and Administration and the advisory committee. The Executive Department for Finance and Administration and the advisory committee may return any project proposal to the initiating fiscal court for reconsideration. Either the Executive Department for Finance and Administration or the advisory committee may request that the fiscal court hold public hearings in, and provide environmental impact statements with reference to any proposed projects.

Section 8. The Coal Producing Development Fund shall be maintained in the State Treasury and shall be withdrawn from the State Treasury only on the warrant of the Commissioner of the Executive Department for Finance and Administration for the purpose of paying the costs as approved by the Executive Department for Finance and Administration of projects undertaken pursuant to the provisions of KRS 42.300, 42.310 and this regulation.

(1) Disbursements out of the fund shall be made on the basis of invoices or vouchers and such additional supporting documentation as the Executive Department for Finance and Administration may require, recommended for payment by the fiscal court. The fiscal court's recommendation to the Executive Department for Finance and Administration for the disbursement of any of the funds allocated to the county out of the fund must be recorded in the fiscal court's minute or order book. A copy attested by the Clerk of the fiscal court's resolution recommending each disbursement shall be forwarded to the Executive Department for Finance and Administration with each invoice or voucher and supporting documentation.

(2) The purchase price of any real property or interest in real property acquired in connection with any project undertaken under KRS 42.300 and 42.310 and this regulation shall not exceed the appraised value thereof as determined by an appraisal by a licensed realtor qualified to appraise real property or the value of such real property established by eminent domain procedures. Unless a lesser interest will suffice (e.g., an easement for the construction of a road, or in connection with a drainage control project), all real property acquired through the use of funds allocated out of the Coal Producing County Development Fund shall be acquired in the name of the county in fee simple. A survey of such real property by a registered land surveyor shall be required, an abstract of title or title opinion (subject to the approval as to form and correctness of the county attorney of each county in which real property, or an interest therein is acquired) by a regularly practicing attorney of the county shall be obtained. Appraisal and legal fees and other costs incurred incidental to the acquisition of real property or an interest in real property may be paid from the county's allocable share in the fund as a part of the cost of the project. The county attorney shall approve the form and correctness of title abstracts or title opinions without compensation from the fund. Payment of all real property acquisition costs must be recommended to the Executive Department for Finance and Administration by the fiscal courts as in the case of all other expenditures out of the fund.

(3) All contracts for the purchase of materials, supplies, equipment or services and involving the expenditure of funds allocated to the coal producing counties out of the fund shall be advertised by the fiscal courts of such counties as provided by KRS 424.260 or other applicable statute relating to the purchase of materials, supplies, equipment or services by counties. All bids received by the fiscal courts in response to such advertisements must be submitted to the Executive Department for Finance and Administration for review and approval before an award of contract is made. Any and all bids received in response to an invitation to bid may be rejected by either the fiscal court or the Executive Department for Finance and Administration and new bids requested. After the Executive Department for Finance and Administration has approved a bid submitted for any purpose authorized under KRS 42.300, 42.310 and this regulation the fiscal court shall enter into a contract according to and incorporating the terms and conditions of the advertisement for bids and the bid. The fiscal court shall be responsible for the proper administration of the contract and shall certify the correctness of and recommend payment to the Executive Department for Finance and Administration of all requests for payments by contractors made under such contracts. The fiscal court and the contractor shall be jointly and severally responsible to the Executive Department for Finance and Administration for furnishing such documentation and supporting data as the department may require to support any contractor's request for payment and permit a complete pre-audit review of all such requests for payment.

(4) The Executive Department for Finance and Administration shall contract for a complete post-audit of the funds allocated to each coal producing county and of the fund before September 15 of each year. No additional funds shall be allocated out of the fund for expenditure in a county so long as any audit exception exists with respect to expenditures made in such county. Such post-audit may be made as determined by the Commissioner of the Executive Department for Finance and Administration, by the Auditor of Public Accounts (who shall be compensated as in the case of the audits of county officials as provided by KRS 43.070) or by a certified public accounting firm. The cost of the post-audit may be paid from the allocable share in the fund of each coal producing county.

(5) All contracts, payments and other records relating to transactions paid in whole or in part out of the Coal Producing County Development Fund shall be public records within the meaning of KRS 17.650 and may be examined by representatives of the Executive Department for Finance and Administration and other interested persons during the normal office hours of the custodians of all such records.

WILLIAM E. SCENT, Commissioner

ADOPTED: May 6, 1975
RECEIVED BY LRC: May 12, 1975 at 11:10 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Office for Local Government, Room 300, Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:050. Licensing new schools.

RELATES TO: KRS 331.050(3), 331.040(7), 331.030(1)
PURSUANT TO: KRS 331.040, 331.050(3)
SUPERSEDES: BS-13
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes that a business school will submit an application for a license to operate a school. The board's function is to set the rules and procedures for an applicant who wants to establish and license a school.

Section 1. The board upon receipt of an application to establish a "school" as defined in KRS 331.010 shall consider said application only at a regular meeting of the board, or at a meeting called for that purpose and interview the applicant or applicants in person and if satisfied as to the applicant or applicants' qualifications issue the applicant or applicants his or their license.

Section 2. The board shall hold said meeting for interviewing any applicant not less than sixty (60) days or more than ninety (90) days after the receipt of such application and have completed its preliminary investigation at the time of such personal interview of the applicant.

VIRGIL F. YOUNG, Executive Secretary

ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:21 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:055. Catalogs.

RELATES TO: KRS 331.050(1)
PURSUANT TO: KRS 331.040
SUPERSEDES: BS-2
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes that each business school shall publish a catalog listing such information as needed by a prospective student applicant in

order to judge intelligently the policies of the school. The board's function is to require schools to list in their catalogs such things as curriculum, course objectives, and policies regarding tuition, fees, and refunds.

Section 1. Any catalog or other similar publication prepared or distributed by a business school shall contain the curriculum of the school, together with a statement of the objectives of the school, and a copy of the catalog shall be filed with the secretary of the board.

Section 2. Any catalog or other publication prepared or distributed by a business school shall set forth the courses offered by the business school and a brief summary of the subject matter of the course.

Section 3. Any catalog or other publication prepared or distributed by a business school shall set forth the policy of the business school concerning the refund of fees, tuition, or other charges in the event of withdrawal of the student before completion of the course.

Section 4. Each business school shall publish and file with the secretary of the board its schedule of tuition rates. Such publication may be included in its catalog.

VIRGIL F. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:24 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:065. Qualifications of directors and instructors.

RELATES TO: KRS 331.080(9)
PURSUANT TO: KRS 331.040
SUPERSEDES: BS-3
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes that staff members employed by business schools shall be qualified for the position held through college training, experience, or both. Further, the staff members shall be trained in the field that relates to his employment with the school. The board's function is to list the qualifications for employment as an educational director, as a teacher or instructor, outlining the exact educational requirements for each position including training and experience.

Section 1. The educational director or supervisor of each business school shall have a degree from an accredited college or at least the equivalent time in specialized training or a combination of not less than six (6) years training, teaching, and administrative experience with business schools.

Section 2. An instructor of a business school shall have a degree from an accredited college, with emphasis on fields relating to those being taught or shall have a high school diploma and not less than four (4) years of higher education at an accredited college or business school, teaching experience or practical experience, or any combination of four (4) years of higher education at an accredited college or business school, teaching experience and practical experience.

Section 3. Nothing in this regulation shall prohibit the hiring of an instructor on a part-time or temporary basis by a business school, provided such instructor is hired in an emergency situation. No temporary or part-time instructor not qualified as set out in Section 2 of this regulation shall teach in a business school beyond the period of the emergency described above or for longer than six (6) months whichever shall first occur, except that upon application and a showing to the board of undue hardship and exceptional circumstances, the board may extend such period for such time as the circumstances may require.

VIRGIL F. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:24 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:070. Agent's termination; notice.

RELATES TO: KRS 331.060
PURSUANT TO: KRS 331.060
SUPERSEDES: BS-12
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes that the board is to be notified of the termination of employment by its agents. The board's function is to require notification of termination of employment due to the requirement to maintain a list of licensees.

Section 1. Each school as defined in KRS 331.010(1) shall notify the board, in writing, within fifteen (15) days of the termination of the employment of any of its agents as defined in KRS 331.010(3) in order that the board may properly maintain an up to date "licensee list" as required by KRS 331.060.

VIRGIL F. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:21 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:075. Non-accredited schools; personnel qualifications.

RELATES TO: KRS 331.040(3) and (7)
PURSUANT TO: KRS 331.040(3) and (7)
SUPERSEDES: BS-16
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes that business schools will notify the board of the name and qualifications of new staff members. The board's function is to determine that new staff members are qualified to do the job for which they have been employed.

Section 1. Any independent business school, as defined in KRS 331.010(1) which is not accredited by a national accrediting agency recognized by the United States Office of Education, shall within five (5) days from the date of employment submit to the board, as defined in KRS 331.010(2) the qualification of any director, instructor, or teacher so employed, and thus protect and uphold the quality of instruction to be received by students in the Commonwealth of Kentucky in schools defined in KRS 331.010.

VIRGIL F. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:19 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:080. School advertising of accreditation.

RELATES TO: KRS 331.040(3) and (7)
PURSUANT TO: KRS 331.040
SUPERSEDES: BS-8 and 9
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes the manner in which advertisements, as it relates to accreditation, can be mentioned in a school catalog. The board's function is to prescribe the exact statement or statements that can be made in giving its authority of accreditation.

Section 1. If a business school advertises that it is accredited, or mentions accreditation in its catalog, it shall state in the advertisement or in its catalog its accreditation as granted by the Accrediting Commission for Business Schools. The school shall also state in its advertisements, and in boldfaced type on the front page of the inside cover of its catalog, the date of its founding. A school shall not circulate or distribute its catalog unless said information is so stated therein.

VIRGIL F. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:22 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:085. Solicitation of students.

RELATES TO: KRS 331.040(3) and (7)
PURSUANT TO: KRS 331.040
SUPERSEDES: BS-5
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes the ethical conduct to be observed in the solicitation of students by business school personnel. The board's function is

to spell out and enforce rules adopted relating to the solicitation of students already enrolled at another school.

Section 1. No officer, agent, or employee of a business school shall knowingly solicit any person enrolled in any other business school to withdraw therefrom and to enroll in the business school represented by the officer, agent or employee.

Section 2. A student is considered "enrolled" in a business school at the time he, or someone authorized to act in his behalf, shall have signed any contract or other agreement, supported by a consideration, which has been accepted by a representative of the business school with which the contract or agreement is made.

VIRGIL F. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:23 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:090. Minor students.

RELATES TO: KRS 331.040(3) and (7)
PURSUANT TO: KRS 331.040
SUPERSEDES: BS-4
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes the circumstances and standards to be met by minors who are admitted for training. The board's function is to set the educational level of minor students entering and prescribe the conditions in which they may enroll and determine the exceptions when a school may admit such students.

Section 1. Each minor student admitted to a business school shall have the equivalent of a high school education, except that special consideration to individual applicant may be given if the applicant shows that his experience and aptitude are such that he may reasonably be expected to maintain a satisfactory record of progress.

Section 2. No business school shall admit any student under the legal age for compulsory school attendance unless such student is excused from attendance by operation of law, except that a student under the legal age for compulsory school attendance may be admitted during such times as his attendance at school is not required and provided further that it is shown that such admission will not adversely affect his regular educational program.

Section 3. No business school shall enroll any minor student without satisfactory evidence of the student's qualifications and age. A high school diploma or transcript of credits are satisfactory evidence of qualification.

Section 4. Evidence of a student's qualifications and age may be waived for those students attending sessions not interfering with a regular educational program and for correspondence course students.

VIRGIL F. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:23 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:095. Literature, advertising to be ethical, concise.

RELATES TO: KRS 331.040(7), 331.080(1)(d)
PURSUANT TO: KRS 331.040, 331.080(1)(d)
SUPERSEDES: BS-14
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes that all advertising of a business school must be clear and not misleading. The board's function is to set the tone of advertisements, their conciseness, and to see that all ads are ethical and understood by the reader.

Section 1. Any advertisement or piece of promotional literature written or used by a licensee must be completely truthful and must be prepared and presented with dignity and in such a manner as to avoid bearing any false, misleading or exaggerated impressions with respect to the school, its personnel, its courses and services, or the occupational opportunities for its graduates.

Section 2. All advertising and promotional literature used by a licensee must clearly indicate that training or education, and not employment is being offered.

Section 3. Licensees using classified column or display advertisements in newspapers or other publications to procure students must use only such words as education, school, or instruction. The use of such terms as "help wanted," "employment," or "business opportunities" may be used only to procure employees or agents for the licensee school.

VIRGIL F. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:100. School records.

RELATES TO: KRS 331.040(3) and (7)
PURSUANT TO: KRS 331.040
SUPERSEDES: BS-6
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes that adequate student records shall be kept showing progress and attendance of students. The board's function is to decide and review what exact records are to be kept and to see that school records are available to furnish information when needed.

Section 1. Each business school shall maintain adequate records of grades and attendance for each student, and upon satisfactory completion of a course, the business school shall award such diploma or certificate as the student shall have earned.

Section 2. Upon request, the business school shall furnish, without charge, a transcript of grades to a student. The business school may make a reasonable charge for all such transcripts after the first.

Section 3. No diploma shall be awarded to any student except upon the satisfactory completion of a prescribed course.

Section 4. Three (3) quarter hours of instruction are equal to two (2) semester hours of instruction.

VIRGIL F. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:23 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:105. Advance deposits.

RELATES TO: KRS 331.040(3) and (7)
PURSUANT TO: KRS 331.040
SUPERSEDES: BS-7
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes the amount business schools shall be permitted to collect from student applicants prior to the date of the starting of classes. The board's function is to fix the amount of the advance payments to the school by the student for tuition, books, and other deposits.

Section 1. A business school, whether located in or out of this state, shall not collect or accept from a prospective student solicited in this state an amount in excess of twenty-five dollars ($25) on account of tuition, enrollment, registration, books or other school purposes, more than thirty (30) days prior to the day the prospective student is scheduled to enter school as stated in the signed application. Provided, however, this regulation shall not apply to a payment or deposit by the student for services at a dormitory owned or operated by the school.

VIRGIL F. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:22 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:110. Discrimination.

RELATES TO: KRS 331.040(3)
PURSUANT TO: KRS 331.040
SUPERSEDES: BS-1
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes that a State Board of Business Schools will prevent discrimination of applicants solely because of race, creed, color, or ethnic origin. The board's function is to license qualified schools, make rules and regulations consistent with the provisions of this chapter, as may be necessary to carry out the provisions and purposes of this chapter.

Section 1. No business school, as that term is defined in KRS 331.010(1), shall deny registration or admission to any qualified applicant for enrollment solely because of race, creed, color, or ethnic origin.

Section 2. No catalog or other similar publication prepared or distributed by any business school shall contain any statements which directly or by reasonable inference announces a policy of discrimination against applicants solely because of race, creed, color or ethnic origin.

Section 3. No agent, as that term is defined in KRS 331.010(3), and no other officer or employe of a business school shall orally, or in any other manner, represent to any person that the school which he represents follows a policy of discrimination against applicants for enrollment solely because of race, creed, color, or ethnic origin.

VIRGIL P. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:25 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
State Board of Business Schools

201 KAR 4:115. Diplomas, certificates and degrees.

RELATES TO: KRS 331.010(1), 331.030(1)
PURSUANT TO: KRS 331.040(3) and (7)
SUPERSEDES: BS-15
NECESSITY AND FUNCTION: KRS Chapter 331 prescribes the manner in which diplomas, certificates, and degrees may be awarded. The board's function is to determine what awards shall be given, setting exact hours, quarters, or semesters in determining the nature of the award.

Section 1. Resident schools and colleges located in Kentucky and offering less than two (2) years of training shall confine their awards to either a diploma or certificate.

Section 2. This board will give consideration to an application for authorization to award an associate degree from resident schools and colleges located in Kentucky who have attained national accreditation as a business school from an agency recognized by the United States Office of Education, and who has been in operation in Kentucky for five (5) consecutive years immediately prior to submitting a request to this board, and who is required by law to obtain a license from this board. Schools so authorized may offer an Associate Degree in Specialized Business to graduates of two (2) years of training defined as 18 months, or 1,800 hours, or sixty (60) semester hours, or ninety (90) quarter hours of instruction.

Section 3. A school or college holding a license from this board is under no compulsion to offer an associate degree program.

Section 4. Schools or colleges so authorized to offer an associate degree will not hold themselves out as a standard junior college and will not offer the standard associate of arts or associate of science degree, granting of which will be restricted to schools of a junior college classification granted by other state authority. Schools covered under this board's authorization are granted authority to offer the Associate Degree in Specialized Business only and will not add the words junior college to their present name or change their school or college name to include such words. Newly established colleges and schools so covered by this regulation may not include the words junior college in their name unless they in fact are authorized to offer a standard junior college degree.

VIRGIL P. YOUNG, Executive Secretary
ADOPTED: April 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 17, 1975 at 9:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Virgil F. Young, Executive Secretary, State Board of Business Schools, 462 East High Street, Lexington, Kentucky 40508.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:005. Amendments to rules and regulations.

RELATES TO: KRS 323.210
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 13, E 9
NECESSITY AND FUNCTION: To define method to amend regulations.

Section 1. Amendments to Rules and Regulations: (1) The rules and regulations may be amended at any regular or special meeting of the board by regular vote provided a copy of the proposed amendments have been given or mailed to each member of the board at least ten (10) days prior to the date of the meeting in which they are to be considered, or without such notice at any meeting where there is full attendance of all five (5) members of the board.
(2) Amendments by letter ballot may be adopted provided all five (5) members vote upon the question involved.
(3) Less than five (5) votes shall be construed in the same manner as though those not voting had voted to defer action until the next meeting.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 16, 1975 at 1:34 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:020. Accredited schools and colleges.

RELATES TO: KRS 323.050
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:E 7
NECESSITY AND FUNCTION: Defines accredited schools of architecture.

Section 1. Accredited Schools and Colleges: Schools and colleges of architecture meeting the requirements of the National Architectural Accrediting Board (NAAB) shall constitute the list of accredited schools and colleges.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 16, 1975 at 1:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:025. Application for examination.

RELATES TO: KRS 323.050, 323.215
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:E-1
NECESSITY AND FUNCTION: This regulation is necessary to clarify the procedure for making application for admission to the examinations.

Section 1. Application for Examination and Registration: All applications must be made upon the printed forms issued by the board and in strict accordance with the instructions to applicants submitted therewith. Otherwise they will not be accepted or considered.

Section 2. When to Submit Applications: Applications for examination will be received at all times but must be received at the board's office not later than August 1 for applicants for the December professional examination and not later than February 1 for applicants for the June equivalency examination. This allows time for completion of the applicant's record prior to the board's pre-examination meeting which is held several weeks before each examination. At that meeting the board will determine whether or not he is eligible to take the examination he wishes to enter.

Section 3. Time and Place of Examinations: The equivalency examination will be administered beginning on the second Monday in June of each year. The professional examination will be administered beginning on the second Monday in December of each year. Unless otherwise notified all examinations will be held in the College of Architecture, University of Kentucky, Lexington, Kentucky.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 16, 1975 at 1:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:030. Examination; general provisions.

RELATES TO: KRS 323.050, 323.210
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:E 6
NECESSITY AND FUNCTION: This regulation defines the general provisions in taking the examinations.

Section 1. Reporting for Written Examination. All candidates taking the full examination shall present themselves promptly on the morning of the first day of the examination at the time and place designated by the board. Any candidate who does not appear at the time and place prescribed will not be permitted to enter the examination; except that those candidates taking only certain parts of the equivalency examination shall present themselves in accordance with the instructions of the board.

Section 2. Materials Required for Written Examinations: Candidates for the equivalency examination shall bring all necessary drawing instruments, T-Squares, triangles, scales, erasers and pencils. Also reference books where permitted. Candidates for the professional examination shall bring the mission statement and resource material, pencils and erasers.

Section 3. Fairness in Grading. In order to preserve the anonymity of the candidate until the examining committee has rated the papers and exhibits, each candidate shall be directed to draw a number which he will place in an envelope and seal. He shall use this number to mark all papers and exhibits.

Section 4. Language Provisions: All examinations shall be held in the English language, without the use of an interpreter and under such auspices and environment as will insure their proper conduct under dignified surroundings.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 16, 1975 at 1:31 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:035. Qualifications for examination.

RELATES TO: KRS 323.050, 323.060
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:E 3
NECESSITY AND FUNCTION: This regulation is necessary to further define eligibility applicants for admission to the examinations.

Section 1. Eligibility to Take the State Board Examination: (1) Any person who possesses the qualifications prescribed in KRS 323.050, and as further defined in other sections of these regulations, shall be eligible to take the examinations.

(2) It should be understood, however, that the education and experience required are more than mere vehicles to admission. These requirements and the examination itself are two (2) distinct exercises on the road to registration. Each supplements and sustains the other, but neither can replace the other as a vital part of professional training.

Section 2. General Requirements for Examination: Applicants for examination must meet the following requirements:

(1) Must be a graduate of an accredited school of architecture, or the equivalent thereof, as determined by board regulations, with such additional experience as the board may prescribe and approve.

(2) Be a legal resident of the Commonwealth of Kentucky unless specifically exempted by the board therefrom for a justifiable reason.

(3) Be at least twenty-five (25) years of age.

(4) Be of good moral character: One or more of the following shall be sufficient to prevent an applicant from being considered to be of "good moral character:"

(a) Conviction of a felony.

(b) Persistent acts of civil disobedience, chronic alcoholism or drug abuse, or any other such acts which unfavorably reflect upon the applicant's character or which would, if he were licensed, cast reflections upon the dignity of the profession of architecture.

(c) Submitting a misstatement or misrepresentation of facts in an application or in supplementary information.

(d) Violating any provision of KRS Chapter 323 or board rules and regulations either before or after admission to examination.

(e) Violating the registration law of any other state, territory or country.

(5) The board will review and evaluate the candidate's record of education, employment, experience, personal character, professional affiliations and civic activities.

(6) The applicant will appear for a personal audience so that the board may have the opportunity to judge his general qualifications for the practice of architecture, his ethical precepts, his resourcefulness, initiative and purpose in seeking a career in architecture and his general talents therefor.

(7) The candidate must demonstrate to the board that his qualifications and preparation for examination are adequate.

Section 3. Experience Required and Equivalencies Allowed: (1) A graduate from an accredited school of architecture shall, in addition thereto, have at least three (3) years of architectural experience satisfactory to the board. In general, an applicant who does not hold a degree from an accredited school of architecture will be required to have two (2) additional years of satisfactory experience for each calendar year of deficiency in architectural education, or a total of twelve (12) years.

(2) To be eligible for examination an applicant must present authentic evidence, by means of college transcripts and letters from employers, architects and others that he has met all the requirements noted in other sections and that he has had well diversified and satisfactory training in the many areas of architectural practice.

(3) In order to give the applicant a better understanding of the time and nature of the required experience, including related types of work which may be applied thereto, the board has adopted the NCARB "Table of Equivalents for Education, Training and Experience" as a guide. A copy is included with each request for application forms, or may be obtained individually from the board's office. The current edition shall apply.

(4) Training and experience acquired up to the date of the applicant's personal audience with the board (approximately three (3) months after the application deadline) if supported by supplementary documentation may be counted as credit.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 16, 1975 at 1:32 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:040. Types of examinations.

RELATES TO: KRS 323.050, 323.215
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:E 2
NECESSITY AND FUNCTION: This regulation is necessary to state the eligibility of candidates for the examinations as to education requirements and nature of examinations.

Section 1. Types of Examinations Given. (1) The professional examination is required to be taken by all applicants for license.

(2) The equivalency examination is required to be taken by all applicants not holding a professional degree from a school of architecture accredited by the National Architectural Accrediting Board (NAAB).

(3) The examinations in subsections (1) and (2) are those made available from the National Council of Architectural Registration Boards and are identical to those required to successfully obtain a record for certification.

(a) The Board recommends that anyone applying for examination in Kentucky consider the merits of applying concurrently to NCARB for a record and certification upon completion of the examination requirements.

(b) Information concerning the advantages to be gained may be obtained from the office of the board or by writing to the National Council of Architectural Registration Boards, 1735 New York Avenue, N.W., Suite 700, Washington, D.C., Zip Code 20006.

Section 2. Notification: (1) Candidates will be notified well ahead of the date of the examination to which they have been admitted and must advise the board promptly if they will appear at that time.

(2) A statement from a candidate that he will appear must be accompanied by a check made out to the State Treasurer of Kentucky covering the actual cost to the board of the sets of questions required.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 16, 1975 at 1:33 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:045. Equivalency and professional examinations.

RELATES TO: KRS 323.050, 323.210, 323.215
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:E 4
NECESSITY AND FUNCTION: This regulation explains the contents and time allotment for the examinations required for license.

Section 1. The Equivalency Examination: This examination is administered to applicants for registration who do not hold degrees in architecture from accredited schools. Its purpose is to determine if the applicant has the knowledge and skill normally acquired in an accredited school. After passing this examination the candidate will be admitted to the professional examination.

(1) The Equivalency Examination is a two (2) day, twenty (20) hour examination consisting of three (3) parts:

(a) Part I: History and Theory of Architecture and Environmental Planning. Time allotment, two (2) hours. No reference material permitted.

(b) Part II: Architectural Design. Time allotment, ten (10) hours. No reference material permitted. Approximately ten (10) days prior to this examination the candidate will be notified of the subject for Part II.

(c) Part III: Construction, Theory and Practice: Time allotment, eight (8) hours. Reference materials are permitted as follows: Structural reference handbooks, college texts and personal notes on structural design, slide rule or quiet type of manually or battery operated hand-sized calculator of a type that cannot be programmed.

(2) Part I and III are multiple-choice, where the candidate is asked to select the answer from four (4) choices presented. They will be machine graded "pass" or "fail" only. Part II is a graphic examination and will be graded by the board "pass" or "fail."

(3) A candidate who fails to pass the total examination on his first attempt will retain credit for the parts passed. He may retake any of the parts failed at any time within three (3) years from the date he failed to pass without submitting new application forms or paying any additional fees. He must, however, notify the board, of his desire to attend, not later than the deadline for applications and pay the actual cost of examination questions.

(4) The equivalency examination is prepared by the cooperative effort of all state boards under the auspices of the National Council of Architectural Registration Boards. A more complete "Subject Matter Outline" is available upon request from the board or from NCARB.

Section 2. The Professional Examination: This examination is administered to applicants whose training includes graduation from an accredited architectural school or who have passed the equivalency examination.

(1) The Professional Examination is a two (2) day examination designed to place the candidate in areas relating to actual architectural situations whereby his ability to exercise competent value judgments will be tested and evaluated. The total examination is given in four (4) hour sessions, covering the following descriptive areas:

(a) Part I: Environmental Analysis.
(b) Part II: Architectural Programming.
(c) Part III: Design and Technology.
(d) Part IV: Construction.

(2) All parts of the professional examination are multiple-choice questions, where the candidate is asked to select the best of four (4) choices presented. No graphic solutions are required. The candidate will receive a grade of either "pass" or "fail" for the total examination and cannot retain credit for one or more parts. If he fails to pass he must repeat the entire examination on his next attempt.

(3) Each professional examination will be developed from actual problems of an architectural firm in the United States.

(4) Thirty (30) to sixty (60) days before the examination the candidate will receive a package of information, directly related to the examination problem, containing a mission statement and resource material. This information must be brought to the examination.

(5) At the beginning of the first session the candidate will be given Part I of the Test Information Package (which will be his to keep), and a Test Book containing the Environmental Analysis questions on Part I. The Test Book and answer sheet will be collected at the close of the first session and cannot be referred to again.

(6) In the second session the candidate will receive Part II of the Test Information Package with a new Test Book and will answer the architectural programming questions by referring to information in either of the first two (2) Test Information Packages. In the third session the candidate will receive Part III of the Test Information Package. With this new information, plus that in Parts I and II, he will answer the questions on design and technology. And finally, in the fourth session, he will be given Part IV of the Test Information Package. Then, with information for all four (4) sessions, he will answer questions related to construction administration. Thus the Test Information Package is cumulative. That is, in each session he can refer to the information revealed to him in the previous sessions. But since the Test Book and answer sheets are collected at the end of each session, he will not be able to go back and change his answers based on new information.

(7) The professional examination is prepared, also, by the cooperative effort of all state boards under the auspices of NCARB. For a complete description of the examination process, with short model of the examination, sample questions and other information, the candidate should purchase a current copy of the official "Architectural Registration Handbook." Order forms are available at the board's office.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 16, 1975 at 1:32 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:050. Re-examination; reconsideration.

RELATES TO: KRS 323.090, 323.210
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:E 5
NECESSITY AND FUNCTION: This regulation is necessary to define the period of eligibility for re-examination and reconsideration of applicants denied admission to examinations.

Section 1. Three-Year Period of Eligibility Defined.

(1) If a candidate fails to pass all parts of the first examination to which he is admitted then the three (3) year period during which he may retake the examinations failed, by payment for the examination questions at the time prescribed by the board, shall be from the last day of the month in which his first examination was given.

(2) If an applicant fails to attend the first examination to which he is admitted, then the three (3) year period during which he may take the entire examination or parts thereof, by payment for examination questions at the time prescribed by the board, shall be from the last day of the month in which the examination he failed to attend was given.

(3) Provided, however, that the board may, in its discretion, grant extensions of time if examinations are canceled or changed during that period or if illness or other reasonable circumstances prevent the candidate from attending any regular examination.

(4) At the end of the three (3) year period of eligibility, the candidate must submit a new application, containing pertinent supplemental information, in order to continue taking the examinations, but a candidate in the equivalency examination may retain credit for those parts of the examination he has previously passed.

Section 2. Reconsideration of Applicants Who Were Denied Admission to Examination. (1) An applicant whose original application for admission to the examination was denied, may request reconsideration by letter to the board with evidence that he has made up the deficiencies which caused the denial. No formal application or application fees will be required for such a request if made within a period of three (3) years from the date denied.

(2) After three (3) years a new application must be submitted containing relative information on training and experience subsequent to the original application.

L. WAYNE TUNE, Executive Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:055. Certification; eligibility and examination.

RELATES TO: KRS 323.050, 323.060, 323.215
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:E 8
NECESSITY AND FUNCTION: Explains certification procedure by which reciprocal registration is obtained.

Section 1. Certification Procedure: (1) Upon proper application NCARB (National Council of Architectural Registration Boards) will prepare, verify and maintain a record of an applicant's education, training, experience, examinations and registrations. This data, when compiled, becomes a council record.

(2) Upon completion of a council record, and further application, NCARB will examine the applicant's qualifications relating to its standards of eligibility for certification.

If he meets these standards, a certificate will be issued.
(3) Upon application of the holder, the council will, so long as the certificate remains in effect, transmit a certified copy of his certificate record to any state board, or to a foreign country where an international reciprocity agreement exists with NCARB.

Section 2. Eligibility Requirements for Certification.
(1) The basic requirements for certification are good character, passing a standard NCARB examination and meeting the qualifications required for admission to such examination.
(2) The Kentucky examination and the standard NCARB examination are identical and the applicant may expect the council to give credit therefor. The admission requirements are now virtually the same also. Prior to this time, however, the requirements for graduates of accredited schools were the same, but for non-graduates were less stringent than those of NCARB. Applicants in the latter category who wish to obtain certification should contact NCARB for details.

Section 3. Certification by Oral Examination. Architects who are registered by a state board by means other than written examination, and who have had many years of practice as a principal, may be eligible for certification via council oral examination. This examination is now administered only by the NCARB Board of Oral Examiners. Detailed information is available from the council.

Section 4. Certification of Seasoned Practitioners: An architect who had had ten (10) or more years of practice as a principal, not including equivalencies, and initial registration by written examination, regardless of hour duration, may be eligible for certification under the "seasoned practitioner" category. Contact the council for details.

Section 5. Value of the NCARB Certificate Record. (1) A council certificate does not constitute national registration, or qualify its holder to practice in any state prior to being licensed by that state. It does, however, carry the council's verification that the applicant has complied with the standards prescribed by the National Council of Architectural Registration Boards and its recommendation that the applicant be licensed as an architect without further examination.
(2) As a matter of practical value the certificate record provides the means whereby literally thousands of architects are obtaining reciprocal registration, expeditiously and without further examination, in a great majority of the states. Only a few states still require a supplemental examination or personal audience.
(3) The permanent address of the organization of state and territorial boards hereinbefore referred to is: National Council of Architectural Registration Boards, 1735 New York Avenue, N.W., Suite 700, Washington, D.C. 20006.

L. WAYNE TUNE, Executive Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:060. Reciprocity; registration without examination.

RELATES TO: KRS 323.210, 323.060
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 10
NECESSITY AND FUNCTION: To define basis and rules for registration of non-resident architects.

Section 1. General Requirements of Non-resident Architects. (1) Non-resident architects must be fully registered in Kentucky before they come into the Commonwealth to seek work, or to represent themselves as architects, or to perform any professional services. Any non-resident architect who desires registration in Kentucky, and whose state of residence grants reciprocal licensing privileges satisfactory to this board, may apply for a license in Kentucky.
(2) He must make his application through the National Council of Architectural Registration Boards, 1735 New York Avenue, N.W., Suite 700, Washington, D.C., 20006, and obtain NCARB certification.
(3) An NCARB record plus certification, once obtained will provide all, or most of the information needed in applying for registration, not only for Kentucky, but also in other states, depending upon the requirements of each individual state.

Section 2. Review of Applications: Registration by reciprocity shall be based upon equivalent examinations, experience, character and education requirements. An application received through the National Council of Architectural Registration Boards will be accepted for immediate review to determine if the qualifications for licensing by examination were, in the opinion of the board, equal to those prescribed in Kentucky. The board will give such credit for examinations already successfully passed as it deems fair and just and after giving weight to experience subsequent to examination, and determine whether or not the applicant's qualifications are equal to the standards required in Kentucky. In most cases NCARB certification provides sufficient evidence that the requirements have been met.

Section 3. Additional Provisions: The Board may, in its discretion: (1) Call for personal questioning any applicant whose record is not sufficiently clear as to his technical, ethical and moral qualifications, for further judgment thereon.
(2) Grant registration without examination to any architect whose application shows him to be so qualified and so fitted to practice architecture that his services will, in the opinion of this board, be a valuable asset to both the Commonwealth of Kentucky, and the profession of architecture.
(3) In any case the board reserves unto itself alone the right of decision to grant or deny registration by reciprocity to any applicant.

L. WAYNE TUNE, Executive Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:065. Resident licensed in another state; reciprocity.

RELATES TO: KRS 323.060
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 11
NECESSITY AND FUNCTION: To further relate registration through reciprocity.

Section 1. Residents Licensed in other States but not in Kentucky: A resident of Kentucky who is licensed in another state but not in Kentucky who wishes to obtain a license by reciprocity shall follow the same procedure and meet the same standards as required for non-resident architects.

L. WAYNE TUNE, Executive Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:070. Duplicate certificates.

RELATES TO: KRS 323.100, 323.210
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 5
NECESSITY AND FUNCTION: To provide basis to issue duplicate certificates.

Section 1. Request and Conditions: An architect who is registered in the Commonwealth of Kentucky may secure a duplicate certificate by showing a legitimate need for such certificate and accompanying his request with the prescribed fee of fifteen dollars ($15).

L. WAYNE TUNE, Executive Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:075. Refusal to grant or renew license.

RELATES TO: KRS 323.050, 323.120
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 1
NECESSITY AND FUNCTION: This regulation is necessary to aid the board in making judgment as to proper conduct and fitness of both applicants and architects.

Section 1. Refusal to Grant or Renew License: The board may refuse to admit an applicant to examination or, after examination, refuse to grant or renew a license to any person convicted of a felony, or who, in the opinion of the board, has been guilty of gross unprofessional conduct, or who is

addicted to habits of such character as to render him unfit to practice architecture. The submission of false evidence or other misrepresentation in applying for examination and registration is fraudulent, and the board will refuse to grant a license to anyone found guilty thereof, and will revoke any license granted to a person whose application contains such false evidence or misrepresentation.

L. WAYNE TUNE, Executive Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:080. Temporary licensing not permitted.

RELATES TO: KRS 323.020
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 12
NECESSITY AND FUNCTION: To further define requirements for license.

Section 1. Temporary Licensing: Temporary registration, licenses or permits will not be granted.

L. WAYNE TUNE, Executive Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:085. Fees.

RELATES TO: KRS 323.080, 323.110
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 4
NECESSITY AND FUNCTION: To define the basis of fees and fee payments.

Section 1. Annual Renewal Fee: (1) The annual renewal fee shall be due and paid before the first day of July each year. Anyone failing to pay the annual fee on or before the 30th day of August, who has not voluntarily surrendered his registration by that date, shall be guilty of violation of the law and his license is automatically revoked.

(2) Licenses granted on July 1 and thereafter through December 31 shall be first renewed before the first day of July following. Licenses granted January 1 and thereafter through June 30 following, shall be first renewed before the first day of July in the year following. This rule shall also apply to licenses restored or reinstated.

(3) During a period of active military duty an architect in the service may, upon written application to the board, be excused from paying the annual fee until such time as his military service is terminated and he wishes to resume practice. An identification card or renewal certificate will be issued upon notification of his return from duty and payment of the current annual renewal fee.

(4) An architect whose license has been revoked for failure to pay the annual renewal fee, who wishes to have his license reinstated, shall make a written request therefor, giving the reason why he neither surrendered his registration nor paid the fee within the time prescribed by law and thereafter abide by the board's decisions and follow its instructions in applying for reinstatement.

Section 2. Examination Applications: (1) An application for professional examination must be accompanied by a total fee of fifty-five dollars ($55). (Thirty dollars ($30) for administration of the examination and twenty-five dollars ($25) for license certificate.) An application for the equivalency examination-professional examination sequence must be accompanied by a total fee of seventy-five dollars ($75). (Fifty dollars ($50) for administration of the examinations and twenty-five dollars ($25) for license certificate.)

(2) Applicants who fail to pass either examination, or who were not admitted to the examination, within the prescribed three (3) year eligibility period, must submit another application, updated to the time of submission, with supplemental information. Applicants will be required to pay only the examination fee however, and not another fee for license certificate.

Section 3. Fee Schedule:
(1) Application for admission to, and administration of, the Professional Examination.....$30.
(2) Application for admission to, and administration of, the Equivalency Examination and the Professional Examination.....$50.
(3) Application for a license certificate.....$25.
(4) Administration of a written examination to a candidate for another state board regardless of number of sections to be taken.....$50.
(5) Application for a license by reciprocity.....$75.
(6) Application for a restoration of a voluntarily surrendered license.....$50.
(7) Application for reinstatement of license revoked for failure to pay Renewal Fee: Renewal fees from date of revocation, plus application as directed, plus.....$50.
(8) Annual Renewal Fee: Determined each year by board. Not to exceed.....$35.
(9) No fee shall be refunded in whole or in part. All payments must be by check made payable to "State Treasurer of Kentucky." All must be certified except those for the annual renewal fee.

Section 4. Charges for Examination Questions. Candidates will be charged, at actual cost to the board, for the use of each set of examination questions required. Payment must be made when the board is notified by the candidate that he intends to appear. Such charges will be made each time the examinations are taken and will not be refunded.

L. WAYNE TUNE, Executive Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:090. Obligations of practice.

RELATES TO: KRS 323.120
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 2
NECESSITY AND FUNCTION: This regulation is necessary to define the obligations and responsibility of the architect to the health, safety, and welfare of the public.

Section 1. Obligations of Practice: The profession of architecture requires persons of the highest integrity, judgment, business capacity and artistic and technical ability. An architect's honesty of purpose must be above suspicion; he acts as professional advisor to his client and his advice must be unprejudiced; he is charged with the exercise of judicial functions as between client and contractors and must act with entire impartiality; he has moral responsibilities to his professional associates and subordinates; he is in a profession which carries with it grave responsibilities to the public. These duties and responsibilities cannot be properly disciplined unless his motives, conduct and ability are such as to command respect and confidence. He shall conduct himself accordingly.

L. WAYNE TUNE, Executive Secretary
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:095. Professional practice standards; violations, penalties.

RELATES TO: KRS 323.095, 323.120
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 3
NECESSITY AND FUNCTION: To define basis for board to proceed against architects for unprofessional practice.

Section 1. Penalties for Unprofessional Practice. (1) The board may refuse to renew or may suspend for a period or revoke any license, or forbid practice by any architect for any of the following reasons:

(a) Gross incompetency or gross negligence.
(b) Unprofessional conduct or conduct tending to bring the profession into disrepute.
(c) Conviction of a felony.
(d) Fradulent or dishonest architectural practice.
(e) Use of false evidence, or misrepresentation in an application for licensing.
(f) Signing or affixing his seal to any plans, prints, specifications for buildings, or reports which have not been prepared by him personally or by his employees under his supervision.

(2) The procedure for such action shall be in accordance with the provisions of KRS 323.130 and 323.140.

Section 2. Gross Incompetence and Gross Negligence Defined: The following acts or omissions shall be deemed to be gross incompetence or gross negligence within the meaning of the law and be cause for denial, suspension or revocation of a license:

(1) Willfully failing to use reasonable care and diligence in his professional practice, resulting in a building or structure being improperly constructed to the detriment of the occupants.

(2) Willfully failing to use reasonable care and diligence in preparing contracts and other documents for the protection of a client in all relationships as agent of the client.

Section 3. Unprofessional Conduct Defined: Any of the following acts by an architect shall be deemed to be "unprofessional conduct" and be cause for denial of registration, or suspension, revocation or refusal to renew a license to practice architecture:

(1) Accepting compensation for architectural services from other than his client or employer.

(2) Submitting competitive bids for professional employment, or knowingly competing against another architect on the basis of professional charges, or using kickbacks or forgiveness of portions of his fee in order to obtain competitive advantage; or furnishing uncommissioned architectural services of any kind in the attempt to obtain competitive advantage; or misrepresenting his qualifications.

(3) Having a financial interest in the manufacture, sale or installation of any component or process used in a project for which he is the architect unless his client has been so advised and has waived any objection he may have had thereto.

(4) Publicly endorsing a product, system, or service, or permitting the use of his name or photograph to imply such endorsement. However, he may be identified with any product, system, or service designed or developed by him.

(5) Engaging an agent or representative to solicit work on his behalf whose compensation is either (i) unreasonable or (ii) contingent, in whole or in part, upon the obtaining of professional work for the architect.

(6) Using paid advertising; indulging in self-laudatory, exaggerated, misleading, or false publicity; or soliciting, or permitting others to solicit in his name, advertisements for any publication presenting his work.

(7) Knowingly, falsely or maliciously injuring the professional reputation, prospects or practice of another architect.

(8) Attempting to supplant another architect after a definite commitment has been made by the client for the latter's employment.

(9) Undertaking a commission for which he knows another architect has been retained until he has conclusively determined that the original commission has been terminated with reasonable compensation for work already performed by the latter.

Section 4. Conviction of a Felony: Any conviction of a felony within the United States of America or its possessions is prima facie evidence of misconduct.

Section 5. Fraudulent or Dishonest Practice Defined: The following practices shall be deemed to be "fraudulent or dishonest practice" within the meaning of the law and be cause for denial, suspension or revocation of a license to practice architecture:

(1) Making untrue or deceitful statements in an application for examination or registration, or in any other statements or representations to the board.

(2) Affixing his seal to any drawings other than those for which he is the author. All plans must be sealed by the author or authors thereof. "Authors" is defined as those in responsible charge of the preparation of plans which are made by them personally or under their supervision.

(3) Bribing any person or persons who may influence the selection of an architect.

(4) Willfully misleading or defrauding any person or persons employing him as an architect.

(5) Willfully violating the laws of Kentucky or any other state relating to the practice of architecture; or willfully violating any rule or regulation of this board made in pursuance to law.

(6) Using, or attempting to use, or practicing under, a license that has been suspended or revoked or which has not been renewed as required by law and the regulations of the board.

Section 6. Registration While Working for Others: (1) An architect may work as the employee of another architect without affecting the status of his registration.

(2) Or he may work as an employee for any firm in which his duties are not those of an architect, without affecting the status of his registration. But if he works as an architect for, or with, an individual not an architect, or a firm or corporation not under the control of architects, then he must maintain free and unbiased judgment and unrestrained used of his professional prerogatives and services to clients; and the terms of his employment or agreement shall be compatible therewith, and such as to permit full compliance with the "obligations of practice," and these regulations.

(3) Violations of these requirements shall be cause for a license to be denied, suspended or revoked.

Section 7. Office Staffing: Any office maintained by an architect in Kentucky must be staffed with an architect in charge who is licensed in this state; except where a project office is established only for on-site supervision or inspection.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 16, 1975 at 1:29 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:100. Individual seals; office titles.

RELATES TO: KRS 323.095
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 6
NECESSITY AND FUNCTION: To describe the required seal acceptable to the board.

Section 1. Individual seals required. Each architect registered for practice within the Commonwealth of Kentucky shall imprint with his seal all documents prepared by him or under his supervision, and shall secure and use for this purpose a seal of the following design:

(1) To consist of two (2) concentric circles, the outer circle to be one and nine-sixteenths (1-9/16) inches in diameter and the inner circle to be one (1) inch in diameter. The upper portion of the annular space between the two (2) circles shall bear the name of the registrant. The lower portion of the annular space shall bear the word "Architect." The space enclosed by the inner circle shall be divided into an upper and lower half. The upper portion shall consist of three (3) lines, the word "Registered," then the abbreviation "No.," and then the number of the certificate of the registrant. The lower portion shall contain, in three (3) lines, the words "Commonwealth of Kentucky."

(2) It shall be permissible to combine the names and registration numbers of two (2) or more registered architects from the same office on one (1) seal. It is not permissible to include the names of any persons who are not registered architects on any such combination.

(3) It shall be made clear, by proper use of seal and wording of title blocks, that only those who are licensed architects in Kentucky are in charge and fully responsible for the work involved.

(4) The seal used on a cover sheet or page should be an embossing type. A duplicate, rubber stamp type, may be used on all other sheets or pages and added to the cover if desired.

Section 2. Office titles. (1) Title blocks and office names used in connection with work in this state shall clearly indicate what person or persons are architects, and only those registered to practice in Kentucky shall be so designated. The names of deceased architects, formerly registered, may not be shown as architects.

(2) A firm name may be used without all members being registered if the title lists only those architects who are licensed in Kentucky and the title "architect" is applied to them only. Examples:

(a) SMITH, JONES, MILLER & MOORE
Albert Smith, Architect

(Where Smith and Jones are both architects in their own state but only Albert Smith is licensed in Kentucky and is fully responsible for work in this state); or

(b) SMITH, JONES, MILLER & MOORE, Inc.
Architects and Engineers

Albert Smith, Architect — Carl Miller, Mech. Engr.
Robert Jones, Architect — John Moore, Struct. Engr.

(Where all are licensed in Kentucky in the professions indicated); or

(c) STATEWIDE STUDIOS, Inc.

Roy Jones, Architect — John Davis, Mech. Engr.
Carl Smith, Architect — Alan Moore, Manager

(Where Jones and Smith are both licensed in Kentucky and the firm has other members they wish to include in their office title).

Section 3. Sample forms of the prescribed seal are filed herein by reference and may be obtained from the State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 16, 1975 at 1:27 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:105. Plans and specifications standards.

RELATES TO: KRS 323.020
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 7
NECESSITY AND FUNCTION: To define minimum standards of documents prepared by architects.

Section 1. Standards Required: (1) All plans and specifications and other documents prepared for use within the Commonwealth of Kentucky shall be of a standard sufficient to safeguard the public against misrepresentations and shall show and describe all essential parts of the design, details and materials necessary to assure safety in construction.

(2) Each project must meet the requirements of the city, county, state and federal agencies having jurisdiction, including, but not limited to, the following:

(a) Department of Insurance (Office of the Fire Marshal).
(b) City and County Building Departments.
(c) County Health Departments, and the Department for Human Resources.
(d) Department of Education (For tax supported schools, grades 1 – 12).
(e) Bureau of Environmental Quality, Department for Natural Resources and Environmental Protection (if impoundment, diversion or pollution is involved).
(f) Division of Air Pollution, Department for Natural Resources and Environmental Protection.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: April 16, 1975 at 1:27 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:110. Use of title "architect."

RELATES TO: KRS 323.010, 323.230
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 8
NECESSITY AND FUNCTION: Relates to the title of "Architect."

Section 1. Individuals only are Licensed: Registration is of individuals only. No corporation, association or partnership may be registered as such. The word "architect" may be used to apply only to the names of individuals registered under the provisions of KRS Chapter 323.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Examiners and Registration of Architects

201 KAR 19:115. Exemptions of title use.

RELATES TO: KRS 323.030
PURSUANT TO: KRS 323.210
SUPERSEDES: BERA:R 9
NECESSITY AND FUNCTION: To relate needed title of exemptions.

Section 1. Use of Titles: Buildings not requiring the services of an architect are as stated in KRS 323.030 but the plans and specifications for such buildings must be signed by the authors thereof with the true titles of their occupations. If the true title of their occupation is "architect" they must be licensed.

L. WAYNE TUNE, Executive Secretary
ADOPTED: March 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Secretary, State Board of Examiners and Registration of Architects, P. O. Box 7097, Lexington, Kentucky 40502.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:010. School of nursing standards.

RELATES TO: KRS 314.011(5), 314.041(1), 314.051(1), 314.111(1), (2) and (3), 314.131(1)
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE–3–1
NECESSITY AND FUNCTION: It is necessary to have standards for schools of nursing to assure the students an education that will prepare them for licensure.

Section 1. Registered Nurse and Practical Nurse Schools. Philosophy and Objectives. (1) The philosophy and objectives of the nursing program must be clearly defined in writing by the nursing faculty, and be consistent with those of the controlling institution.

(2) The philosophy and objectives shall serve as a basis for the development, conduct, and evaluation of the program.

(3) The objectives shall describe the expected competencies of the graduate.

Section 2. Administration and Organization. (1) The institution which establishes and conducts the nursing education program shall be accredited by the Southern Association of Colleges and Schools or the Joint Commission on Accreditation of Hospitals.

(2) The controlling institution/governing body shall determine general policy, and shall provide the necessary leadership and services, and adequate faculty, facilities and finances for the entire program.

(3) The responsibility and authority for developing and conducting the nursing education program shall be centered in a full–time nurse administrator, director, or coordinator.

(4) An organization chart shall indicate lines of authority and communication of the nursing program within the controlling institution and governing body and show the relationships with cooperating agencies.

(5) There shall be written agreements which are reviewed at least every two (2) years between the controlling institution and other agencies or institutions that provide major learning experiences for students. (Excludes field trips and observational experiences.)

(6) The board shall be notified in writing when there is a change of administrator of the nursing program or other administrative changes affecting the program.

Section 3. Resources, Facilities and Services. (1) Classrooms, laboratories and conference rooms to meet the needs of the nursing program shall be provided.

(2) Library resources and instructional materials appropriate for the needs of the nursing program shall be provided.

(3) Offices shall be provided for the director, other faculty members and clerical personnel with equipment and supplies to meet the needs of the staff and the program.

(4) Clerical and secretarial staff shall be provided to meet the needs of administrative and instructional personnel.

(5) Clinical facilities shall be provided which are sufficient in number and type to provide the essential learning experiences for all students.

(6) Hospitals used for clinical learning experiences shall be accredited by the Joint Commission on Accreditation of Hospitals; and other cooperating agencies shall be approved by the appropriate authorities.

(7) When more than one (1) nursing education program uses the same clinical facility there shall be annual joint planning for and evaluation of the use of the facility:

(a) Each nursing education program shall notify the board in writing annually of its intent regarding use of the facility, and identify its representative for the planning meetings with other program(s).
(b) A month prior to each meeting date, written notice of the meeting shall be sent by the person responsible for chairing the meeting to the representative of each nursing education program and clinical facility involved, and to the board.
(c) A copy of the minutes of each meeting together with the plan developed for the joint use of each facility shall be kept on file by the nursing education programs.
(d) The chairperson shall also send a copy of the minutes to each facility involved, and to the board.

(8) When another nursing education program proposes to use a clinical facility that is already being used by one or more nursing education programs, it shall be the responsibility of that program to:

(a) Notify each program already having an agreement with the facility;
(b) Notify the nursing administrator in the facility;
(c) Notify the Board of Nursing; and
(d) Proceed in joint planning.

(9) The board reserves the right to disapprove the use of a facility by a school if it determines that there are inadequate learning experiences.

(10) If more than half of the total clinical learning experiences in the program are obtained in a single clinical facility, that facility must have a daily average census of at least sixty (60) patients exclusive of newborns.

Section 4. Records and Reports. (1) The system of records must be consistent with the policies of the controlling institution.

(2) Minutes of faculty meetings and copies of the reports submitted to the board must be kept on file in the school.
(3) Each nursing program shall submit an annual report to the board and other reports as requested.

Section 5. Evaluation. (1) Student achievement must be evaluated systematically throughout the program.
(2) The grading system shall be clearly defined and available to students.
(3) The faculty shall make a periodic and systematic evaluation of all facets of the program, and shall determine the adequacy of learning experiences in the clinical agencies used for student experiences.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:020. Registered nurse programs.

RELATES TO: KRS 314.111(1), 314.111(2), 314.011(5)
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE-6-1
NECESSITY AND FUNCTION: To assure an educational program that will provide the necessary education for licensure as a registered nurse.

Section 1. Letter of Intent and Preliminary Information. An educational institution which plans to establish a nursing program shall send a letter of intent at least one (1) full year before the anticipated date of opening. The letter is to identify the type of program being planned and the anticipated opening date. A summary report of preliminary investigation shall accompany the letter. This shall include:
(1) Need in the area served by the sponsoring institution for nurses who are prepared in this type of educational program, taking into consideration existing programs;
(2) Community interest in the proposed program;
(3) General information about the sponsoring institution including ownership, method of financing, accreditation, enrollment, area served, and institutional faculty qualifications;
(4) Financial resources for establishing and maintaining the nursing program;
(5) Organizational chart(s) of the sponsoring institution showing lines of authority and relationships, and the placement of the nursing program within the structure; and
(6) List of hospitals and other clinical agencies in the area willing to participate, giving accreditation status, number of beds and daily patient census.

Section 2. Planning Year. There shall be at least a year of planning after submission of the letter of intent and the preliminary information report; and a qualified nurse educator shall be employed to guide the planning of the nursing program.

Section 3. Proposal or Prospectus for the Program. At least nine (9) months before the proposed opening date, fourteen (14) copies of the preliminary plans for the nursing program shall be sent to the board. Plans for nursing program shall include:
(1) Philosophy and general objectives;
(2) Tentative curriculum plan;
(3) Faculty; number (five (5) year projection), qualifications expected, plans for procuring, and time table for employment;
(4) Students; anticipated enrollment (five (5) year projection) per class and total;
(5) Facilities:
(a) Plans for faculty offices, classrooms, nursing laboratory, and library facilities within the sponsoring institution.
(b) Facilities for nursing laboratory learnings in the five (5) major clinical areas: medical, surgical, obstetric, pediatric, and psychiatric. (Public health also for baccalaureate programs.) Tentative plans should be made for clinical facilities which may be used, giving consideration to their use by other educational programs.

Section 4. Site Visit. A representative of the board shall visit the institution to supplement the information submitted and survey facilities proposed for use by the nursing program.

Section 5. Board Decision. The written proposal for the program, together with the report of the site visit, will be studied by the board at a regular meeting, and its decision regarding granting approval to proceed toward initiating the program will be sent to the institution in writing.

Section 6. Continuing Development. (1) The nurse administrator shall be the first faculty member employed, and shall have assumed full-time responsibilities for the program at least six (6) months before the first class is enrolled.
(2) The first year faculty shall be appointed at least three (3) months before the first class is enrolled.
(3) A faculty qualification form shall be submitted for the nurse administrator and other nurse faculty members when they are employed.
(4) The curriculum pattern, including brief course descriptions and credit allotment, shall be approved by the board at least three (3) months before the class is enrolled.
(5) Agreements for use of clinical facilities shall be made, and the plan for their use sent to the board.

Section 7. Board Evaluation. (1) The school shall keep the board informed of any changes. A yearly progress report and evaluation shall be made by a representative of the board during the period of initial approval. Initial approval is in effect until continuing approval is granted after the first class graduates.
(2) Approval may be withdrawn if there is evidence of failure to develop the program according to approved plans.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:030. Registered nurse schools.

RELATES TO: KRS 314.111, 314.011(5)
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE-16-1
NECESSITY AND FUNCTION: It is necessary to establish standards for registered nurse schools to assure that students will have an appropriate educational program to prepare them for licensure.

Section 1. Nurse Faculty. The number of faculty members shall be sufficient for the total number of students, number of students in each class, number of nursing laboratory areas used, and the curriculum design.

Section 2. Nurse faculty members shall be currently licensed in Kentucky. (1) The minimum educational qualification for the nurse administrator of the program shall be a masters degree with a major in nursing or baccalaureate degree with a major in nursing and a masters degree in a related field. The nurse administrator shall have educational preparation and/or experience appropriate to the responsibilities of the position.
(2) At least half of the nurse faculty members in programs established after September 1, 1968 shall have a masters degree. By 1980 at least three-fourths (3/4) of the nurse faculty members in all programs preparing graduates for licensure as registered nurses shall have a masters degree.
(3) All nurse faculty members employed after July 1, 1975 shall have had at least one (1) year of nursing experience as a registered nurse, and shall meet one (1) of the following educational requirements:
(a) Baccalaureate degree with a major in nursing;
(b) Masters degree in a related field subsequent to a baccalaureate degree with a major in nursing;
(c) Masters degree with a nursing major;
(d) Doctoral degree.
(4) All faculty members employed prior to July 1, 1975 who do not have a masters degree shall meet that requirement by September 1, 1980. Faculty members with only a BSN who are employed after July 1, 1975 will have five (5) years in which to earn a masters degree.
(5) All faculty members shall present evidence each year of continuing effort toward maintaining nursing competency and/or improving skills in the area of responsibility.

Section 3. Students. (1) Students shall have completed at least an approved four (4) year high school course or the equivalent as determined by an appropriate educational agency.
(2) Students shall meet the requirements established by the school for admission to the program, progression and graduation.

Section 4. Curriculum. (1) The curriculum shall reflect the philosophy and objectives of the school and facilitate the achievement of the objectives of the program.
(2) The curriculum, designed to prepare the graduate for the practice of nursing as a registered nurse, shall include learning experiences whereby students develop:
(a) Understanding of the role of the nurse as a member of the profession and the nurse's relationship to other workers in health and related disciplines;
(b) Knowledge of facts, principles, and concepts from

the natural and social sciences which are basic to nursing practice and to an understanding of plans for care;
(c) Ability to use the health–illness continuum as a basis for assessing the nursing and health care needs of people;
(d) Understanding of physical and emotional needs of individuals throughout the life cycle;
(e) Understanding of and the ability to use effective human relationships;
(f) Knowledge of incidence, causes and manifestations of common health problems; and
(g) Understanding of nursing principles and ability to apply them in the selection and implementation of appropriate nursing measures for people with specific needs.

(3) The curriculum shall provide instruction in:
(a) Biological and Physical Sciences. Content shall include facts, principles, and concepts of the biological and physical sciences which are basic to nursing practice and to understanding plans for health care.
(b) Social and Behavioral Sciences. Content in this area shall be the basis for the student to develop skill in understanding and relating to people.
(c) Nursing. Content shall be designed to guide the student in developing an understanding of and skill in assessing, planning, implementing, and evaluating nursing care. It shall include nursing care of adults and children of all age groups and both sexes, mothers and newborn infants, and patients with common medical, surgical and mental health problems. The concept of health maintenance shall also be included as well as care of individuals and groups of patients who are mildly, acutely and chronically ill.

(4) There shall be a general plan of the total curriculum, showing placement of courses and the number of hours allotted to class and laboratory learnings.
(5) A copy of each current course outline including objectives, planned instruction, learning activities and methods of evaluation shall be kept on file.
(6) The nursing program shall be at least two (2) academic years in length.
(7) Proposed major curriculum changes (e.g. addition or deletion of courses, decrease in total credit allotment for nursing content, but not rearrangement of content within nursing courses) must be submitted in writing for board approval before implementation of the changes.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:040. Practical nurse programs.

RELATES TO: KRS 314.111(1), 314.111(2), 314.011(5)
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE–7
NECESSITY AND FUNCTION: To assure an educational program that will provide the necessary education for licensure as a practical nurse.

Section 1. Letter of Intent and Preliminary Information. An institution which plans to establish a nursing program shall notify the board in writing at least six (6) months before the anticipated date of the first class. Consultation service is provided by the board.

Section 2. Proposal or Prospectus for the Program: (1) At least four (4) months before the proposed opening date, preliminary plans for the nursing program shall be sent to the board.
(2) Information to be included:
(a) Need for practical nurses in the area served by the institution;
(b) Sponsoring institution; ownership, accreditation, method of financing, area served, enrollment;
(c) Financial resources for establishing and maintaining the nursing program;
(d) Organizational chart(s) of the sponsoring institution showing lines of authority and relationships, and the placement of the nursing program within the structure;
(e) Plans for nursing program:
1. Philosophy and general objectives;
2. Tentative curriculum plan;
3. Faculty; number, acceptable qualifications, time table for employment;
4. Students; admission requirements, number per class and classes per year after the first class.
(f) Facilities:
1. School; offices, classroom and nursing laboratory;
2. Clinical practice facilities; exploration and preliminary negotiations for facilities to meet program's requirements.

Section 3. Site Visit. A representative of the board will visit the institution to supplement the information submitted and survey the facilities proposed for use by the nursing program.

Section 4. Board Decision. The prospectus for the program and the report of the site visit will be considered by the board at a regular meeting. The board's decision regarding approval to proceed toward initiating the program will be sent to the institution in writing.

Section 5. Continuing Development. (1) The nurse director/coordinator shall have assumed full–time responsibility for the program at least two (2) months prior to the admission of the first class.
(2) A faculty qualification form shall be submitted for the nurse director and other faculty members when they are employed.
(3) The curriculum pattern, course descriptions, and final arrangements made for clinical facilities shall be submitted to the board before the first class begins.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:050. Practical nurse schools.

RELATES TO: KRS 314.111, 314.011(5)
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE–13
NECESSITY AND FUNCTION: It is necessary to establish standards for practical nurse schools to assure that the students will have an appropriate educational program to prepare them for licensure.

Section 1. Nurse Faculty. (1) The nurse faculty shall include the nurse director/coordinator of the program and the teachers.
(2) All nurse faculty members shall be appointed by and be responsible to the controlling institution/governing body of the nursing program.
(3) There shall be a minimum of two (2) full–time nurse faculty members, and the ratio of students to faculty member in the clinical setting shall not exceed fifteen (15) to one (1).
(4) There shall be a nurse faculty member in every facility when students are assigned to give patient care. (Excludes field trips and observational experiences in which the student does not participate in administering nursing care.)
(5) Nurse faculty members shall be currently licensed as RNs in Kentucky.
(6) Each nurse faculty member shall have had a minimum of three (3) years of nursing experience as a licensed practitioner, one (1) of which shall have been as an RN within the three (3) years immediately preceding the date of appointment.
(7) The nurse director/coordinator shall have a baccalaureate degree with a nursing major, and at least one (1) year of experience in teaching nursing or in educational administration.
(8) Those nurse directors/coordinators employed prior to September 1, 1968 who do not have baccalaureate degree on July 1, 1975 but who are enrolled in a planned program leading to a baccalaureate degree with a major other than nursing shall meet the requirements of that degree by September 1, 1979.
(9) Any director/coordinator employed prior to September, 1968 who does not have a degree by September 1, 1979 shall meet the requirement of a baccalaureate degree with a major in nursing by September 1, 1980.
(10) Teachers who do not have a degree shall present their plan for a program leading to a baccalaureate degree and shall show yearly academic progress toward it.
(11) All faculty members shall present evidence each year of continuing effort toward maintaining nursing competency and/or improving teaching skills or expertise in the areas of responsibility.

Section 2. Students. (1) There shall be written policies for selection, admission, progression and graduation which are in accord with the philosophy and objectives of the program.
(2) Requirements as to age and general education shall be so prescribed that the applicant meets the statutory requirements for admission to the licensing examination upon graduation from the program.

(3) Classes:
(a) All new students in a class shall be enrolled as of the same entrance date, and their program shall be in the same location.
(b) A school may admit no more than two (2) classes per fiscal year (i.e. July 1, through June 30) and the interval between admission dates mus be at least six (6) months.
(c) A new school shall not admit a second class until all requirements have been met for the first class to graduate.

(4) There shall be written policies for students relating to their health and welfare that include vacations, holidays, sick time, absences, and daily schedules. The daily schedule for class and practice shall not exceed seven (7) hours per day and thirty-five (35) hours per week.

Section 3. Advanced Standing. (1) A school which permits the admission of students with advanced standing shall establish written policies and procedures for evaluating and validating knowledge and skills gained from previous courses of study and/or experience, and determination of placement within the program.
(2) The written policies shall be approved by the board.

Section 4. Curriculum. (1) The curriculum shall prepare graduates for beginning practice as licensed practical nurses.
(2) The faculty shall be responsible for the selection of learning experiences and for the teaching and guidance of the students throughout the entire program.
(3) The selection of learning experiences shall be based on the faculty's stated objectives.
(4) The curriculum shall be organized to correlate instruction and practice throughout the program.
(5) The general plan of the total curriculum shall show the placement of courses and the number of hours allotted to class and clinical practice.
(6) A copy of each current course outline including objectives, planned instruction, learning activities and methods of evaluation shall be kept on file.
(7) The curriculum shall include learning experiences in the care of selected individuals from all age groups and with a variety of nursing needs.
(8) The minimum hours of instruction and guided clinical practice shall be 1,220 hours in these broad areas of learning:
(a) Personal and vocational relationships: Ethical, legal and vocational responsibilities of practical nurses, communication skills, and physchological content to help students function effectively in interpersonal relationships.
(b) Scientific and social foundations basic to practical nursing: Elementary facts and concepts from biological and physical sciences, nutrition, personal, family and community health, growth and development throughout the life span.
(c) Nursing care: Basic nursing principles and skills; nursing of patients of all age groups with common conditions of physical and mental illness or disability; nursing of mothers and newborn infants.
(9) The program shall extend over an enrollment period of no less than forty-eight (48) weeks.
(10) The school shall notify the board in writing of a proposed curriculum change and obtain board approval before instituting the change. This does not include rearrangement of course content.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:060. School closing procedure.

RELATES TO: KRS 314.111(1), 314.111(3), 314.011(5)
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE-3-1(L)
NECESSITY AND FUNCTION: A procedure for closing a school of nursing is necessary for the protection of the presently enrolled students and the safe keeping of the records of all students that have been enrolled in the school.

Section 1. (1) When consideration is being given to closing a nursing program, the controlling institution shall notify the Board of Nursing and assistance will be given.
(2) The controlling institution shall submit a written plan for closing the program including:
(a) Time table;
(b) Plan for students to complete program;
(c) Plan for maintaining all requirements and standards until the last student is transferred or completes the program; and
(d) Final disposition of school records including identification of the person (by title) responsible for providing transcripts and references for graduates.
(3) If the controlling institution also closes, the board will accept custody of the permanent records of the nursing program.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:070. Licensing; examination.

RELATES TO: KRS 314.041(1), 314.051(1)
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE-8
NECESSITY AND FUNCTION: To assure that graduates applying for licensure have met minimum standards set forth by the board as necessary for safe practice. To provide some security in the examination process.

Section 1. (1) To be eligible to write the licensing examination applicants shall have completed the program of instruction and supervised practice to the satisfaction of the nursing faculty and a record of their achievement shall be on file.
(2) The application for licensure by examination properly executed, together with the current examination fee and licensure fee and a recent (within past six (6) months) passport type photograph shall be on file at least thirty (30) days before the date of the examination.
(3) The applicant shall sign the photograph under the facial features. The director of the nursing program from which the applicant graduated shall sign the photograph on the back.
(4) A standard score of 350 on the state board test pool examination shall be the minimum passing score.
(5) Candidates who fail to achieve a passing score may rewrite the examination after submitting the proper credentials and examination fee.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:080. License year.

RELATES TO: KRS 314.071
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE-11
NECESSITY AND FUNCTION: To provide a consistent renewal period for each type of licensee.

Section 1. (1) The license year for registered nurses shall be May 1 to April 30.
(2) The license year for licensed practical nurses shall be November 1 to October 31.
(3) A license shall be considered lapsed if the application for renewal and the annual renewal fee have not been received in the agency, or if postmarked after midnight April 30 for registered nurses and after midnight October 31 for licensed practical nurses.

Section 2. New licenses; Expiration Date. (1) Registered nurse: All licenses issued within a calendar year shall expire April 30 of the following year.
(2) Licensed practical nurse: New licenses issued January through June shall expire October 31 of the same year. Those issued July through December shall expire October 31 of the following year.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
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EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:090. Temporary permit.

RELATES TO: KRS 314.101(3)
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE-12
NECESSITY AND FUNCTION: To provide a means for applicants to be employed while application for a license is being processed.

Section 1. (1) An applicant for a license to practice nursing in Kentucky shall have a temporary work permit to practice until the license is issued.
(2) A graduate of an approved Kentucky school of nursing who applies to write the licensing examination within one (1) year after graduation shall be issued a temporary work permit upon payment of the examination and license fees. No charge will be made for the temporary work permit.
(3) An applicant for a license by endorsement who holds a current license in another state shall be issued a temporary work permit upon payment of a fee of not more than five dollars ($5) plus the regular license fee.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:100. Fees.

RELATES TO: KRS 314.041(5), 314.051(3), 314.071(1), 314.071(2), 314.131
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE-5-1, 10
NECESSITY AND FUNCTION: To establish fees for license, examinations, and services.

Section 1. Fee Schedule. (1) The board shall collect fees for license, renewal of license, and the following services. These fees are payable in advance and shall not exceed the amounts indicated:

Application for a license	$25
Renewal of license	10
Examination	15
Verification of current license to other states	10
Duplicate licensure card	5
Work Permit	5
Proctoring Examination for other states	15
Record verification (School records, visas, etc.)	5

(2) A nurse licensed in another state or country and applying for a license in Kentucky as a registered nurse or as a licensed practical nurse by endorsement, but who is required to write the licensing examination to meet regulations, shall pay the current examination fee in addition to the license fee.
(3) An application for a license which is not completed within one (1) year after the application form is filed, shall lapse, and the fee shall be forfeited.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:110. Reciprocity from other states.

RELATES TO: KRS 314.041(3), 314.051(5)
PURSUANT TO: KRS Chapter 314
NECESSITY AND FUNCTION: To assure that licensed nurses applying for licensure in Kentucky have met equivalent standards required of graduates of Kentucky schools. To provide some security in the endorsement process.

Section 1. (1) The applicant for a Kentucky license shall have and submit a copy of a current license to practice in another state.
(2) The applicant shall have taken a licensure examination acceptable to the Kentucky Board of Nursing.
(3) The application for licensure shall have attached a recent (within past six (6) months) passport type photograph. The photograph shall be signed under the facial features.
(4) The current fee for a license shall be submitted with the application. An additional fee is required if a temporary work permit is requested.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director
ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:25 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:120. Foreign reciprocity.

RELATES TO: KRS 314.041, 314.051
PURSUANT TO: KRS Chapter 314
SUPERSEDES: BNE-14
NECESSITY AND FUNCTION: To assure that nurses educated outside the United States and requesting licensure in Kentucky have an equivalent education and can function in a safe and competent manner.

Section 1. The applicant for a Kentucky license who is licensed to practice in another country must be actually planning to practice nursing in Kentucky and show evidence of promise of employment opportunity in Kentucky before the application will be processed.

Section 2. Visa. The applicant shall submit a copy of the visa or immigration status.

Section 3. Translation of Credentials. When credentials are in a foreign language they shall be translated at the applicant's expense by an official translation bureau, or by the department of languages of an approved college or university.

Section 4. General education. (1) Language. The applicant shall have a satisfactory command of English, written and spoken. This shall be established by a written examination and an interview with the executive director.
(2) High school education equivalency. If the applicant is unable to submit credentials indicating graduation from a four (4) year program in a secondary school, the high school equivalency shall be determined by the standardized G.E.D. test. The agency determining the high school education equivalency shall submit a certified statement of the scores to the board.

Section 5. Professional Education. (1) Diploma. The candidate shall present the original certificate or diploma showing graduation from an approved school of nursing in the country from which she came.
(2) Nursing school record:
(a) The applicant shall be responsible for requesting the nursing school from which she/he graduated to send a copy of the transcript from the nursing school records directly to the board. A copy of grades submitted by the applicant is not acceptable.
(b) To be satisfactory, the applicant's record shall indicate that the nursing program included theory and clinical practice in kind and amount reasonably similar to that required of applicants graduated from Kentucky schools. If the record indicates program deficiency the applicant shall correct the deficiency by attending an accredited school of nursing appropriate to the license for which she is applying.

Section 6. Verification of Licensure. The applicant will be given a form to send to the licensing agency in her country for verification of her license. The form shall be returned directly to the board.

Section 7. Examination. (1) Applicants are required to write the state board test pool examination and achieve a passing score.
(2) The applicant shall be a Kentucky resident when the application is approved for the examination.
(3) An applicant who has taken the state board test pool examination in another state shall not take the examination in Kentucky for an original license.

Section 8. Summary of Credentials. Application, Fee, Photograph, Visa Information, Secondary school record, Nursing

school diploma, Nursing school record, and Verification of licensure.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director

ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:130. Retaking examination.

RELATES TO: KRS 314.041, 314.051
PURSUANT TO: KRS Chapter 314
NECESSITY AND FUNCTION: The licensure examination indicates minimum competence for safe practice. If an individual cannot demonstrate the knowledge for minimum safe practice in five (5) years after graduation from an educational program they need remedial work and up-dating before again attempting to show competence.

Section 1. Retaking State Board Test Pool Examination. (1) Candidates shall be required to rewrite only the test(s) failed, except those candidates who have not passed all tests of the licensing examination within two (2) years after the first writing. After two (2) years the total examination must be repeated each time and the applicant shall show evidence of having a remedial program in a school of nursing or with a registered nurse whose credentials are acceptable to the board each time the examination is repeated.

(2) If an individual does not achieve licensure within five (5) years after the date of the first examination after graduation she/he shall not be permitted to take the examination again without repeating a state approved nursing program.

(3) When an individual has taken the state board test pool examination for an original license in another state, she/he shall not take the state board test pool examination for an original license in Kentucky.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director

ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:140. Proctoring out-of-state examinations.

RELATES TO: KRS 314.041, 314.051
PURSUANT TO: KRS Chapter 314
NECESSITY AND FUNCTION: The board's first responsibility is to graduates of Kentucky schools and citizens of the Commonwealth.

Section 1. Kentucky will not proctor out-of-state candidates for the state board test pool examination, except that the executive director may make exception in extenuating circumstances.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director

ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:150. Experimentation.

RELATES TO: KRS 314.111(1), 314.011(5)
PURSUANT TO: KRS KRS Chapter 314
NECESSITY AND FUNCTION: Nursing education should be progressive and should be kept current with new methods, techniques, and content. Experimental testing and evaluation of new types of programs is necessary before adoption.

Section 1. The board shall give consideration to programs of experimental design which represent deviation from these rules and regulations. Approval will be dependent upon a well-qualified faculty and a carefully developed plan which includes suitable evaluation.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director

ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Kentucky Board of Nursing Education
and Nurse Registration

201 KAR 20:160. Complaint procedure.

RELATES TO: KRS 314.091(2), 314.131(1)
PURSUANT TO: KRS Chapter 314
NECESSITY AND FUNCTION: To assure due process of law to both the public and the licensee.

Section 1. Procedure. (1) All complaints shall be in writing and verified and shall bear the date and signature of the person making the complaint.

(2) The person making the complaint shall signify willingness to testify in the event that it is necessary.

(3) Before a complaint is investigated it shall present substantial evidence of a specific violation.

(4) Complaints are received by the executive director and/or another Kentucky board of nursing staff member. The board of nursing may assign one of its members to receive complaints. All preliminary information shall be kept confidential from the board and the public.

(5) The person(s) responsible for receiving complaints shall make an investigation to verify complaints and collect additional information.

(6) The person(s) responsible for receiving complaints shall interview the person against whom the complaint has been made.

(7) The person(s) responsible for receiving complaints shall evaluate information received; determine if complaint is valid, and if an apparent violation has been committed.

(8) Consult legal counsel as indicated.

(9) If referral is to be made to the State Board of Nursing for legal action, the individual against whom the complaint has been made shall be notified of the charges. They shall be advised of their rights in accordance with KRS 314.091, as follows:

(a) For legal counsel; and
(b) To access to evidence.

(10) If referral is made to the state board of nursing for a formal hearing, the hearing shall provide the respondent with:

(a) A formal written presentation of charges;
(b) A notice of the right to be represented by counsel;
(c) A reasonable time to prepare any defense;
(d) The right to answer charges;
(e) The right to subpoena witnesses in their behalf; and
(f) The notice of the right to appeal after an adjudication against them.

(11) If a state board member has participated in the preliminary investigations they shall not participate in the hearing process.

(12) All subpoenas shall be issued in the name of the board and shall be signed by the president of the board or the executive director. The person requesting the subpoena shall bear the cost of serving the subpoena, paying the witness fees and expenses. The board shall bear the cost of witnesses subpoenaed in the board's behalf.

(13) The executive director shall notify the person making the complaint and the person against whom the complaint was made of the final disposition of the case.

IRMA M. BOLTE, President
DORIS McDOWELL, Executive Director

ADOPTED: April 24, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 12:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Board of Nursing Education and Nurse Registration, 6100 Dutchmans Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Chiropractic Examiners

201 KAR 21:010. Board rules; application, examination.

RELATES TO: KRS 312.035, 312.075, 312.085, 312.125, 312.145
PURSUANT TO: KRS 312.075
SUPERSEDES: BCpr. E-1

NECESSITY AND FUNCTION: Provides orderly proceedings for meetings.

Section 1. Unless otherwise provided by statute or regulation, regular and special meetings of the board shall be governed by Roberts' Rules of Order.

Section 2. (1) Applications to practice chiropractic shall be made to the secretary/treasurer on forms supplied by the board and shall be accompanied by a recent photograph of the applicant. All applicants for licensure that have matriculated at a chiropractic college after October 1, 1975 must present evidence of having graduated from a chiropractic college having status with the Accrediting Commission of the Council on Chiropractic Education or the equivalent criterion thereof. The following procedures are established for an institution to obtain equivalency approval by the board of examiners:

(a) Standards: The standards against which the institution shall be evaluated shall be equivalent to those published and utilized by the Council of Chiropractic Education.

(b) Self study: A comprehensive self study shall be required of the applying institution which measure its performance against the objectives of the institution and the standards of the board of examiners. After review of the self study the board shall render a decision that the self study is either (i) satisfactory; (ii) unsatisfactory in terms of the report; or (iii) unsatisfactory in terms of content. If unsatisfactory, the board will furnish the institution with a bill of particulars. An inspection of the institution shall not be made until self study is satisfactory.

(c) Inspection: Inspection of the institution shall be conducted by an examining team selected by the board and shall consist of a minimum of five (5) members. Two (2) shall have Ph.D.'s in the basic sciences, one (1) shall have a Ph.D. in college administration and two (2) shall be Doctors of Chiropractic.

1. The inspection team shall determine first-hand if the applicant institution meets the established standards and is meeting its own institutional objectives.
2. Expenses of the inspection team shall be borne by the applicant institution.
3. The inspection team shall furnish the board with a comprehensive report of the team findings after having provided the institution with opportunity to comment on its findings.

(d) Decision: The entire board of examiners will make its decision on the basis of the comprehensive report of the inspection team after providing the institution opportunity for a hearing on the report. If a member of the board has participated in the inspection, he shall not participate in the decision making process.

(2) Applications shall be approved by the board.

(3) Qualified applicants for a reciprocal license may be required to take a written or oral examination to determine their fitness to practice. All other qualified applicants shall take written examination.

(4) Any applicant failing to correctly answer the required percentage of questions in one or more sections of the examination may request a re-examination within two (2) years of the initial examination.

(5) Upon receiving a request for re-examination the board may examine the applicant on the sections previously failed or on all the sections of the examination. Prior to re-examining the applicant, the board may require him to undertake additional educational training.

Section 3. (1) Licenses issued by the board shall set forth (i) the name of the issuing board, (ii) the name of the licensee, (iii) the number assigned to the license, and (iv) the date of its issuance.

(2) All licenses shall be issued and signed by the secretary/treasurer of the board who shall assign a number to each license and keep an accurate record of all licenses issued.

Section 4. (1) All licensees shall notify the secretary/treasurer of the mailing address of his office. The licensee shall promptly notify the secretary/treasurer of any change of mailing address.

(2) All licensees shall notify the secretary/treasurer of the installation, removal or repositioning of any radiation sources in his office or clinic.

Section 5. Each official of the board shall serve in his respective capacity for terms of three (3) years or until his term of appointment to the board expires.

J. N. RIGGS, D.C., Administration Officer
ADOPTED: May 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 4:48 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. J. N. Riggs, Administration Officer, State Board of Chiropractic Examiners, 1701 Gardiner Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Chiropractic Examiners

201 KAR 21:020. Professional standards and procedures.

RELATES TO: KRS 312.075
PURSUANT TO: KRS 312.075
NECESSITY AND FUNCTION: Defines professional standards and procedures. Clarifies professional standards.

Section 1. (1) A chiropractic office shall include (i) a reception room, (ii) a treatment room containing such equipment ordinarily necessary to provide chiropractic services, and (iii) toilet and washing facilities.

(2) All chiropractic offices shall be kept in a clean, sanitary, and orderly condition.

(3) Any number of Chiropractors may jointly maintain a chiropractic office.

Section 2. (1) Two (2) or more Chiropractors, who are certified by this board to practice a sub-specialty of chiropractic, may operate a chiropractic clinic to render services requiring specialized skills, knowledge and educational training on the part of the chiropractic clinician and specialized physical facilities not ordinarily possessed by a Chiropractor operating a chiropractic office.

(2) All chiropractic clinics shall include (i) a reception area, (ii) a treatment room containing equipment necessary to render chiropractic services, (iii) toilet and washing facilities, (iv) facilities and equipment necessary to rehabilitation, and (v) facilities and equipment necessary to render intensive care.

(3) All chiropractic clinics shall employ one or more paraprofessional assistants.

(4) All chiropractic clinics shall be certified by the board.

Section 3. Chiropractors may examine, analyze and diagnose the patient and his diseases by the use of any physical, chemical, or thermal method reasonably appropriate to the case. Chiropractors qualified by training and skill for diagnosis and analysis of patients by use of radiographs, blood analyses or other methods of examination may utilize the services of persons authorized by law to perform the procedures involved in such methods of examination. Provided, however, that the board may upon notice and hearing find any licensee unfit to use specified methods of examination, and provided further that the board by duly promulgated regulation may prohibit or restrict use of specified methods of examination which the board determines are appropriately so regulated.

J. N. RIGGS, D.C., Administration Officer
ADOPTED: May 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 4:50 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. J. N. Riggs, Administration Officer, State Board of Chiropractic Examiners, 1701 Gardiner Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Chiropractic Examiners

201 KAR 21:030. Educational programs for license renewal.

RELATES TO: KRS 312.175, 312.185
PURSUANT TO: KRS 312.075
SUPERSEDES: B Cpr E-3
NECESSITY AND FUNCTION: Provides delineation of license renewals.

Section 1. (1) The sponsoring party of a proposed educational program for license renewal must apply for approval of the program prior to its presentation by providing the following information:

(a) The name of the course;
(b) The name of the sponsoring party;
(c) The objective of the program;
(d) The number of hours over which the educational program will be presented;
(e) The names of the instructors, speakers, or institution;
(f) The instructors' or speakers' educational background and other relevant qualifications;
(g) The name of the attendance certifying officer and the method of certification.

(2) Any proposed program must be submitted to the board for approval at least sixty (60) days prior to the date of the presentation. The board shall give written notification of the approval or disapproval of the program to the sponsoring party no less than thirty (30) days after receiving the proposed educational program.

(3) The sponsoring party shall submit the program syllabus for approval to the Administrative Officer of the Kentucky State Board of Chiropractic Examiners.

Section 2. (1) Certification of attendance, including the number of hours attended, must be mailed to the State Board of Chiropractic Examiners by the end of the current calendar year after the completion of the seminar.

(2) Educational programs must extend over a minimum period

of six (6) hours each of two (2) separate days, thereby making a total of twelve (12) hours during the calendar year.

(3) An attendance certifying officer must be present at the program.

(4) Programs to be presented must contain subjects that will be of significant benefit to the Chiropractors and on a postgraduate level of education. The programs offered at any one educational session shall not be repetitious and shall be offered for the purpose of keeping the practitioner advised of advancements in the field of Chiropractic, which relate to the protection and welfare of the general public and/or the profession.

(5) Educational programs for license renewal shall be sponsored by accredited Chiropractic Colleges or by any national, regional, state, or local chiropractic organizations, associations, or societies, or educational meetings sponsored by the State Board of Chiropractic Examiners.

(6) All educational seminars held for license renewal must be opened to all Doctors of Chiropractic in Kentucky that wish to attend.

(7) The selection of speakers or instructors shall be on the basis of national reputation in the field of chiropractic education or allied sciences, or one who has established a high skill or reputation in a specific field within the Commonwealth of Kentucky.

(8) Any person making application for reinstatement or restoration of a license which has been revoked or suspended may be required, as part of the relief granted, to complete any approved course of continuing education, or to complete such study or training as the board may require.

(9) If a doctor has been classified as inactive for a period of three (3) or more years, in order to activate his license he must, in addition to furnishing a current twelve (12) hour certificate of continuing education, demonstrate proficiency in the application of chiropractic practice to the State Board of Chiropractic Examiners.

Section 3. The board may disapprove in whole or in part an educational program for license renewal that fails to satisfy any and/or all of the above rules and regulations. If an educational program is not approved by the board, the sponsoring party shall be so notified in writing within the thirty (30) days from the date the proposal was received in the board of examiners' office, and shall be afforded a reasonable opportunity to correct the deficiencies noted.

Section 4. The rules and regulations as set forth above may not apply to the hardship applicants pursuant to KRS 312.175. To qualify as a hardship under KRS 312.175; the applicant must have been hospitalized or under the constant care of a physician or fellow member of the chiropractic profession during the period wherein an approved educational course was being offered in this state at which attendance by the applicant was planned in order to meet the yearly educational study requirement; or to show reason why applicant could not attend another approved educational meeting during the year.

J. N. RIGGS, D.C., Administration Officer
ADOPTED: May 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 4:50 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. J. N. Riggs, Administration Officer, State Board of Chiropractic Examiners, 1701 Gardiner Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Chiropractic Examiners

201 KAR 21:040. Advertising.

RELATES TO: KRS 312.075, 312.991
PURSUANT TO: KRS 312.075
SUPERSEDES: B Cpr E-2
NECESSITY AND FUNCTION: Delineates permissible limits of advertising.

Section 1. (1) All advertising, whether related to public education or public relations, or both, whenever prepared by the individual Doctor of Chiropractic, must be approved by the Kentucky State Board of Chiropractic Examiners or a committee designated by it for that purpose.

(2) No advertising shall be permitted which contains misleading statements, exaggerations, or offers, premiums, gifts, or cut rates for the purpose of attracting or retaining patients.

(3) Signs and window lettering shall be confined in content to the name or names of the chiropractor or chiropractors in active practice, the office hours, and the designation of D.C. or Chiropractor. The use of neon, flashing lights or colored lighting is prohibited, and no sign shall consist of more than ten (10) square feet of total area; lettering shall be limited to six (6) inches in height. There shall be no mention of either superiority to other members of the chiropractic profession or of the college from which graduated.

(4) The use of professional cards, stationery, and letterheads shall be confined to the listing of name or names, office hours, telephone number or numbers. Nothing contained in this section shall be deemed to prohibit the circulation of material otherwise conforming to these regulations for the purpose of announcing the opening or the new location of any chiropractic office or clinic provided that no announcement shall be published thirty (30) days after the chiropractic office or clinic has been opened or relocated nor shall any such announcement appear more than once a week for four (4) consecutive weeks.

(5) Direct mail of public education material shall be truthful and in good taste, and in no event shall any emphasis be placed on the particular capabilities or superiority of the individual chiropractor; no such material shall be utilized for the comparison of chiropractors or of particular methods used by chiropractors. Public education material shall only be mailed in a sealed envelope which must bear the return address of the chiropractor sending such mail. Public education material shall not contain the name of the chiropractor sending such mail. This regulation does not apply to institutional mailing.

(6) The use of handbills for the purpose of attracting patients is expressly forbidden.

(7) Public education material for use in any news media, shall be truthful and in good taste, and shall pertain to health and chiropractic.

(8) Public education material may be listed in the telephone directory, but such material shall be limited to the name, address, office hours and telephone number, except that a chiropractor may indicate a specialization after securing approval of the State Board of Chiropractic Examiners, and such approval shall be granted to said individual if he is of special qualification justifying the chiropractor holding himself out as a specialist. Bold type lettering in classified section of directory is not permissible.

J. N. RIGGS, D.C., Administration Officer
ADOPTED: May 15, 1975
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 4:50 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. J. N. Riggs, Administration Officer, State Board of Chiropractic Examiners, 1701 Gardiner Lane, Louisville, Kentucky 40205.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION
Board of Chiropractic Examiners

201 KAR 21:050. Complaints.

RELATES TO: KRS 312.150, 312.155, 312.160, 312.165
PURSUANT TO: KRS 312.075
NECESSITY AND FUNCTION: Provides procedure attendant to disciplining. Clarifies disciplinary proceedings.

Section 1. The secretary/treasurer shall receive and investigate all complaints made against licensees and shall report his findings to the board. The secretary/treasurer may employ investigators to assist him.

Section 2. Upon receiving the secretary/treasurer's report, the board may suspend the license, initiate proceedings to revoke it or take any action it deems appropriate.

J. N. RIGGS, D. C., Administration Officer
ADOPTED: May 15, 1975.
APPROVED: WILLIAM E. SCENT, Commissioner
RECEIVED BY LRC: May 15, 1975 at 4:49 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dr. J. N. Riggs, Administration Officer, State Board of Chiropractic Examiners, 1701 Gardiner Lane, Louisville, Kentucky 40205.

DEVELOPMENT CABINET
Department of Fish and Wildlife Resources

301 KAR 2:045. Upland game birds and small game; season, limits.

RELATES TO: KRS 150.300, 150.305, 150.330, 150.340, 150.360, 150.365, 150.370, 150.400
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-G-114
NECESSITY AND FUNCTION: This regulation pertains to the hunting season, bag and possession limits for upland game birds and animals and trapping season for furbearers. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds, animals and furbearers within reasonable limits based upon an adequate supply.

Section 1. Closing of Small Game Season During the December 6 through 10 Statewide Deer Gun Season, and Exceptions:

(1) Hunting for all game species except waterfowl, rails and gallinules will be closed during the December 6 through 10 statewide deer gun season; December 6 through 13 on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties.

(2) The following areas will be open to small game hunting during the December 6 through 10 statewide deer gun season:

(a) West Kentucky Wildlife Management Area in McCracken County.

(b) Higginson–Henry Wildlife Management Area in Union County.
(c) Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties.
(d) Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties.
(e) Fort Campbell Wildlife Management Area in Christian and Trigg Counties.

(3) The following Wildlife Management Areas will be closed to all hunting at all times:
(a) Grayson Wildlife Management Area in Carter and Elliott Counties.
(b) Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties.
(c) Pine Mountain Wildlife Management Area in Letcher County.
(d) Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties.
(e) Red Bird Wildlife Management Area in Leslie and Clay Counties.

(4) The following counties will be closed to all hunting except for waterfowl, rails and gallinules during the December 6 through 10 statewide deer gun season: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe and Clark.

(5) Taking of furbearers by means other than trapping is prohibited during the five (5) day statewide deer gun season.

(6) Hunting for waterfowl, rails and gallinules will be permitted during the five (5) day statewide deer gun season.

(7) The following counties are closed to grouse hunting because of stocking: Christian, Caldwell, Hopkins, Butler, Hardin, Bullitt, Meade, including all of Fort Knox, Taylor and Adair.

Section 2. Hunting and Trapping Seasons. See Section 1 for Exceptions and Closures:

(1) Squirrel: opens third Saturday in August (16th), continues through October 31. Opens again on the third Thursday in November (20th), continues through December 31, 1975.

(2) Rabbits: opens third Thursday in November (20th), continues through January 31, 1976.

(3) Quail (Bobwhite): opens third Thursday in November (20th), continues through February 29, 1976.

(4) Grouse: opens third Thursday in November (20th), continues through February 29, 1976. See Section 1(7) for exceptions.

(5) Furbearers: opens third Thursday in November (20th), continues through January 31, 1976. Includes mink, muskrat, beaver, opossum, red fox, raccoon, weasel and skunk, except the spotted skunk which is an endangered species. The bobcat is protected year around and may not be trapped or killed.

Section 3. Bag and Possession Limits. Possession limit applies after two (2) or more days of shooting to transporting, but does not permit double bag limit to be taken or possessed in the field:

Game	Bag Limits	Possession Limits
Squirrel	6	12
Rabbit	6	12
Quail (Bobwhite)	10	20
Grouse or native pheasant	4	8
Furbearers	No Limits	No Limits

Section 4. Shooting Hours. Shooting hours on the above species shall be from daylight to dark, except for raccoon and opossum.

Section 5. Use of Calling Devices. The above species may be taken with the aid of hand or mouth operated calls, or both. The use of electronic recording devices shall be prohibited except for taking by authorized persons, those animals or birds recognized by the department to be causing damages or creating a nuisance or health hazard.

Section 6. Squirrel Hunting Weapons. No person while in the act of hunting squirrels, may use or possess a breech–loading rifle of .240 caliber or larger, or a shotgun with slugs or buckshot. Squirrels may be taken with any type of muzzle–loading weapon.

Section 7. Prohibited Ammunition. No person while in the act of hunting any of the game species listed in this regulation may have in his or her possession any buckshot or shotgun slugs.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner
ADOPTED: March 10, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: May 12, 1975 at 2:29 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 2:047. Specified areas; seasons, limits for birds and small game.

RELATES TO: KRS 150.025, 150.170, 150.176, 150.330, 150.340, 150.360, 150.370
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR–G–117
NECESSITY AND FUNCTION: This regulation pertains to the hunting seasons, bag and possession limits for upland game birds and animals on specified wildlife management areas and refuges. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds and animals within reasonable limits based upon an adequate supply.

Section 1. The following statewide regulations also apply to the wildlife areas listed herein:

(1) Prohibited ammunition. No person while in the act of hunting any small game species may have in his or her possession any buckshot or shotgun slugs.

(2) Squirrel hunting weapons. No person, while in the act of hunting squirrels, may use or possess a breech–loading rifle of .240 caliber or larger, or a shotgun with slugs or buckshot. Squirrels may be taken with any type of muzzle–loading weapon.

(3) Wild animals and wild birds may be taken with the aid of hand or mouth operated calls, or both. The use of electronic recording devices shall be prohibited except for the taking by authorized persons, those animals or birds recognized by the department to be causing damages or creating a nuisance or health hazard.

Section 2. The following wildlife management areas are closed to all hunting at all times:

(1) Grayson Wildlife Management Area in Carter and Elliott Counties.

(2) Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties.

(3) Pine Mountain Wildlife Management Area in Letcher County.

(4) Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties.

(5) Red Bird Wildlife Management Area in Leslie and Clay Counties.

Section 3. Exceptions to statewide small game hunting regulations on the following wildlife management areas and refuges. Except as stated, all other hunting regulations, bag and possession limits apply on the areas listed. Hunting for small game species, plus waterfowl, rails, gallinules, woodcock and snipe is permitted during the December 6 through 10 statewide deer gun season on the following areas unless otherwise specified in this or other state or federal regulations:

(1) West Kentucky Wildlife Management Area located in McCracken County.
(a) Quail (Bobwhite): November 20 through February 29, 1976, on Tracts 2, 3 and 6.
(b) Rabbit: November 20 through February 29, 1976, on Tracts 2 and 3. November 20 through January 31, 1976, on Tract 6 only.
(c) Squirrel: August 16 through October 14, 1975, on Tracts 1, 2, 3, 4, 5 and 6. November 20 through December 31, 1975, on Tract 6 only.
(d) Raccoon and opossum: With gun or dog on Tracts 1, 2, 3, 4, 5 and 6 from November 20 through January 31, 1976. Night training and shake–out season is allowed on all Tracts from February 1 through the third Wednesday in November.
(e) Rabbit and quail hunters must check in and out at the designated check station.
(f) All tracts designated by numbers followed by the letter "A" are closed to gun hunting.
(g) Weapon restrictions. No rifles, or ball or slug ammunition of any type shall be permitted for taking small game on this area.

(2) Land Between the Lakes Wildlife Management Area located in Trigg and Lyon Counties. Areas open to hunting for the following species are located north of the state line to Barkley Canal, except that no hunting is allowed in developed public use areas, safety zones and posted areas unless otherwise noted:
(a) Squirrel: August 16 through October 9, 1975; November 27 through December 31, 1975.
(b) Quail (Bobwhite): November 27 through February 29, 1976.
(c) Rabbit: November 27 through January 31, 1976.
(d) Raccoon and opossum: Selected dates of December 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27 and 28, 1975. January 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30 and 31, 1976.
(e) Fox chasing: From sunset to sunrise; October 3 and 4, November 28 and 29, south of highway 68 to state line.
(f) Fox taking: During daylight hours only; November 27 through February 29, 1976.
(g) Bird dog and beagle hound training season: October

1 through November 1, 1975 on Turkey Creek Area only. A permit is required from Land Between the Lakes.

(h) Field trial season: November 1 through April 15, 1976.

(i) For Land Between the Lakes hunting rules refer to 301 KAR 2:050.

(3) Reelfoot National Wildlife Refuge located in Fulton County:

(a) Squirrel: September 1 through September 30, 1975, only in areas designated by signs as open to public hunting.

(b) Raccoon: Selected dates are September 22 through 27 and September 29 through October 4, 1975, with hunting allowed only during the hours of 7:30 p.m. to 12:00 p.m.

(c) Permits. All hunters are required to have a special hunting permit which can be obtained at refuge headquarters, P. O. Box 295, Samburg, Tennessee 38254, or at designated check stations.

(d) Age limit. Hunters under age seventeen (17) must be accompanied by an adult. For safety reasons, the ratio should be one (1) adult to one (1) juvenile, but in no case more than two (2) juveniles per adult.

(e) Firearms. Only shotguns incapable of holding more than three (3) shells and .22 caliber rifles are permitted.

(f) Dogs are permitted only for raccoon hunting.

(g) Open fires and cutting trees are not permitted.

(4) Ballard County Wildlife Management Area located in Ballard County:

(a) Squirrel: August 16 through October 14, 1975, on the whole management area.

(b) All statewide game seasons, bag and possession limits apply only to the wooded area south of Terrell Landing Road and designated by signs reading "Wildlife Management Area for Public Hunting." Small game hunting on this area will be closed during the statewide December 6 through 10 deer gun season.

(5) Central Kentucky Wildlife Management Area located in Madison County:

(a) Squirrel: August 16 through October 14, 1975.

(b) This area is closed to all hunting except dove and squirrel.

(6) Curtis Gates Lloyd Wildlife and Recreation Area located in Grant County:

(a) Areas closed to hunting are designated by refuge signs. The remainder of the area is open to all statewide hunting seasons.

(b) Small game hunting will be closed during the statewide December 6 through 10 deer gun season.

(7) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties:

(a) Statewide limits and seasons apply for all game species except during the deer gun season, but hunters on this area are restricted to pioneer weapons only. These include muzzle-loading rifles, muzzle-loading pistols, muzzle-loading shotguns, longbows and crossbows. Muzzle-loading shotguns for taking squirrels, quail, grouse and rabbits must not use shot larger than No. 2 in size.

(b) Small game hunting will be closed during the December 6 through 13 deer gun season.

(8) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties:

(a) Seasons, bag and possession limits:

1. Squirrel: September 1 through October 15, 1975, November 27 through December 2, 1975. December 3 through December 16, 1975 on selected areas. December 17 through December 31, 1975. January 1 through January 31, 1976. Refer to paragraph (b) of this subsection for special requirements; bag limit six (6); possession limit twelve (12).
2. Quail: November 27 through December 2, 1975. December 3 through December 16, 1975 on selected areas. December 17 through February 29, 1976; bag limit ten (10); possession limit twenty (20).
3. Rabbit: November 27 through December 2, 1975. December 3 through December 16, 1975 on selected areas. December 17 through January 31, 1976; bag limit five (5); possession limit ten (10).
4. Raccoon and opossum: Shake-out season with dogs only. October 2 through October 15, 1975; bag limit one (1) per person; possession limit one (1) per person.
5. Taking with gun and/or dogs, November 27 through December 2, 1975. December 3 through December 16, 1975 on selected areas. December 17 through January 31, 1975; bag limit one (1) per person; possession limit one (1) per person.
6. Gray fox and groundhog: July 15 through October 15, 1975. December 17 through April 14, 1976; no bag limit; no possession limit.
7. Red fox: November 27 through December 2, 1975. December 3 through December 16, 1975 on selected areas. December 17 through January 31, 1976; no bag limit; no possession limit.

(b) Special requirements for Kentucky license holders hunting squirrels during the period January 1, 1976 through January 31, 1976. Since this hunting period does not conform to Kentucky's regular statewide squirrel season, Kentucky license holders must present their squirrel kill for validation at the rear area Military Police Station during the month of January.

(c) Permission must be obtained for each hunt from the rear area Military Police Station and hunters must stay within their assigned hunting area. A hunting permit costing seven dollars ($7) is required and is good for all species hunting for the season.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission
ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 10, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: May 13, 1975 at 2:50 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 2:100. Archery season and limits for deer.

RELATES TO: KRS 150.025, 150.170, 150.175, 150.176, 150.300, 150.305, 150.330, 150.340, 150.360, 150.390
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-G-113
NECESSITY AND FUNCTION: This regulation pertains to the statewide deer archery season. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of deer within reasonable limits based upon an adequate supply.

Section 1. Seasons. Statewide archery season: October 1 through November 16, and December 17 through December 31, 1975.

Section 2. Limits. One (1) per year, either by gun or archery. Either sex deer, whitetail, fallow or European red.

Section 3. Open and Closed Counties and Wildlife Areas. (1) The following counties are closed to both gun and archery deer hunting: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe and Clark. All other counties are open to archery and gun deer hunting.

(2) The following Wildlife Management Areas are closed to all hunting: Grayson Wildlife Management Area in Carter and Elliott Counties, Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties, Pine Mountain Wildlife Management Area in Letcher County, Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties and Red Bird Wildlife Management Area, including all private inholdings, in Leslie and Clay Counties.

Section 4. License Requirements. Each hunter taking or attempting to take deer must have in his or her possession a valid deer hunting permit, unless exempted by KRS 150.170(3), (5) or (6) (the resident owner of farmlands, his wife or dependent children; resident tenants or their dependent children residing upon said farmlands; residents 65 years or older; and resident servicemen on furlough of more than three (3) days in their county of legal residence). All persons except those exempted by KRS 150.170(3), (5) or (6), must have a valid Kentucky hunting license in addition to the deer hunting permit. All non-residents are required to possess an annual non-resident hunting license or combination license as well as a deer permit.

Section 5. Legal Weapons and Hours. (1) Deer may be taken by archery during daylight hours only.

(2) Longbows, including compound bows.

(3) Barbless arrows with broadhead points at least seven-eighths (7/8) inch wide.

(4) Crossbows on Pioneer Weapons Wildlife Management Area only. Crossbows must be of not less than eighty (80) pounds pull, with barbless arrows with broadhead points at least seven-eights (7/8) inch wide.

Section 6. Prohibited Weapons and Conditions. (1) Non-residents whose state does not grant residents of Kentucky the same hunting privilege as provided by KRS 150.176, may not hunt deer in Kentucky.

(2) Deer may not be taken with a crossbow except on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties.

(3) Archery hunters must not carry firearms of any kind during the archery season.

(4) Deer may not be taken with the aid of boats, or any type of vehicles, or any domestic animals.

(5) Deer may not be taken with the aid of dogs.

(6) Deer may not be taken with chemically treated arrows or attachments to arrows containing chemicals.

Section 7. Tagging Deer and Hides. (1) Each hunter who kills a deer must immediately attach to the deer the locking

metal tag provided with the deer permit. The tag may be attached to any portion of the deer, provided that it cannot be removed without mutilating the deer carcass or damaging or destroying the locking tag. The tag must remain attached to the deer until the carcass is processed and packaged by locker plant, butcher or hunter. The card portion of the deer permit must be separated from the metal tag when tagging the deer and retained in possession of licensee. All persons eligible to hunt without a hunting license or deer hunting permit as exempted by KRS 150.170(3), (5) or (6), must attach to the deer a free identification tag obtained from a conservation officer or deer check station before removing said deer from their land or other lands.

(2) The deer hide tag attached to the deer permit, must be attached to the raw hide immediately after removal from the carcass. Deer hides legally taken and tagged may be possessed and processed, but cannot be bought or sold.

Section 8. Notifying Department of Deer Killed. All eligible hunters that hunt in accordance with KRS 150.170(3), shall notify the department in writing when they kill a deer.

ARNOLD L. MITCHELL, Commissioner
DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission
ADOPTED: March 10, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: May 2, 1975 at 10:18 a.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 2:110. Raccoon and opossum season; limits.

RELATES TO: KRS 150.025, 150.360, 150.365, 150.370, 150.390, 150.399, 150.400, 150.410
PURSUANT TO: KRS 13.082
SUPERSEDES: KFWR-G-115
NECESSITY AND FUNCTION: This regulation pertains to the dog training and hunting season for opossum and raccoon. This regulation is necessary for the continued protection and conservation of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of raccoons and opossum within reasonable limits based upon an adequate supply.

Section 1. Night Training Season. (1) The night training season for opossum and raccoon dogs shall be February 1 through October 21, both dates inclusive.

(2) Neither species shall be taken during this period in any way, or by any method. During this period, the hunters shall not carry any firearms, slingshot, or any weapon, device or instrument, including climbers or squealers, that is capable of injuring, enticing or forcing the animals from the tree or den. The restrictions in this subsection also apply to the day training of dogs as authorized by KRS 150.370(2).

Section 2. Shake-out Season. (1) Shake-out season shall be October 22 through the third Wednesday in November, both dates inclusive.

(2) During the shake-out season, opossum or raccoon may be taken by dog only. During this period, the hunters shall not carry any firearms, slingshot, or any weapon, device or instrument that is capable of injuring the animals. Hunters may use squealers, climbers, their hands, or any other method not injurious to the animals, but no person shall cut or otherwise damage any tree in an attempt to force or entice a raccoon or opossum from it. The use of smoke, fire or gases to drive the animal from the tree is prohibited.

(3) The sale of raccoon carcases is prohibited at all times.

Section 3. Open Season and Bag Limits. (1) Open season and bag limits for raccoon and opossum for taking with gun, dog or trap shall be the third Thursday in November through January 31, both dates inclusive.

(2) Closed Period, Areas and Exceptions. Hunting for raccoon, opossum, other furbearers and all other game species except waterfowl, rails and gallinules, will be closed statewide during the statewide deer gun season and on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties, including counties closed to deer hunting. Except the following Wildlife Management Areas will be open to small game, raccoon and opossum hunting during the regular statewide deer gun season: West Kentucky Wildlife Management Area in McCracken County, Higginson-Henry Wildlife Management Area in Union County, Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties, Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties and Fort Campbell Wildlife Management Area in Christian and Trigg Counties. Taking of raccoon, opossum and other furbearers by means other than trapping is prohibited during the statewide deer gun season.

(3) The following Wildlife Management Areas are closed to all hunting: Grayson Wildlife Management Area in Carter and Elliott Counties, Pine Mountain Wildlife Management Area in Letcher County, Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties, Robinson Forest Wildlife Management Area in Breathitt, Perry and Knott Counties and Red Bird Wildlife Management Area, including all private inholdings, in Leslie and Clay Counties.

(4) Bag Limits. There is no bag limit on opossum, raccoon and other furbearers.

Section 4. Prohibited Methods for Taking Raccoon and Opossum. Raccoon and opossum may not be taken, except by trapping, from a motor driven vehicle, motor driven or paddled boat with the aid of artificial light at any time or any place.

ARNOLD L. MITCHELL, Commissioner
DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission
ADOPTED: March 10, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: May 2, 1975 at 10:18 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEVELOPMENT CABINET
Kentucky Department of Agriculture

302 KAR 30:010. Pest control industry licensing.

RELATES TO: KRS 249.250 to 249.340
PURSUANT TO: KRS 249.270, 13.082
SUPERSEDES: Agr: PCO-11-1
NECESSITY AND FUNCTION: KRS 249.270 authorizes the commissioner to establish and determine the rules and regulations for the licensing and regulation of the structural pest control industry.

Section 1. Definitions: As used in these rules and regulations, unless the context otherwise requires:

(1) "Department" means the Kentucky Department of Agriculture;

(2) "Commissioner" means the Commissioner of Agriculture;

(3) "Board" means the State Board of Agriculture;

(4) "Insect" means arthropods, mollusks and annelid worms, except those producing disease in man;

(5) "Rodent" means rodent, as commonly used and other related vertebrate animals;

(6) "Termite" means termite as commonly used as well as other cellulose destroying organisms of all types;

(7) "Fumigation" means the use of poisonous gases to fumigate any enclosed space;

(8) "Structure" means any building regardless of its design or type of contruction, public or private, vacant or occupied;

(9) "Pesticides" means any chemical used singularly or in combination for the purpose of preventing, killing or controlling undesirable organisms such as insects, rodents, termites, fungi, bacteria, plant diseases, weeds and undesirable plants;

(10) "Operator" means any individual, firm, partnership, corporation, organization, association, or any combination thereof who owns or operates a business for the purpose of applying or using pesticides for the control of insects, rodents, termites, plant diseases, fungi or bacteria, in and adjacent to structures, or who for hire or compensation owns or operates a business for controlling, destroying, preventing, repelling, inspecting for or identifying insects, rodents, termites, fungi or bacteria, plant diseases, weeds and undesirable plants, or who owns or operates a business offering advice regarding control methods or sanitation procedures relative to same in and adjacent to structures. Excluded under this definition are textile manufacturers, cleaners or furriers who treat fabrics or furs in their place of business exclusively;

(11) "Outside services" means the control of insect pests, rodents, termites, plant diseases, fungi or bacteria, weeds and undesirable plants in lawns and ornamental plants adjacent to and around structures;

(12) "Place of business" means any physical location where the operator advertises that inquiries might be made, or where one or more of his employes or agents regularly receives inquiries, solicits orders or directs or controls any aspect of the operator's business or from which any phase of the operator's business is regularly conducted.

Section 2. Responsibility of Operator. Each owner under this Act, or any amendments thereto, shall be required to comply with the following rules and regulations, or any rules and regulations which may be added at any time hereafter, as provided by this Act, so long as this Act remains in effect. Any owner who violates or refuses to comply with these rules and regulations in whole or in part shall be subject to the provisions of KRS 249.300 and shall be subject to prosecution under KRS 249.990. When a complaint against work performed shall be received by the board whether said complaint is made against individuals within such business establishment or business entity, the board shall hold responsible the license holder in charge of that work performed which resulted in said complaint, or at such times as he may deem desirable the commissioner or his authorized representative, shall examine properties treated for the purpose of determining the efficiency of the treatment given. Whenever any property examined is unsatisfactory as evidenced by the presence of live termites in foundation, or superstructure, or failure to carry

out effectively the requirements of these rules and regulations, the operator and licensee will be notified and given a reasonable length of time in which to correct such conditions. If the operator shall neglect or refuse to make such corrections, his license will be suspended or revoked after a hearing as provided in KRS 249.300 unless he can show to the satisfaction of the department why such action should not be taken. If the license is suspended, the operator or licensee shall have the privilege of examining and retreating all properties on which he has current contracts, but shall not solicit any new business on penalty of immediate revocation of his license. He shall notify the department of the dates of all re-examinations and retreatments. When any property previously reported in an unsatisfactory condition have been re-examined and retreated, the department shall then make the re-inspections at its earliest convenience. If the department, on re-inspection, shall find the property in satisfactory condition, the suspension shall be removed, otherwise, the license of the operator shall be immediately revoked.

Section 3. Identification Including Units and Equipment. Each business establishment or business entity must at all times have its vehicles, which are actively and regularly engaged in service work marked for easy identification with at least the letters "L.P.C.O." two (2) inches high, and the company name thereon, followed by the license number of the business establishment or business entity. Identification of vehicles may be permanent or removable; however, signs must accompany the vehicle at all times for purpose of identification. Each licensed business establishment or business entity shall furnish each employe performing work or soliciting business an identification card to be secured from the department and said identification card shall be carried on his or her person at all times for the purpose of identification of employe to the department or to the person or persons for whom such work is being performed. It is the responsibility of every business establishment or business entity issuing identification cards to collect any and all cards, or produce proof that a reasonable effort was made to collect same from employes whose employment has terminated with that company. Identification cards collected in this manner shall be mailed to the department and accompanied by a full explanation of same.

Section 4. Chemicals Used. The burden of responsibility shall rest upon the license holder for selection and use of proper chemicals, and also for the correct formulation and dosages used unless otherwise specified in the rules and regulations. However, the department or its agents shall have authority at all times to examine and test any and all chemicals used or being used or bought, held, or stored for the purpose of being used for termite, general pest or rodent eradication or control at any time by any person having a license issued, whether then in use or not.

Section 5. Unauthorized Inspections and Treatments. Any individual in the solicitation of business who shall claim that inspections and/or treatments are required, authorized, or endorsed by the board or any agency of state or federal government shall be guilty of fraud and misrepresentation. The licensee shall not advertise, solicit, perform, serve or engage in any phase of structural pest control for which the pest control operator in charge of said license is not certified.

Section 6. Misleading or Fraudulent Advertising. Misleading advertising in any form is prohibited. No reference shall be made by any business establishment or business entity in any form of advertising to approval, endorsement, or recommendation by the board of any agency of state or federal government.

Section 7. Change-of-Address Notices. Each license holder shall be required to notify the board of any change of address within ten (10) days after such change has been made.

Section 8. Proof of Financial Responsibility. (1) No operator shall be licensed under the provisions of the Act unless said operator furnished proof of financial responsbility. Financial responsibility under the meaning of this regulation shall be deemed to be the carrying of insurance policies with reputable insurance companies licensed to do business in Kentucky, providing the following minimum coverage:

(a) Property damage, $25,000;
(b) Bodily injury per person, $50,000;
(c) Bodily injury per occurrence, $100,000;
(d) Workmen's compensation insurance providing benefits at lease equivalent to benefits provided by KRS Chapter 342.

(2) if the insurance of any operator is canceled, his license shall be suspended until such time that the operator has obtained insurance or furnished the department with a fidelity or real estate bond in the amount of $50,000 with evidence that he cannot obtain insurance.

Section 9. Categories of License. Applicants may request licenses in one (1) or more of the following limited categories of pest control:

(1) Control of termites and other wood destroying organisms;
(2) Control of general pests and rodents including outside services;
(3) Fumigation.

Section 10. Application for Examination. Application for license shall be submitted on a form furnished by the department, and shall be filed no later than thirty (30) days in advance of the next examination date. The applicant, if he is an out of state operator, or his designated operator shall take an examination which may be oral, written, or both, as determined by the commissioner or his representatives in his discretion, and in general cover the subject of the professional services designated in the application. The applicant shall be notified within ten (10) days whether or not he passed the examination. Examinations to obtain a license will be given three (3) times a year on the first Tuesday in February, June, and October, unless such date shall be a holiday. In such case, the examination will be given on the second Tuesday of that month. Special examinations may be given when deemed advisable by the commissioner. If the qualifications and the examinations of the applicant are satisfactory, the examining board shall certify such fact to the board and upon their approval, a license shall be forthwith issued to the applicant in the fields of operation in which he was examined.

Section 11. Termites and Wood-infesting Organisms; Contracts. Each licensed operator must enter into a written contract with the property holder, or his or her authorized agent, for each "termite or wood-infesting organism control" job when such job is confined to a "building structure," one (1) copy to be left with the property owner or his agent, and one (1) copy to be retained by the operator. All operators shall file a report with the department, on all forms to be provided by the department, by the fifteenth (15th) of the following month, listing all such jobs contracted for and treated during the previous month indicating the contract number, name and address of the owner and address of the property so treated. The contract must clearly set forth the following stipulations:

(1) The date upon which the contract will become effective and period of time covered by the contract;
(2) The type, or types, of wood-infesting organisms being controlled under the contract;
(3) The total maximum price to be charged, including an estimate of the cost of repairs, replacements, or excavation, where such is to be done by the termite control operator;
(4) Whether or not re-inspections are to be made, approximate time interval between, and fees for same, if any;
(5) Conditions under which retreatments will be made;
(6) Any "termite or wood-infesting organism control" contract must be presented to the property holder, or his or her agent, for acceptance in advance of the performance of any control measures as specified;
(7) In contracts covering sectional treatments, specific areas, under and/or in the building structure where proposed items of work are to be performed, a detailed scale drawing of the entire structure specifically defining the portion to be sectional treated must be listed in the contract and attached thereto, and made a part thereof. Contracts covering treatment of substandard structures shall be so identified;
(8) The operator shall faithfully and honestly carry out the provisions of the contracts entered into.

Section 12. Inspection After Treatment. All operators shall keep on record at their place of business any reinspections or contract renewals conducted by their operation.

Section 13. Control Measures. Control measures used shall be based upon the types of termites and termite damage, or the type of other wood-infesting organisms, as previously determined by inspection, and in accordance with the written agreement or contract. The following minimum standards shall apply to the treatment of all structures:

(1) Termites:
(a) Remove all cellulose debris from beneath structures;
(b) Remove all termite tubes from foundation walls, piers, and supports;
(c) Protect all wood in contact with the soil with a chemical treatment. In addition, use mechanical barriers where practical;
(d) In structures with a crawl area, trench and/or rod the soil adjacent to the inside and outside of foundation walls, piers and chimneys;
(e) Drill and flood, at not more than sixteen (16) inch intervals, the cavities in hollow pillars, tile, brick, concrete block or other cavity walls, chimneys or any other structure likely to be penetrated by termites by injecting at least one (1) gallon of permitted chemicals per five (5) linear feet. If walls are uncapped, flooding from the top is acceptable;
(f) Void, drill (at a maximum of eighteen (18) inch intervals) or rod any adjacent structures, stoops, concrete slabs, patios or driveways that obstruct trenching or rodding the foundation;
(g) In treating structures on a concrete slab on the ground, the soil beneath all points of potential termite entry shall be saturated with termite chemical by treating from above or by rodding beneath the slab;
(h) In structures with a basement on a concrete slab all of the above standards apply with the exception of treating the inside of the foundation walls and the basement floor. These areas should be treated when a termite infestation is evident;
(i) Structures with substandard (SS) construction may be treated on a conditional contract. Substandard

structures are those structures with less than twelve (12) inches of clearance between the soil and bottom of the floor joists in the crawl area;

(j) Pretreatment of new construction will be carried out in accordance with the labeled instructions of the chemical used and shall not be less than the standards contained herein;

(k) In structures with a basement on a concrete slab all of the above standards apply with the exception of treating the inside of the foundation walls and the basement floor. These areas should be treated when a termite infestation is evident.

(2) Powder Post Beetles, Carpenter Ants and/or other wood destroying insects other than Termites. Each pest control operator shall treat for the above insects by wood treatment or by spraying or painting the infested areas with a chemical solution labeled for their control. Fumigation can also be used to control these insects by licensed fumigators.

Section 14. Inspections by Board. At such times as may be necessary, in the discretion of the department, the inspector(s) of the board shall examine properties treated for termites and/or other wood-infesting organisms for the purpose of determining the efficiency of the remedial measures applied and to determine if treatment(s) comply with the contract. However, if required by the state inspector, the business establishment or business entity shall furnish sufficient samples, without charge, of labeled materials used in original treatment and to be used in retreatment.

Section 15. General Pest and Rodent Control. (1) Poisoning of rodents. Since most rodenticides are poisonous to humans and domestic animals, care shall be exercised and precautionary steps taken to avoid accidental poisoning of human beings and domestic animals;

(2) Restrictions on the use of sodium fluoroacetate (Compound "1080"). Owing to its high toxicity and the further fact there there is no known antidote for it, extreme precautions in the use of this compound as a rodenticide must be observed to prevent accidental poisoning of human beings and domestic animals. In its use all rules and regulations of the manufacturer, USEPA and the Department for Human Resources must be observed at all times;

(3) Chemical calcium cyanide. Special exemption is given the chemical calcium cyanide as a spot fumigant in gassing rodents, provided that the chemical shall be applied in such minimal quantities and in such location that it, or the gasses from it, do not harm human beings or domestic animals. All precautions shall be taken such as following the recommended procedure as outlined by the manufacturer of the chemical.

Section 16. Fumigation Crews. (1) At least two (2) individuals shall compose a crew for the release of any fumigant or fumigants; and no fumigation operation shall be conducted unless and until at least two (2) individuals of said business establishment or business entity shall work jointly and concurrently in the release of a fumigant or fumigants. This regulation need not apply in the fumigation of railroad box cars, trucks, aircraft, special rooms, tanks, vaults, chambers and similar structures of limited size where the fumigator remains outside the space being fumigated and is not exposed to toxic concentrations of the fumigant used. When a fumigating crew shall be composed of only two (2) individuals on a "general fumigation" job, the operator in charge shall be one of the fumigating crew assisting in the release of the fumigant(s).

(2) Official notice of fumigation. Each business establishment or business entity, before performing general fumigation in any structure or enclosed space, must notify in writing the fire department and the police department having jurisdiction over the location where the fumigation operation is to be performed. Such notice shall in each and every case give the following information:

(a) Location of structure or enclosed space to be fumigated as well as its character and use;

(b) The fumigant to be used;

(c) The date and time of release of fumigant and approximate exposure period;

(d) The name of the operator in charge, together with his day and night telephone numbers, if different.

This written information must be given to each agency no later than three (3) hours prior to the time set forth in the notice for the release of the fumigant. A shorter time for filing written notice of fumigation of vessels, aircraft, box cars, trucks and/or common carriers shall be permitted, and the time for such notification shall only be in advance of the fumigating operation. If trucks, box cars, and/or other common carriers are in transit during the fumigation operation, no notices shall be required. The requirements of notification of fumigation stated in this section shall not apply to fumigation operations performed in or by means of special rooms, vaults, chambers, or tanks as approved by the board.

(3) Structures to be vacant. Neither the structure to be fumigated, nor any part or parts thereof, shall be occupied by human beings or domestic animals during the period of fumigation. In addition, structures or enclosed spaces which are physically joined to or in contact with the structure to be fumigated shall not be occupied by human beings or domestic animals during the period of fumigation. It shall be the duty of the operator in charge to personally make a careful examination of all parts of the structure to be fumigated, and structures or enclosed spaces physically joined to or in contact with said structure, to verify that no human beings or domestic animals have remained therein, and that all necessary precautions have been undertaken to safeguard the lives and health of all persons occupying structures or enclosed spaces adjoining the structure in which fumigation operation is to be performed.

(4) Notice to occupants. Notice of warning must be served upon the occupants of the structure or enclosed space to be fumigated no later than three (3) hours in advance of any fumigation operation, by leaving said notice with a responsible person therein and if not present, by attaching same in a conspicuous manner on the entrance or entrances to such structures or enclosed space occupied by human beings.

(5) Preparations for fumigation. The operator in charge must make a personal inspection and examination of the structure or enclosed space to be fumigated.

(6) Danger signs. Prior to releasing the fumigant, suitable warning signs must be posted at the ground level on all doors or entrances to the structure, common carriers or enclosed space being fumigated, as follows:

(Skull) AND (Crossbones)	DANGER FUMIGATION WITH (Name of Fumigant) DEADLY POISON ALL PERSONS ARE WARNED TO KEEP AWAY	(Skull) AND (Crossbones)

Name of Fumigator_____
Address_____Telephone_____
Operator in Charge_____
Day Phone_____Night Phone_____

(7) Such signs must be printed in indelible red ink or paint insoluble in water on white background. The words "danger" and "deadly poison" shall be in block letters two (2) inches high and all other letters in proportion.

(8) Final pre-fumigation inspection. Immediately before the fumigant is to be released, the operator in charge must then make a final inspection and shall ascertain, himself, the following:

(a) That all preparations have been completed;

(b) That no human being or domestic animal is present within the structure or enclosed space to be fumigated, or in any adjacent structures or enclosed spaces that were to be vacated because of danger from the fumigation operation;

(c) That no open fires or open flames, pilot lights or oil lamps are burning;

(d) That all personnel engaged in the fumigation operation are outside the structure or enclosed space to be fumigated;

(e) That all doors, windows, and all other means of access have been locked or barred. All doors or other entrances which can be opened from the outside must be locked, and the keys to same remain in the possession of the operator in charge only;

(f) All foods or other materials subject to contamination by the fumigant must be removed from the structure or enclosed space.

(9) Guards and watchmen. During the period of fumigation, and until the structure has been ventilated and declared safe, a capable, alert watchman or guard, or watchmen or guards, shall remain on duty at the structure or enclosed space being fumigated. One (1) guard or watchman shall be considered sufficient for each fumigation operation unless, in the judgment of the operator in charge, the conditions and circumstances necessitate additional guards or watchmen. It shall be the duty of said individual(s) to prevent the entrance of unauthorized personnel into said structure or enclosed space during the exposure period and while the structure or enclosed space is being ventilated after the exposure period. "Unauthorized personnel" shall mean "any individual or individuals not belonging to or a part of the fumigating crew performing the fumigation operation." The requirement of a guard or watchman during the period of fumigation shall not be required in the fumigation of railroad cars, trucks, aircraft, vaults, and similar structures of limited space, unless deemed necessary in the judgment of the operator in charge.

(10) Declaring structure or enclosed space fumigated safe for reoccupancy. The operator in charge shall not permit or allow any unauthorized person to enter the structure or enclosed space fumigated until he has ascertained or certified that said space is safe for human occupancy.

(11) Spot fumigation. Spot fumigation may be performed by employees of the business establishment or business entity when done under the general supervision of a qualified operator. The rules and regulations shall be relaxed to the extent of permitting spot fumigations to be done without the posting of guards or signs as required for general fumigation. This does not relieve the operator in charge from full responsibility in connection with all other safety precautions and requirements. The chemical calcium cyanide, when used as a spot fumigant, shall be applied in such a way that it does not harm human beings or domestic animals. The chemicals known as ethylene bromide, carbon tetrachloride and chemicals of a similar nature, may be used for spot fumigation when used according to manufacturer's recommendations for use as a spot fumigant.

(12) Chemicals and procedures exempt as fumigants or fumigation operations. The following chemicals shall not be considered fumigants:

(a) Paradichlorobenzene; and

(b) Napthalene.

(13) The following procedures shall not be considered a fumigation operation:
(a) Aerosol dispersions, except where they are used to disseminate fumigant gases; and
(b) Any equipment or devices for which claims are made as to producing a fog, smoke, or mist.

WENDELL P. BUTLER, Commissione_ of Agriculture
ADOPTED: April 30, 1975
APPROVED: DEE ASHLEY AKERS, Secretary
RECEIVED BY LRC: May 9, 1975 at 2:57 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Wendell P. Butler, Commissioner, Department of Agriculture, 7th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Land Resources
Division of Reclamation

402 KAR 1:015. Clay mining; reclamation of areas disturbed.

RELATES TO: KRS Chapter 350
PURSUANT TO: KRS 13.082, 350.240
SUPERSEDES: C1-Rg-1
NECESSITY AND FUNCTION: This regulation is necessary to establish and maintain an effective program for the restoration of land disturbed in the mining of clay.

Section 1. Any person, partnership, or corporation desiring to operate a clay mine through a surface mining process, must first obtain a license from the Division of Reclamation. Such license shall be issued to the operator for a period of one (1) year upon payment to the division of a $100 license fee. After reasonable notice is given and a hearing is held, a license may be suspended by the division upon failure of the operator to perform as required under a notice of non-compliance. An operator whose license has been suspended, may, by written notice, request an immediate hearing before the department. After the hearing, the department shall issue a final order either sustaining, overruling, or modifying the order of suspension issued by the division. An operator whose license has been suspended shall not be eligible to receive another license or to have a suspended license reinstated until he shall have complied with the notice of non-compliance and all other statutory and regulatory requirements. However, if, the land for which the license was suspended has been reclaimed without cost to the state or the operator has paid into the Kentucky State Treasury such sum as the department finds is adequate to reclaim such lands, the operator shall be eligible to receive another license or to have a suspended license reinstated.

Section 2. Prior to the beginning of surface mining for clay in an area, an operator must obtain a permit to mine such area from the Division of Reclamation. The operator shall complete an application and plan of reclamation on forms furnished by the division. The plan of reclamation must be accompanied by two (2) copies of a section of the United States Geological Survey topographic map showing the area to be disturbed enlarged to a scale of one (1) inch to 400 feet and indicating on the map information pertinent to the area of land affected. The permit may be issued for any period of time up to five (5) years, renewable for like periods. The division shall notify the applicant within twenty (20) working days after receipt of the plans and complete application if it is or is not acceptable. If the plan is not acceptable, the division shall set forth the reasons for which the plan is not acceptable and it may propose modifications, delete areas or reject the entire plan. Should the applicant disagree with the decision of the division, he may, by written notice, request a hearing by the department. The department shall notify the applicant by registered mail within twenty (20) days after the hearing of its decision.

Section 3. On lands where the methods of operation produce a bench or where the surface mining of clay is done on the contour, the operator shall comply with the applicable requirements of the Division of Reclamation's regulations relating to strip mining. Grading shall be kept current with the operation, which shall mean within ninety (90) days following the clay removal. Where special conditions warrant, these requirements may be modified by the division.

Section 4. On lands where the method of operation is not done on the contour, but rather the surface mining of clay is of the quarry type (i.e. produces a deep pit), the operator shall comply with the following requirements:
(1) Water impoundments are encouraged if properly constructed.
(2) Spoil or overburden removed shall be placed, graded, and stabilized so that soil erosion or surface disturbance will be minimized.
(3) All acid or toxic material shall be buried with not less than four (4) feet of clean fill and necessary measures shall be taken to prevent stream and soil pollution.
(4) The conduct of mining and the handling of refuse and other mining wastes shall be done in such a way as to reduce adverse effects in the area and to protect the public and adjoining landowners from damage to their lands and property.

Section 5. Disturbed areas shall be stabilized with vegetation according to the applicable requirements of the Division of Reclamation's regulations relating to strip mining.

Section 6. All of the enforcement provisions of KRS Chapter 350, such as notices of non-compliance and penalties for violations, shall be applicable to the surface mining of clay.

Section 7. Where special conditions warrant, the director may provide for exceptions to this regulation consistent with the requirements of KRS Chapter 350.

JOHN STANLEY HOFFMAN, Secretary
ADOPTED: April 18, 1975
RECEIVED BY LRC: April 22, 1975 at 9:47 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: John Stanley Hoffman, Secretary, Department for Natural Resources and Environmental Protection, 5th Floor Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
Bureau of Land Resources
Division of Reclamation

402 KAR 1:020. Fluorspar, sand and gravel, stone and rock asphalt mining; reclamation of disturbed areas.

RELATES TO: KRS Chapter 350
PURSUANT TO: KRS 13.082, 224.033(17), 224.045(6)(b), 350.028, 350.300, 350.025
SUPERSEDES: F1-Rg-1
NECESSITY AND FUNCTION: This regulation is necessary to establish and maintain an effective program for the restoration of land disturbed in the mining of fluorspar, sand and gravel (exclusive of river sand and gravel), stone and rock asphalt.

Section 1. (1) Any person, partnership, or corporation desiring to operate fluorspar, sand and gravel (exclusive of river sand and gravel), stone and rock asphalt mines, pits or quarries, through a surface mining process, must first obtain a license from the Division of Reclamation. Such license shall be issued to the operator for a period of one (1) year upon payment to the division of a $100 license fee, payable by cash, money order, or cashier's check.
(2) After a reasonable notice is given and a hearing is held a license may be suspended by the division upon failure of the operator to perform as required under a notice of non-compliance. An operator whose license has been suspended may, by written notice, request a hearing by the department. After the hearing, the department shall issue a final order either sustaining, overruling, or modifying the order of suspension by the division.
(3) An operator whose license has been suspended shall not be eligible to receive another license or to have a suspended license reinstated until he shall have complied with the notice of non-compliance and all other statutory and regulatory requirements. However, if the land for which the license was suspended has been reclaimed without cost to the state, or the operator has paid into the Kentucky State Treasury such sum as the division finds is adequate to reclaim such lands, the operator shall be eligible to receive another license or to have a suspended license reinstated.

Section 2. Prior to the beginning of surface mining for fluorspar, sand and gravel (exclusive of river sand and gravel), stone and rock asphalt in an area, an operator must obtain or renew a permit from the Division of Reclamation to mine such area. The operator shall complete an application and plan of reclamation on forms furnished by the division. The plan of reclamation must be accompanied by three (3) copies of a section of the United States Geological Survey topographic map showing the area to be disturbed enlarged to a scale of one (1) inch to 400 feet and indicating on the map information pertinent to the area of land affected. The permit may be issued for a period of five (5) years or less, renewable for like periods. A fee of twenty-five dollars ($25) per year, payable by cash, money order, or cashier's check must accompany the application. The division shall notify the applicant within twenty (20) working days after receipt of the plans and complete application if it is or is not acceptable. If the plan is not acceptable, the division shall set forth the reasons for which the plan is not acceptable and it may propose modifications, delete areas or reject the entire plan. Should the applicant disagree with the decision of the division he may, by written notice, request a hearing by the department. The department shall notify the applicant by registered mail within twenty (20) days after the hearing of its decision.

Section 3. On land affected by the surface mining of fluorspar, sand and gravel (exclusive of river sand and gravel), stone and rock asphalt, the operator shall comply with the following requirements:
(1) Natural drainways in the area of land affected by the operation shall be kept free from overburden. Such drainways shall be identified on the map submitted with the application. If, in the operation, it is necessary to cross such a drainway, proper drainage structures shall be provided. Sufficient water retarding structures and silt dams constructed to the approval of the division shall be placed in all natural

drainways on every operation before the work begins. The proposed location of such dams and structures shall be indicated on the map submitted as part of the permit application.

(2) Where the operation produces a bench or solid rock highwall, at least one (1) suitable access shall be provided to lands above the highwall within each 4,000 feet of distance along the bench. Any water accumulating on a bench where the drainage is off the operation shall be pumped or siphoned into a natural or constructed drainway. The moving of overburden to release such water shall be prohibited unless a drainway can be constructed with the approval of the division.

(3) Spill or overburden removed shall be placed, graded and stabilized so that soil erosion, surface disturbance and stream sedimentation will be minimized. All grading must be kept current and shall be completed before necessary equipment is moved from the operation.

(4) The conduct of mining and the handling of refuse and other mining wastes shall be done in such a way as to reduce adverse effects in the area and to protect the public and adjoining landowners from damage to their lands, streams, and property.

(5) Upon final abandonment, all buildings, structures, metal, lumber and other refuse resulting from the operation shall be removed or buried.

(6) Where conditions develop in the operation which show that the approved reclamation plan cannot be carried out as planned, modifications of the plan shall be submitted by the operator to the division for approval.

Section 4. Plans for the construction of a water impoundment, where one is desired, shall be submitted to the division. Water impoundments are encouraged provided the following minimum standards are met:

(1) Adequate sources of water are available to maintain the water level of the impoundment at a reasonable elevation at all times. Such sources of water supply for impoundments may be from springs, drainage areas of sufficient size, ground water percolation, a flowing stream, or any combination of these sources.

(2) Proper measures are taken to prevent undesirable seepage.

(3) Adequate spillways or other measures necessary to control overflow are provided.

(4) Adequate means of access, such as roads or ramps, are left or provided to the water impoundment.

(5) A terrace shall be provided above, but in near proximity to, the high water level of the impoundment, except on that portion of the water impoundment comprising the highwall of the pit. Any spoil above the terrace shall be graded until it is rounded off and blended into the area contour above the terrace. All spoil piles adjoining access roads to water impoundments shall be graded to minimize erosion and blend into the surrounding area. The angle of the slope from the roadbed to the top of the spoil may be greater than the surrounding area provided that adequate drainage measures are taken to prevent erosion of the slope, including but not limited to, terracing, vegetation, etc. The roadbed must be adequately drained and culverts provided so as to prevent it from being eroded.

(6) The area above the highwall on any water impoundment shall be planted with trees in order to provide a protective barrier and screen. The trees to be planted are as follows:

(a) Three (3) rows of locust three (3) feet by three (3) feet spacing, adjacent to the highwall.

(b) Three (3) rows of Conifers four (4) feet by four (4) feet spacing, in front of the Locusts.

(c) The above trees are to be planted in such a way that they will not be carried over the highwall by erosion, but not so far back that they will not provide a protective barrier and screen for the top of the highwall. All such planting will be subject to the approval of the field inspector.

(7) A narrative description of the water impoundment shall be submitted in addition to the plans and specifications. This narrative shall describe, in detail, all pertinent information pertaining to the water impoundment.

Section 5. Vegetative cover and standards for evaluating vegetative cover. (1) The objective in revegetation is to stabilize the area as quickly as possible after it has been disturbed. Plants that will give a quick, protective cover and enrich the soil shall be given priority. These plants should be considered only as a tool in obtaining productive land use and not the end result.

(2) Appropriate revegetation shall be seeded and/or planted as soon after grading as possible, provided that seeding and/or planting shall be performed in the proper season in accordance with accepted agricultural and reforestation practices.

(3) When planting is completed, the operator shall file a planting report with the Division of Reclamation on a form to be furnished by the director.

(4) Where special conditions warrant, the director may provide for exceptions to the regulation, consistent with the requirements of KRS Chapter 350.

(5) On all lands disturbed during the course of operation, the entire disturbed area shall be fertilized, seeded and planted to legumes, perennial grasses, and trees, except as hereinafter provided:

(a) Roads shall be seeded to legumes and perennial grasses only; no trees being required. This vegetative requirement for roads 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.

(b) On very stony areas that cannot be hand planted without difficulty, direct seeding of trees will be permitted by the division.

(c) Shrubs for wildlife may be planted to include border plantings, clump plantings and intervening strips, at six (6) feet by six (6) feet spacing. These plantings shall not exceed twenty (20) percent of the total area planted.

(d) Where a seam or stratum of solid rock makes vegetation impractical, none shall be required.

(6) Revegetation of the area shall be subject to the following requirements:

(a) All legume seed, except Black Locust, shall be innoculated.

(b) All Black Locust and Sericea Lespedeza seed shall be scarified except when used in fall and winter seeding.

(c) Experimental planting and/or seeding of trees, shrubs, legumes and perennial grasses not normally recommended, is encouraged in limited quantities provided that no more than twenty (20) percent of the total area shall be planted in these species.

(d) Scarification of the soil, when it has become crusted and hard, is required prior to the seeding of legumes and perennial grasses.

(e) The application of fertilizer shall be required as set out in paragraph (j) below.

(f) Tree seedling mixtures shall be as follows:

1. Hardwood mixtures shall consist of two (2) or more of the following: European alder, Sycamore, Red or Silver maple, Green or White ash, Black locust, Red Gum, Cottonwood, River birch, Read oak, and Hydryd poplar.

2. The use of European alder and Black locust nurse trees are encouraged but the Black locust shall not exceed twenty-five (25) percent and/or the European alder fifty (50) percent of the total mixture. Black locust shall not be mixed with Sycamore and Cottonwood except in the block or belt type of plantings.

3. Conifer mixtures shall consist of two (2) or more of the following: Virginia pine, Pitch pine, Shortleaf pine, Loblolly pine, White pine, and scotch pine.

(g) One of the following mixtures shall be used for direct seeding of trees:

1. Mixture One: Black locust, two (2) pounds per acre; Sericea lespedeza, five (5) pounds per acre; Kobe and/or Korean lespedeza, ten (10) pounds per acre; and Ky. 31 Fescue, ten (10) pounds per acre.

2. Mixture Two, (Use at least two (2) of the Pines): Loblolly Pine, one (1) pound per acre; Virginia Pine, one-half (1/2) pound per acre; Shortleaf Pine, one-half (1/2) pound per acre; Kobe and/or Korean lespedeza, fifteen (15) pounds per acre; and Ky. 31 Fescue, ten (10) pounds per acre.

3. Mixture Three: Black Locust, two (2) pounds per acre; Bi-color lespedeza, five (5) pounds per acre; Kobe and/or Korean lespedeza, ten (10) pounds per acre; and Ky. 31 Fescue, ten (10) pounds per acre.

4. Mixture Four, (Use at least two (2) of the Pines): Loblolly Pine, one (1) pound per acre; Virginia Pine, one-half (1/2) pound per acre; Shortleaf Pine, one-half (1/2) pound per acre; Bi-color lespedeza, five (5) pounds per acre; and Ky. 31 Fescue, fifteen (15) pounds per acre.

(h) 1. Shrubs for wildlife planting shall be one (1) or more of the following: Bi-color lespedeza, Autumn olive, Silky Dogwood, Japonica lespedeza, Multiflora Rose, Arrowwood, Tatarian honeysuckle, and Coral berry.

2. Additional species with demonstrated ability to survive as shown by planting tests will be allowed.

(i) Legume and perennial grass seed mixtures shall be in the following species and rates:

1.a. Mixture One: For outslopes and other areas where herbaceous competition with trees is not a problem: Ky. 31 Tall Fescue, fifteen (15) pounds per acre; Weeping love grass, two (2) pounds per acre; Kobe and/or Korean lespedeza, five (5) pounds per acre; and Sericea lespedeza, fifteen (15) pounds per acre.

b. Love grass will improve chances of getting cover in dry years. One-half (1/2) of the Fescue could be replaced with domestic rye grass.

2. Mixture Two: For areas were herbaceous vegetation could compete with slow growing conifers and hardwoods: Kobe and/or Korean lespedeza, ten (10) pounds per acre; and Ky. 31 Tall Fescue, fifteen (15) pounds per acre.

(j) Minimum fertilizer requirements for grasses and legumes at time of seeding shall be as follows:

$$\frac{\text{P2 05 lbs. per acre}}{100} \qquad \frac{\text{N lbs. per acre}}{100}$$

(k) On selected sites a wider choice of other pasture and forage species and rates of seeding which will provide suitable cover and are in accordance with acceptable agricultural practices shall be permitted. Information regarding approved species and mixtures may be obtained from the division.

(7) Inspection and evaluation for vegetative cover shall be made as soon as it is possible to determine if a satisfactory

stand has been established. In no instance shall this vegetative cover check be made until just prior to or after the completion of the first growing season.

(8) Annual grasses and small grains shall be considered only as a tool in establishing temporary vegetative cover for restoration. These types of annuals shall not be evaluated in the determination of vegetative cover.

(9) Standards for legumes and perennial grasses. There shall be established at least a seventy (70) percent ground cover. Bare areas shall not exceed one-fourth (1/4) acre (100 feet by 100 feet) in size nor total more than thirty (30) percent of the area seeded.

(10) Standards for woody plants. There shall be 600 or more woody plants living per acre, including volunteers. Distribution of stems must be fairly uniform, with no areas larger than one-fourth (1/4) acre (100 feet by 100 feet) in size of substandard stocking.

Section 6. The access road shall be that section of road beginning at its junction with any public road and ending at the pit which the operator uses as a haul road. Use of a pre-existing private road or any portion thereof by the operator requires:

(1) That the haul road be kept open and in condition that local traffic can use it without damage to their means of transportation.

(2) (a) That if disturbance by the operator shall make the road impassable, a detour of comparable usability shall be provided.

(b) Paths or trails between pits, for the temporary movement of equipment, shall not be considered as access roads but nevertheless shall be part of the area affected.

(3) No road shall be constructed up a stream channel proper. Where it is necessary to locate a road parallel to a stream, it should be placed as far as possible from the stream so as to leave a filter strip between road and stream. A filter strip shall be defined as an area of forest or field left untouched and undistributed by the operator during road construction and road maintenance.

(4) The grading of an access road shall be such that:

(a) No sustained grade shall exceed ten (10) percent.

(b) The maximum pitch grade shall not exceed fifteen (15) percent for 300 feet.

(c) There shall not be more than 300 feet of maximum pitch grade for each 1,000 feet of road constructed.

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

(6) A ditch shall be provided on both sides of a through-cut and on the inside shoulder of a cut-fill section, with ditch relief cross drains being spaced according to grade. Water shall be intercepted before reaching a switch back or large fill and be led off. Water on a fill or switch back shall be released below the fill, not over it.

(7) Ditch relief structures will be installed, where possible, according to the following table of spacing in terms of percent of ditch line grade on the basis of 100 square inch opening per culvert. (Twelve (12) inch diameter round corrugated metal pipes have 112 square inch open area.)

DITCH LINE GRADIENT (In Percent)	SPACING OF CULVERTS (Shall not exceed in feet)
2	600
3	500
4	400
5	320
6	275

(8) If drainage structures are required in order to cross a stream channel, they shall be such as not to affect the normal flow of the stream. Consideration will be given to the time of year the stream is crossed and the length of time the stream channel is 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.

(9) Cut slopes shall not be more than 1 to 1 (45 degrees) in soils and more than 0 to 1 in rock.

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

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

(12) Roads shall not be surfaced on top with any acid producing material which will produce a runoff of acid, the surface being that part of the road exposed to the elements of wind, rain, and sun.

(13) No bridges, culverts, stream crossings, etc., may be removed until the reclamation is completed.

(14) 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 not turned the road over to another party for their use. When adequate surface drainage and vegetative cover has been provided, the operator shall be relieved of all further obligations in maintaining said road.

(15) Should the division determine that modifications are necessary because of topography or particular watershed situations, the director may make such modifications.

(16) All grades referred to in this regulation shall be subject to a tolerance of two (2) percent grade. All measurements referred to in this regulation shall be subject to a tolerance of ten (10) percent of measurement.

Section 7. No reclamation bond shall be required except where the division finds an operation is only semi-permanent, temporary, or of a hazardous and critical nature. Under these conditions, the operator shall file with the Division of Reclamation a bond payable to the Commonwealth of Kentucky with surety satisfactory to the division in the penal sum of not less than $100 nor more than $500 for each acre or fraction thereof of the area of land affected, with a minimum bond of $2,000 conditioned upon the faithful performance of the requirements set forth in this regulation. When the necessary reclamation work has been completed and approved by the division, the director shall release the bond, which was filed for that purpose, in its full amount.

Section 8. 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 (2) feet by four (4) feet, constructed of a wooden or other durable material, and clearly identify the name of the operator and number of his mining permit. Such sign shall be maintained during the life of the operation. Failure to post such sign shall be grounds for the revocation of the permit.

Section 9. Where one 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. (1) All of the enforcement provisions of KRS Chapter 350, such as notices of non-compliance and penalties for violations, shall be applicable to the surface mining of fluorspar, sand, gravel (exclusive of river sand and gravel), stone and rock asphalt. Any person aggrieved by a final order of the department may obtain a judicial review of the order as provided in KRS 350.032.

(2) The division finding that some flexibility is required in the administration of regulations, where special conditions warrant, the director may provide for exceptions to this regulation consistent with the requirements of KRS Chapter 350. All such exceptions shall be presented to the division for its approval or rejection.

(3) This regulation shall not affect or apply to surface conditions existing from mining operations performed prior to the effective date of this regulation.

JOHN STANLEY HOFFMAN, Secretary
ADOPTED: April 18, 1975
RECEIVED BY LRC: April 22, 1975 at 9:47 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: John Stanley Hoffman, Secretary, Department for Natural Resources and Environmental Protection, 5th Floor Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT OF JUSTICE
Office of Public Defender

504 KAR 1:010. Appeal procedures.

RELATES TO: KRS 31.030, 31.110
PURSUANT TO: KRS 31.030, 15A.140, 15A.160
SUPERSEDES: PD-1
NECESSITY AND FUNCTION: This regulation is needed to implement procedures for filing appeals in accordance with KRS 31.030 and Anders v. California, 386 U.S. 738 (1967).

Section 1. In all felony convictions where the defending attorney is operating under any Public Defender Plan authorized by KRS Chapter 31, the client shall be entitled to have the defending attorney take an appeal on his behalf to the Kentucky Court of Appeals unless the client makes a statement in writing to the court and to the defending attorney that he desires not to have an appeal and that he understands that if he wished to have an appeal he could have one free of charge.

Section 2. (1) After the notice of appeal has been filed by the defending attorney, the defending attorney shall then notify the Public Defender's Office in Frankfort as to whether he wishes the assistance of the State Public Defender, he shall forward along with the request for assistance the following information:

(a) Name, address and telephone number where defendant is presently located;

(b) Name, address and telephone number of the court reporter;

(c) Whether the defendant is released on bond, and the amount of bond, if any;

(d) A copy of the final judgment and notice of appeal (indicating date notice of appeal filed);

(e) A brief statement of any suspected errors which may be used on appeal.

(2) A defending attorney's responsibility in the case con-

tinues until the record on appeal is filed in the Office of the Clerk of the Court of Appeals or the Office of the Public Defender.

Section 3. In misdemeanor or juvenile cases that are initiated in either the quarterly court, police court or justice of the peace court, the defending attorney shall have the responsibility of preparing any appeal from that inferior court to circuit court. In appeals from misdemeanor or juvenile cases from the circuit court to the Court of Appeals, the State Public Defender shall assist or prepare the appeal in this same manner as provided for in felony appeals.

JACK EMORY FARLEY, Public Defender
ADOPTED: April 15, 1975
APPROVED: HENRI MANGEOT, Secretary
RECEIVED BY LRC: May 2, 1975 at 10:36 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Office of Public Defender, 625 Leawood Drive, Frankfort, Kentucky 40601.

DEPARTMENT OF JUSTICE
Office of Public Defender

504 KAR 1:020. Local plan review.

RELATES TO: KRS 31.030, 31.050
PURSUANT TO: KRS 31.030, 15A.140, 15A.160
SUPERSEDES: PD-2
NECESSITY AND FUNCTION: This regulation is needed to implement the Public Defender's responsibility for approving local plans for the defense of indigent persons as required by KRS 31.050.

Section 1. All local plans for the provision for representation of indigents authorized by KRS Chapter 31 are subject to annual review by the Office of Public Defender at the end of each fiscal year.

Section 2. If a county or counties of a judicial district do not submit a new plan, it is presumed that they are resubmitting their presently authorized plan; or, if no previous plan was submitted that the county or counties or a judicial district still desire not to submit a local plan. The Public Defender may approve, deny or suggest modifications to the resubmitted plan or the previously authorized plan, if no new plan is submitted.

Section 3. Nothing in this regulation shall preclude the Public Defender from reviewing local plans in the interim between annual review upon the request for modifications from the county or counties or a judicial district, or upon the Public Defender's own initiative.

JACK EMORY FARLEY, Public Defender
ADOPTED: April 15, 1975
APPROVED: HENRI MANGEOT, Secretary
RECEIVED BY LRC: May 2, 1975 at 10:36 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Office of Public Defender, 625 Leawood Drive, Frankfort, Kentucky 40601.

DEPARTMENT OF JUSTICE
Office of Public Defender

504 KAR 1:030. Appointment and voucher form; fees.

RELATES TO: KRS 31.030, 31.070
PURSUANT TO: KRS 31.030, 15A.140, 15A.160
SUPERSEDES: PD-3, PD-6
NECESSITY AND FUNCTION: This regulation is necessary to carry out the Public Defender's responsibility for approving fees requested in assigned-counsel cases under KRS 31.070.

Section 1. In those judicial districts using the assigned counsel plan, the "appointment and voucher" form herein filed by reference, shall be the official form used by the Public Defender's Office in approving all fees for assigned counsel under KRS 31.070(3). These forms are available from the Office of the Public Defender, 625 Leawood Drive, Frankfort, Kentucky 40601.

Section 2. A Defending Attorney in a county operating under an approved assigned counsel plan must file his fee and expense voucher form in circuit court by August 1 following the end of the fiscal year. All fee and expense voucher forms, approved by the circuit judge, must be filed in the State Office of Public Defender by September 1 following the end of the fiscal year for the defending attorney to receive compensation for services rendered in the previous fiscal year.

JACK EMORY FARLEY, Public Defender
ADOPTED: April 15, 1975
APPROVED: HENRI MANGEOT, Secretary
RECEIVED BY LRC: May 2, 1975 at 10:36 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Office of Public Defender, 625 Leawood Drive, Frankfort, Kentucky 40601.

DEPARTMENT OF JUSTICE
Office of Public Defender

504 KAR 1:040. Allowable expenses.

RELATES TO: KRS 31.030, 31.070, 31.200
PURSUANT TO: KRS 31.030, 15A.140, 15A.160
SUPERSEDES: PD-4
NECESSITY AND FUNCTION: This regulation is necessary to carry out the Public Defender's responsibility for approving fees and expenses requested in assigned-counsel cases under KRS 31.070.

Section 1. Any defending attorney appointed pursuant to an assigned counsel plan is entitled to the following expenses in preparation for trial: (i) travel by privately-owned automobile at twelve (12) cents per mile plus parking fees, ferry fees, bridge, road and tunnel tolls; (ii) the cost of duplicating briefs or memoranda prepared by the defending attorney.

Section 2. The defending attorney shall not include an allocated part of general office overhead such as rent, telephone, service, secretarial help, or items of a personal nature.

Section 3. The following expenses are not payable by the State Public Defender but are chargeable to the county on behalf of which the service is performed: (i) investigative services; (ii) expert witnesses; and (iii) the cost of transcripts, bystander's bill of exceptions or other substitute for a transcript; except that those expenses incurred in the defense of needy persons confined in a state correctional institution who are charged with a serious offense committed at such institution shall be borne by the State Office of Public Defender.

JACK EMORY FARLEY, Public Defender
ADOPTED: April 15, 1975
APPROVED: HENRI MANGEOT, Secretary
RECEIVED BY LRC: May 2, 1975 at 10:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Office of Public Defender, 625 Leawood Drive, Frankfort, Kentucky 40601.

DEPARTMENT OF JUSTICE
Office of Public Defender

504 KAR 1:050. Allocation of funds.

RELATES TO: KRS 31.050
PURSUANT TO: KRS 31.030, 15A.140, 15A.160
SUPERSEDES: PD-5
NECESSITY AND FUNCTION: This regulation is necessary for the allocation of funds among counties of the same judicial district where no provision is made for allocation within the local plan.

Section 1. In the counties operating under an assigned counsel plan, if the counties in a multi-county judicial district have not expressly agreed to the share each county is to receive under the amount allotted to the judicial district, the State Public Defender shall allot a sum to each county in the district based on forty (40) cents per capita according to the last decennial census, or in those multi-county districts containing a population of less than 35,000 (according to the last decennial census) each county will receive a share of the $14,000 allotment to the district in proportion to that county's percentage of the total district population.

Section 2. If in any fiscal year, one (1) county in a judicial district has a surplus of allocated funds, the Public Defender may use such monies to compensate assigned counsel in another county in the same judicial district.

JACK EMORY FARLEY, Public Defender
ADOPTED: April 15, 1975
APPROVED: HENRI MANGEOT, Secretary
RECEIVED BY LRC: May 2, 1975 at 10:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Office of Public Defender, 625 Leawood Drive, Frankfort, Kentucky 40601.

DEPARTMENT OF JUSTICE
Office of Public Defender

504 KAR 1:060. Assigned counsel; availability.

RELATES TO: KRS 31.030, 31.110
PURSUANT TO: KRS 31.030, 15A.140, 15A.160
SUPERSEDES: PD-7
NECESSITY AND FUNCTION: This regulation is necessary to implement the defendant's right to have counsel at the earliest stage at which a person who can afford counsel would have such right under KRS 31.110 and Miranda v. Arizona, 86 S.Ct. 1602 (1966).

Section 1. In those counties with a full-time public defender, the public defender shall furnish all jailers in the

counties of the judicial district: his name, telephone number, business and residential; and the same information as to a substitute attorney when the public defender will not be available.

Section 2. In those counties operating with a non-profit corporation or unincorporated association, the corporation or association shall furnish to all the jailers in the county the names and telephone numbers, business and residential, of those attorneys assigned by the corporation to receive calls from the jails concerning possible representation.

Section 3. In counties operating under an assigned counsel plan, with or without a roster, the attorneys participating in the plan shall furnish all the jailers in their county their names and telephone numbers, business and residential, on a list, which rotates the names of attorneys to receive calls from the jail concerning possible representation.

Section 4. The information required in Sections 1, 2, and 3 shall be furnished to the State Office of Public Defender.

JACK EMORY FARLEY, Public Defender
ADOPTED: April 15, 1975
APPROVED: HENRI MANGEOT, Secretary
RECEIVED BY LRC: May 2, 1975 at 10:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Office of Public Defender, 625 Leawood Drive, Frankfort, Kentucky 40601.

DEPARTMENT OF JUSTICE
Office of Public Defender

504 KAR 1:070. Serious crimes defined.

RELATES TO: KRS 31.030, 31.100
PURSUANT TO: KRS 31.030, 31.100, 15A.140, 15A.160
SUPERSEDES: PD-8
NECESSITY AND FUNCTION: This regulation is necessary to implement the Supreme Court's decision in Argersinger v. Hamlin, 92 S.Ct. 2006 (1972), and Rules of Criminal Procedure (RCr) 8.04 as required by KRS 31.030(8).

Section 1. Serious crimes for purposes of KRS Chapter 31 shall include:
(1) All felonies;
(2) Any misdemeanor or offense for which the penalty includes the possibility of confinement or a fine of $500 or more; and
(3) Any act that could result in the detention or court restraint on the liberty of a minor.

JACK EMORY FARLEY, Public Defender
ADOPTED: April 15, 1975
APPROVED: HENRI MANGEOT, Secretary
RECEIVED BY LRC: May 2, 1975 at 10:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Office of Public Defender, 625 Leawood Drive, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Board of Claims

803 KAR 26:010. Practice and procedure.

RELATES TO: KRS 44.070
PURSUANT TO: KRS 44.080, 13.082
SUPERSEDES: Clms-Pl-3
NECESSITY AND FUNCTION: KRS 44.080 requires the Board of Claims to prescribe rules governing the method of pleading and practice before it. The purpose of this regulation is to regulate practice and procedure before the Board of Claims.

Section 1. Meetings. (1) Regular meetings of the board shall be held in the conference room of the Workmen's Compensation Board at Frankfort, Kentucky, at 11:00 a.m. on the Monday preceding the third Tuesday in January, May and September.
(2) Special meetings may be held at 11:00 a.m. in the same place on the Monday preceding the first and third Tuesday of each month, with the exception of those days on which the regular meetings are held.
(3) Additional special meetings of the board may be called by the chairman or a majority of the board and shall be held at such times and places as the call directs.
(4) The board shall be considered as in continuous session to enter orders.
(5) Three (3) members of the board shall constitute a quorum.

Section 2. Claims; Subsequent Pleadings. (1) All claims, motions and pleadings shall be printed or typewritten.
(2) All claims must be filed in triplicate with the Board of Claims at Frankfort, Kentucky. The executive secretary shall forthwith issue a written notice of the filing of said claims and shall deliver or cause the notice, together with a copy of the claim, to be delivered to the Attorney General or an Assistant Attorney General and also to the head of the agency affected thereby. The executive secretary shall certify the execution of the service of this notice and copy of the complaint and file such certificate in the record. The secretary shall, by letter, acknowledge receipt of each claim filed and shall enclose therewith a copy of the certificate of notice.
(3) Each claim shall have a statement of facts sufficiently clear to show that the claimant is entitled to relief under the provisions of KRS 44.070 and to enable the defendant to investigate same and prepare its defense thereto, and shall include the address of the claimant and his attorney, if any.
(4) Any claim where the total amount sought is less than $500, exclusive of interest and costs, may be informally asserted by a letter, which letter shall state the basis of the claim and be filed with the board. If, after investigating such a claim, the agency head concerned and the Attorney General or the chief legal officer of the Department of Transportation or his deputy, if the claim is against the Department of Transportation, each file with the board a recommendation that the claim be paid, in whole or in part, the board may make an appropriate award, which award shall be for less than $500 and shall not exceed the amount of the payment recommended by the Attorney General or the chief legal officer of the Department of Transportation or his deputy, if the claim is against the Department of Transportation; provided, however, the board may require that any such claim be filed, prosecuted, heard or disposed of in the same manner as claims wherein the amount sought is $500 or more.
(5) Answers and all subsequent pleadings must be accompanied by a certificate showing that a copy thereof has been mailed to the attorney of record, or if none, then to the adverse parties.
(6) An answer to a claim shall be filed within twenty (20) days from the date that notice of the claim is served as provided in subsection (2) of this section. All other motions and responsive pleadings must be filed within ten (10) days from the filing of the pleadings to which they respond.

Section 3. Hearings. (1) Every hearing upon a claim held before the board or any of its members or any of its referees, shall be conducted in a summary manner. Opportunity will be given to the parties at issue to introduce witnesses and to present either in person or by counsel the points at issue. Such hearings shall be conducted in such manner as to ascertain the substantial rights of the parties and to determine fairly and expeditiously the controversy.
(2) Claims shall stand for a hearing upon completion of the issues and at which hearing the claimant shall complete proof as far as possible but shall upon request be granted thirty (30) days thereafter in which to conclude proof in chief by deposition, and at which time the claimant's taking of proof will stand closed whether so announced or not. The claim shall again be referred for hearing at the expiration of the claimant's time upon request of the defendant. If no such request is made prior to the expiration of claimant's time, defendant shall have thirty (30) days thereafter to take proof by deposition, at which time the defendant's taking of proof shall stand closed whether so announced or not. Claimant shall have five (5) days thereafter to take depositions in rebuttal and at which time the case will stand submitted for decision. Extensions of time to take proof will not be granted except for good cause shown. At the end of each hearing or taking of deposition the referee, when present, shall ask the parties whether there will be any further proof. If both parties announce that all proof has been taken, time for filing a brief or memorandum shall then be set by the referee.
(3) Claimant may be required to complete his testimony in chief and so announce before defendant shall be required to introduce testimony.
(4) The parties may take depositions in accordance with the provisions of the Kentucky Rules of Civil Procedure as amended by Rules 26 through 37.06, inclusive, except Rules 27, 33, 34 and 36, which are not adopted by the board and which shall not apply to practice before the board.
(5) Where claimant fails to appear at the hearing of his case and no good cause is cited for his failure to appear, the case may be ordered dismissed by the board for lack of prosecution, with or without prejudice.
(6) Where the defendant fails to appear at the hearing of a case and no good cause is presented for his failure to appear, the referee shall proceed with the hearing of the case and it shall thereafter be submitted in accordance with these rules.
(7) The executive secretary shall secure or shall cause to be secured a reporter for the taking of proof at any hearing before a referee. The board or any member of the board, and the expense of said reporter shall be paid by the Commonwealth and such expense shall be taxed as costs.

Section 4. Submission. (1) Cases shall be submitted on order of the executive secretary, and he is authorized to so enter said submission on the board's order book. Notice of submission shall be mailed to all interested parties.
(2) Upon submission of any case for trial and award the secretary shall forward the complete record to a referee. The referee shall make a typewritten report of his separate findings of law and facts and his order or award. His decision, together with two (2) carbon copies thereof, shall be filed by him in the office of the secretary within thirty (30) days after submission except in cases involving large or complicated records or unusual questions of law, and in any event within ninety (90) days after submission.

Section 5. Full Board Hearing. (1) Upon a motion for full

board review the party filing application for said review shall file a brief in support of his motion within ten (10) days from the filing of his motion whether or not a motion for oral argument has been made. A copy of the brief filed shall be furnished the opposing counsel who shall have twenty (20) days from the date of the notice of motion for review in which to file a brief.

(2) Upon the lapsing of the time period for filing briefs, or the receipt of briefs from all parties, whichever is sooner, the case shall stand submitted for full board review for determination.

Section 6. Admission of Evidence. (1) In any proceeding, action or claim wherein the amount in controversy is $500 or more, exclusive of interest and costs, no direct or indirect admission against interest on behalf of the Commonwealth or any agency or employee thereof, in the form of a pleading of any nature or description, may be received or admitted in evidence, or permitted to be filed, unless such pleading is approved and signed by the Attorney General or an Assistant Attorney General of the Commonwealth, except in a proceeding, action or claim against the Department of Transportation in which case such pleading may be approved and signed by its chief legal officer.

(2) In all cases when the total amount sought is $500 or more, exclusive of costs and interest, claims shall be submitted for appropriate action and determination, provided however, that evidence shall be introduced to substantiate the damages incurred and awarded.

Section 7. Appearances. Only duly licensed attorneys-at-law may practice in or before the board, except that an individual party to any proceeding may represent himself only, and such individual shall not, either directly or indirectly represent or appear in behalf of any legal entity other than himself. Any individual who elects to represent himself without the aid of counsel shall be held accountable in the same manner, and to the same degree, as qualified counsel entitled to practice in and before the board.

Section 8. Advance Costs. No advance payment of costs will be required, but claimants who are not bona fide residents of the Commonwealth may be required to execute and file with the board, prior to issuance of notice or investigation by a representative of the board, bond with good and sufficient surety in an amount adequate to secure the payment of all costs that accrue in or before the board.

GLENN L. SCHILLING, Chairman
ADOPTED: April 28, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: May 6, 1975 at 2:19 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Board of Claims, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control

804 KAR 12:020. Metric standards of fill.

RELATES TO: KRS 243.250, 243.300, 243.720, 244.260, 244.310, 244.340
PURSUANT TO: KRS 241.060(1) and (8), 244.230, 244.400, 244.430
NECESSITY AND FUNCTION: All of the above named statutes have references to containers of liquid measures dealing with alcoholic beverages. The container sizes and the liquid measures are referred to in their equivalent of pints, quarts, gallons, or ounces. Federal legislation and regulations requiring the use of the metric system throughout the United States will render obsolete the present description of containers and their contents as used in the Kentucky alcoholic beverage laws and regulations. It is, therefore, necessary that the language used in the Kentucky alcoholic beverage laws and regulations, KRS Chapters 241, 242, 243, and 244 be made to conform to metric system descriptions, or their nearest equivalent in metric measure, with the descriptions that now appear in the statutes and regulations. The United States Treasury Department, as hereinafter set out in more detail, has adopted new regulations pertaining to allowable metric system containers of wine to be imported into the United States, effective December 26, 1974. Since these metric system containers are now being imported into the United States, it is necessary that provision be made for their distribution into Kentucky.

By Treasury Decision ATF-12, dated December 26, 1974, the Treasury Department amended Title 27, CFR, Part Four, to provide for the importation of wine containers labeled and designated by the metric system. Under Section 4.37 (net contents), seven (7) standard bottle sizes measured in liters, and their equivalent fluid ounce measure, were adopted as standard bottling units. These units are as follows:

3 liters	=	101 fluid oz.
1.5 liters	=	50.7 fluid oz.
1 liter	=	33.8 fluid oz.
750 milliliters	=	25.4 fluid oz.
375 milliliters	=	12.7 fluid oz.
187 milliliters	=	6.3 fluid oz.
100 milliliters	=	3.4 fluid oz.

By the terms of the Treasury regulation these standard measures may be used optionally on and after January 1, 1975, but become mandatory on and after January 1, 1979.

The Alcoholic Beverage Control Board is not proposing that all seven (7) bottle sizes be adopted for use in Kentucky since some of the container sizes are larger and some smaller than those currently allowable in the State of Kentucky. This regulation is limited to the use of the metric measurement closest to the measurements currently designated in the various statutes and regulations. For example, what is now customarily referred to as a quart of wine would become one liter of wine containing 33.8 fluid ounces. Following the same line of consistency, in KRS 244.350 to 244.410 dealing with Fair Trade Contracts, the wine now reported as a quart would be reported on the trade contracts as a liter.

Section 1. Metric Standards of Fill for the Distilled Spirits and Wine Industry. The regulations adopted by the United States Secretary of the Treasury, pursuant to the Federal Alcohol Administration Act governing standards of fill now in force, or as they may be hereafter amended, shall be followed in the bottling, storing, transporting, possession, and selling of distilled spirits and wine in the State of Kentucky as follows:

U.S. SIZES	METRIC EQUIVALENT
Distilled Spirits	
Quart	1 Liter
4/5 Quart	750 Milliliters
Pint	375 Milliliters
1/2 Pint	187 Milliliters
Wine	
Jeroboam	3 Liters
Magnum	1.5 Liters
Quart	1 Liter
4/5 Quart	750 Milliliters
Pint	375 Milliliters
1/2 Pint	187 Milliliters

Section 2. No wholesaler may sell any metric size container until all stock of the equivalent U.S. size of that particular product or brand has been depleted by the wholesaler.

JULIAN M. KNIPPENBERG, Chairman
ADOPTED: April 1, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: April 22, 1975 at 2:59 p.m.

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

PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission

807 KAR 2:035. Telephone.

RELATES TO: KRS Chapter 278
PURSUANT TO: KRS 278.280(2)
SUPERSEDES: PSC:Telep-1
NECESSITY AND FUNCTION: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishing of any commodity by any utility. This regulation establishes general rules which apply to telephone utilities.

Section 1. General Provisions. This regulation governs the furnishing of intrastate telephone service and facilities to the public by telephone utilities subject to the jurisdiction of the commission. The purpose of these rules is to set forth reasonable service standards and procedures to the end that adequate and satisfactory service will be rendered to the public.

Section 2. Definitions. In the interpretation of this regulation, the following definitions shall be used:

(1) "Commission" means the Public Service Commission of Kentucky.

(2) "Telephone utility" means any person, firm, partnership, cooperative organization or corporation engaged in furnishing of telephone service to the public under the jurisdiction of the commission.

(3) "Customer or subscriber" means any person, firm, partnership, corporation, municipality, cooperative, organization or governmental agency provided with telephone service by any telephone utility.

(4) "Exchange" means a geographical area established by a telephone utility for the administration of telephone service. It usually embraces a city, town, or village and its environs. It consists of one or more central offices together with associated plant used in furnishing communication service in that area.

(5) "Central office" means a unit of a telephone utility, including the switching equipment and appurtenant facilities used to establish connections between customer lines or between customer's lines and trunk or toll lines to other central offices within the same or at other exchanges.

(6) "Outside plant" means the telephone equipment and

facilities installed on, along, over or under streets, alleys, highways, or on private rights-of-way between the central office and customer's location or between central offices.

(7) "Subscriber line" means the wires or channels used to connect the telephone equipment at the subscriber's premises with the central office.

(8) "Class of service" means the various categories of telephone service generally available to customers, such as business or residence.

(9) "Grade of service" means the number of parties served on a telephone line such as one-party, two-party, four-party, etc.

(10) "Service line" means those facilities owned and maintained by a customer or group of customers which lines are connected with the facilities of a telephone utility at an agreed point for communication service.

(11) "Farmer line" (See service line.)

(12) "Message" means a completed customer telephone call.

(13) "Calls" means customer's telephone messages attempted.

(14) "Customer trouble report" means any oral or written report from a subscriber or user of telephone service relating to a physical defect or difficulty with the operation of telephone facilities. One (1) report shall be counted for each oral or written report received even though it may duplicate a previous report or merely involve an inquiry concerning progress on a previous report. Also, a separate report shall be counted for each telephone or PBX switchboard position reported in trouble when several items are reported by one (1) customer at the same time, unless the group of troubles so reported is clearly related to a common cause.

(15) "Tariff" means the entire body of rates, tolls, rentals, charges, classifications regulations and rules, adopted and filed by a public utility in accordance with the laws governing the provision of public utility service.

(16) "Base rate area" means the developed portion or portions within each exchange service area as set forth in the telephone utility's tariffs, maps or descriptions. Main station service within this area is furnished at uniform rates without mileage charges.

(17) "Average busy season; busy hour traffic" means the average traffic volume for the busy season, busy hours.

(18) "Busy hour" means the two (2) consecutive half-hours during which the greatest volume of traffic is handled in the office.

(19) "Busy season" means that period of the year during which the greatest volume of traffic is handled in the office.

(20) "Switching service" means switching performed for service lines.

(21) "Toll connecting trunks" means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office.

(22) "Toll station" means a telephone and associated equipment connected to a toll line or directly to a toll board.

(23) "Direct distance dialing (DDD)" means customer dialing over the nationwide intertoll telephone network of calls to which toll charges are applicable. No operator assistance is required for DDD calls.

(24) "Regular or 'basic' service" includes all one (1), two (2), four (4) and multiparty primary and extension service.

(25) "Special service" means unusual and complex services such as data terminals, teletypewriter, full period circuits, wide area telephone service (WATS), or other items that require special engineering, installation or manufacturing to provide the service.

(26) "Extended area service (EAS)" means extension of a major exchange area to include other surrounding exchange areas. Toll-free dialing is permitted within the extended area in return for metropolitan area rates.

(27) "Intercept service" means a service arrangement provided by the utility whereby calls placed to a disconnected, discontinued, or improper listed telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, discontinued, changed, etc., or that calls are being received by another telephone. This may be accomplished by recording or by operator.

(28) "Regrade" means an application for a different class and/or grade of service.

(29) "Traffic" means telephone call volume, based on number and duration of messages.

(30) "Service objectives," as construed in these regulations, service objection shall mean a designated number or percentage, applicable to the various service measures, the maintenance of which shall indicate a minimum satisfactory level of service.

(31) "Surveillance level" means a designated number or percentage, applicable to the various service measures. Performance by the utility below this level indicates the necessity for investigation or corrective action, and if such measures exist for two (2) consecutive months, this shall require the submission to the commission by the utility of a report by exchange setting forth the unsatisfactory service levels and the action taken or contemplated for their correction.

Section 3. Switching Service. Telephone companies shall not provide switching service to service lines except to dangerous, inaccessible, restricted or remote areas. In such cases the service lines shall meet appropriate technical criteria so as not to impair or interfere with the service of others, or adversely affect the facilities of the telephone company.

Section 4. Basic Utility Obligations. (1) Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed the standards set forth in this regulation.

(2) Each telephone utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service.

(3) Each telephone utility shall maintain records of its operations in sufficient detail as is necessary to permit such review, and such records shall be made available for inspection by the commission upon request.

(4) Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telephone operation may be determined upon reasonable notice and request by the commission.

Section 5. Directories. (1) Telephone directories shall be published at least yearly for each exchange listing the name, address and telephone numbers of all customers, except public telephones and numbers unlisted at a customers request, who can be called within the service area without a long distance charge.

(2) Upon issuance, a copy of each directory shall be distributed by each utility to all its customers served by that directory, and a copy of each directory shall be furnished the commission.

(3) The name of the telephone utility, the area included in the directory and the year of issue shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

(4) The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and information services, and location of telephone company business offices as may be appropriate to the area served by the directory. Rates between frequently called points may also be included.

(5) (a) Information operators shall have access to records which include all listed telephone numbers (except public telephones and numbers that are nonpublished at the customer's request) in the area for which they are responsible for furnishing information service.

(b) Intercept operators shall have access to records which indicate the status of all telephone numbers in the area for which they are responsible for furnishing intercept service.

(6) In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for a ninety (90) day period of time provided the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of the information or intercept operators and the correct number furnished the calling party either upon request or interception.

(7) Whenever any customer's telephone number is changed after a directory is published, the utility shall intercept all calls to the former number for a ninety (90) day period of time, and give the calling party the new number if the customer so desires.

(8) When additions or changes in plant, records or operations which will necessitate a large group of number changes are scheduled, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

Section 6. Exchange Maps. (1) Each telephone utility shall file exchange maps with the commission showing the exchange service area for each telephone exchange operated, and the maps shall be in sufficient detail to reasonably permit locating the exchange service area boundaries in the field. A copy of such map shall be included in the utility's tariff, in accordance with the requirements of 807 KAR 2:020.

(2) With every revised map, the telephone utility so filing shall submit proof of notice of the proposed revision to each telephone utility whose exchange area adjoins the exchange area boundary lines or is located reasonably near the territory which would be changed by such revisions. This shall include provision for the signature of an official of each telephone utility concerned on the copy of the exchange maps filed with the commission.

Section 7. Tariffs. Each telephone utility shall file with its tariff the various exchange areas, base rate areas, the conditions and circumstances under which service will be furnished and a definition of the classes and grades of service available to customers, in accordance with 807 KAR 2:020.

Section 8. Extensions of Service. (1) The utility shall extend service to applicants within the base rate area without a construction charge except in cases of special requirements.

(2) Each telephone utility shall make an extension of 750 feet or less, free of charge, from existing plant facilities to provide multiparty service to applicants who shall apply for and contract to use the service for one (1) year or more and provide a guarantee for such service. Not more than 250 feet of the extension shall be over private property. However, when the extension over private property will be used to serve customers in general or the private property routing is selected by the utility, such construction shall be treated as being on public property and the full extension if required shall be made.

(3) Other extensions:

(a) 1. When an extension to serve an applicant or a group of applicants amounts to more than 750 feet per

applicant, the utility may, if not inconsistent with their filed tariff, require the total cost of the excessive footage over 750 feet per customer to be deposited with the utility by the applicant or the applicants, based on the average estimated cost per foot of the total extension.

2. Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a period of not less than ten (10) years, which for the purpose of this rule shall be the refund period, the utility shall refund to the customer or customers who paid for the excessive footage the cost of 750 feet of the extension in place for each additional customer connected to the extension installed and not to extensions or laterals therefrom, but in no case shall the total amount refunded exceed the amount paid the utility. After the end of the refund period, no refund will be required to be made.

(b) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of 750 feet of the extension installed for each additional customer connected during the year, but in no case shall the total amount refunded exceed the amount paid to the utility. After the end of the refund period from the completion of the extension no refund will be required to be made.

(4) Nothing contained herein shall be construed as to prohibit a utility from making at its expense greater extensions than herein prescribed should its judgment so dictate, provided like free extensions are made to other customers under similar conditions.

(5) Upon complaint to and investigation by the commission, a utility may be required to construct extensions greater than 750 feet upon a finding by the commission that such extension is reasonable.

(6) Nothing contained herein shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by order of the commission.

Section 9. Grade of Service. (1) Within the base rate area, no telephone utility shall place more than four (4) customers on any local exchange line. Within the service area no telephone utility shall connect more customers on any line than are contemplated under the grade of service charged the customer on such line.

(2) On rural lines where multiparty service is provided no more than eight (8) customers shall be connected to any one (1) circuit. The telephone utility may regroup customers in such a manner as may be necessary to carry out the provisions of this rule.

Section 10. Provision of Service. (1) It shall be the service objective of all utilities to fulfill ninety (90) percent of requests for regular service within five (5) working days of the receipt of the request unless the applicant specifically requests a later date. The surveillance level shall be eighty (80) percent.

(2) The service objective for regular regrades shall be to fulfill ninety (90) percent of requests within thirty (30) days unless the applicant specifically requests a later date. The surveillance level shall be eighty (80) percent.

(3) Applications for special service shall be filled in as expeditious manner as equipment and facilities will permit.

(4) All applications which are not filled within five (5) working days for initial regular service and within thirty (30) days for regular regrades shall be considered as held applications.

(5) When because of circumstances beyond the control of the utility it is not possible to provide service within the time limits specified above, the utility shall promptly notify the applicant of the reason for the delay and give him a commitment date based upon the best available information. Utility personnel shall refrain from making unwarranted commitments without first having ascertained that they can reasonably be met.

(6) It shall be the service objective of all utilities to meet ninety-four (94) percent of all commitments made, except for customer caused delays and acts of God. The surveillance level shall be eighty-eight (88) percent.

(7) In those instances where commitments cannot be met the applicant shall be notified at the earliest possible time.

(8) Additionally, the utility shall keep a record by exchanges showing the name and address of each applicant for service, the date of application, date service desired, the class and grade of service applied for, together with the reason for the inability to provide the new or regrade service to the applicant.

(9) When, because of shortage of facilities, a utility is unable to supply telephone service on dates requested by applicant, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the commission may require establishment of a priority plan subject to its approval for clearing held orders, and may request periodic reports concerning the progress being made.

Section 11. Public Telephone Service. In each exchange the telephone utility shall supply at least one (1) coin telephone that will be available to the public on a twenty-four (24) hour basis. This coin telephone shall be located in a prominent location in the exchange and shall be lighted at night. The utility shall also establish other public telephone service at locations where the public convenience will be served.

Section 12. Discontinuance of Service. (1) When a telephone utility, subject to the jurisdiction of this commission, is notified in writing by this commission or by a federal or state law enforcement agency, or by the Attorney General of Kentucky or by a Commonwealth Attorney or by a County Attorney acting within its or his apparent jurisdiction, that any facility furnished by it is being used or will be used for the purpose of transmitting or receiving gambling information, it shall discontinue or refuse, the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber. But no damages, penalty or forfeiture, civil or criminal, shall be recovered from any telephone utility for any act done in compliance with any notice received from the commission or law enforcement agency.

(2) Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate judicial determination that such facility should not be discontinued or removed, or should be restored.

(3) As provided by KRS 278.230, any telephone utility subject to the jurisdiction of this commission shall furnish to the commission on its demand any records or information in the possession of such telephone utility that may assist the commission in the enforcement of this rule.

(4) Nothing herein shall be construed to prevent the transmission of information for use in legitimate news reporting of sporting events or contests by recognized news media.

Section 13. Customer Billing. Bills to customers shall be rendered regularly and shall contain clear listings of all charges. The utility shall comply with reasonable customer requests for an itemized statement of charges. All toll charges shall be itemized separately.

Section 14. Adequacy of Service. (1) Each utility shall employ recognized engineering and administrative procedures to determine the adequacy of service being provided to the customer.

(2) Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided at all times including the busy hour, busy season.

(3) Each telephone utility shall provide operator assistance on a twenty-four (24) hour per day basis for both local and long distance service.

(4) Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.

Section 15. Dial Service Requirements. Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements at all times including busy season-busy hour:

(1) Dial tone within three (3) seconds on at least ninety-five (95) percent of telephone calls.

(2) Complete dialing of called numbers on at least ninety-five (95) percent of telephone calls without encountering an equipment or all-trunk busy condition within the local dialing area.

(3) Each utility shall employ appropriate procedures to determine the adequacy of central office equipment and local inter-office and EAS trunks.

Section 16. Grounded Circuits. No telephone lines shall be construed as single wire with ground return. Any existing ground-return telephone lines shall be converted to metallic or equivalent circuits.

Section 17. Metallic Circuits. Telephone utilities shall provide full metallic telephone circuits or equivalent for all customers.

Section 18. Toll Connecting Trunks. Sufficient toll connecting or inter-exchange trunks shall be provided so that at least ninety-seven (97) percent of telephone calls offered to the group will not encounter an all trunks busy condition. The surveillance level shall be ninety-two (92) percent.

Section 19. Transmission Requirements. Telephone utilities shall furnish and maintain adequate plant equipment and facilities to provide satisfactory transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and cross-talk shall be such as not to impair communications.

Section 20. Minimum Transmission Objectives. (1) The transmission objectives set forth herein are based upon the use of standard telephone sets connected to a forty-eight (48) volt dial central office and measured at a frequency of 1,000 cycles.

(2) Subscriber lines shall, in general, have a loop resistance not exceeding the operating design of the associated central office equipment.

(3) Telephone utilities shall have as their objective the design of subscriber loops having a transmission loss of no more than eight and five-tenths (8.5) decibels.

(4) The overall transmission loss, including terminating equipment, on local inter-office trunks shall be no more than seven (7) decibels.

(5) Whenever feasible, the overall transmission loss, including terminating equipment, on intertoll trunks and terminating links shall be no more than five (5) decibels. Because these trunks may be only one of several connected links, on some toll routes it may be necessary to provide better facilities of high grade in order to keep overall net circuit losses within reasonable limits and to provide satisfactory message transmission.

Section 21. Provisions for Testing. Each telephone utility shall provide test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.

Section 22. Selective Ringing. Each telephone utility shall provide full selective ringing to all subscribers.

Section 23. Traffic Rules. (1) Suitable practices shall be adopted by each telephone utility concerning the operating methods to be employed by operators with the objective of providing efficient and agreeable service to the customers.

(2) Telephone operators shall be instructed to be courteous, considerate and efficient in the handling of all calls, and to comply with the provisions of the Communications Act of 1934 in maintaining the secrecy of communications.

(3) All operator-handled calls shall be carefully supervised and disconnects made promptly.

(4) When an operator is notified by a customer that he has reached a wrong number on a direct dialed call, the customer shall be given credit on his bill when the claim has been substantiated.

Section 24. Answering Time. (1) Adequate forces shall be provided for toll and for operator assistance calls to meet the service objective so that ninety (90) percent of the calls will be answered within ten (10) seconds. The surveillance level shall be eighty-five (85) percent.

(2) The service objective for calls to the business office, and repair service shall be ninety (90) percent within twenty (20) seconds. The surveillance level shall be eighty-five (85) percent.

(3) The service objective for operator number identification (ONI) on toll calls where ANI is not available shall be ninety (90) percent within five (5) seconds. The surveillance level shall be eighty-five (85) percent.

(4) The utility shall use sufficient quantities of measuring devices to accurately monitor the above service indices.

Section 25. Maintenance of Plant and Equipment. (1) Each telephone utility shall adopt and pursue a preventative maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate and continuous service at all times.

(2) Maintenance shall include keeping all plant and equipment in good state of repair consistent with safety and adequate service performance. Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive maintenance not to be in operating condition. Electrical faults, such as leakage or poor insulation, noise induction, cross-talk, or poor transmission characteristics, shall be corrected to the extent practicable within the design capability of the plant affected.

(3) The utility shall maintain records descriptive of its preventative maintenance program indicating work accomplished and planned, which is carried out on a routine periodic basis, for the various categories of equipment and plant.

(4) Work performed in response to trouble is not considered preventative maintenance.

Section 26. Emergency Operations. (1) Each telephone utility shall make reasonable provisions to meet emergencies resulting from failures of lighting or power service, sudden and prolonged increase in traffic, illness of operators, or from fire, storm, or Acts of God, and each telephone utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telephone service.

(2) It is essential that all central offices and toll centers have adequate provision for emergency power. Each central and/or toll office shall have a minimum of four (4) hours of battery reserve. In exchanges exceeding 5,000 lines and in toll offices, a permanent auxiliary power unit shall be installed. In offices without installed emergency power facilities there shall be a mobile power unit available of suitable capacity which can be delivered and connected within two (2) hours, or one-half (1/2) the battery reserve time, whichever is greater.

Section 27. Service Interruption. (1) Each telephone utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall re-establish service with the shortest possible delay, regardless of weekends or holidays.

(2) Arrangements shall be made to receive customer trouble reports twenty-four (24) hours daily and to clear trouble of an emergency nature at night, as well as during regular working hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.

(3) Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer of service affected, the time, date and nature of the report, the action taken to clear trouble or satisfy the complaint, and the date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request, and shall be retained for a minimum time of one (1) year.

(4) The service objective shall be to clear ninety-five (95) percent of out-of-service troubles, not requiring unusual repair such as cable failures, within twenty-four (24) hours of the report received by the utility, unless the customer specifically requests a later time.

(5) Non out-of-service maintenance items reported by customers such as frayed cords, etc., not affecting the utilization of the telephone equipment may be scheduled for correction within a reasonable time so as to achieve economies in the dispatching of service personnel.

(6) The surveillance level for out-of-service troubles shall be ninety-two (92) percent.

(7) All commitments to customers shall be kept, unless customers are timely notified of unavoidable delays. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

(8) It shall be the service objective to so maintain the service that the average rate of customer trouble reports in an exchange is no greater than eight (8) per 100 telephones per month.

(9) The surveillance level for customer trouble reports shall be ten (10) per 100 telephones per month.

(10) When a customer's telephone is reported or found to be out of order it shall be restored to service as promptly as possible, but in the event it remains out of order in excess of twenty-four (24) consecutive hours, after the utility has notice thereof, the utility shall refund to the customer upon request the pro rata part of that month's charges for the period of days during which the telephone was out of order. This refund may be accomplished by a credit on a subsequent bill for telephone service.

Section 28. Construction Work near Utility Facilities. Even though all contractors working in the vicinity of utility lines or structures are responsible for exercising due diligence in preventing damage to utility property or interruption to utility services, telephone utilities shall, when requested, furnish to contractors appropriate information concerning location of underground conduit, cable, and other equipment in order to prevent any interruption of service to telephone customers. Nothing in this rule is intended to affect the responsibility, liability or legal rights of any party under applicable laws or statutes.

Section 29. Customer Service. A customer may be required to take service of a different type or in sufficient quantity if the use of service interferes unreasonably with the necessary service of other customers.

Section 30. Deviations from Rules. In special cases for good cause shown upon application to and approval by the commission may permit deviations from these rules.

WILLIAM A. LOGAN, Chairman
ADOPTED: May 5, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: May 6, 1975 at 2:19 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Public Service Commission, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Banking and Securities

808 KAR 3:020. Record retention schedule.

RELATES TO: KRS 290.070
PURSUANT TO: KRS 290.070, 13.082
NECESSITY AND FUNCTION: KRS 290.070 requires the Department of Banking and Securities to prescribe rules and regulations for proper conduct and regulation of credit unions. This regulation is to assure the proper time to maintain records for all state chartered credit unions.

Section 1. Record means any paper, book, photograph, film, reproduction, sound recording, tabulating card, ledger card, journals, data processing tape or disc, map, drawing or other document that has been prepared or received in the transaction of business.

Section 2. Records shall be retained by credit unions in accordance with the record retention schedule which is hereby incorporated by reference. A copy of the record retention schedule may be obtained by writing to the Department of Banking and Securities, 911 Leawood Drive, Frankfort, Kentucky 40601.

HOWARD T. SALLEE, Commissioner
ADOPTED: April 14, 1975
APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: April 18, 1975 at 3:25 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Banking and Securities, 911 Leawood Drive, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Banking and Securities

808 KAR 3:030. Conduct of examination of records.

RELATES TO: KRS 290.100
PURSUANT TO: KRS 290.070, 13.082
NECESSITY AND FUNCTION: KRS 290.100 requires the Department of Banking and Securities to examine at least annually each state-chartered credit union. This regulation is to assure the proper conduct of examinations and the availability of books and records of the credit union.

Section 1. Examination of credit unions under the supervision of the department shall be performed without prior notification to the subject credit union. To this end books and records of the credit union must be kept in a place accessible to the examiner so that prior notification is not necessary.

(1) If books and records are kept outside the place of work or business (example: at home), access to these, must be on a daily or continuous basis within the normal five (5) day work week. Those credit unions (where books and records are kept at home) can inform this department of days and/or hours which will be convenient for them and the examiners will take this into consideration when schedules are being made for examinations.

(2) If books and records of the credit union are kept at the place of work or business this may require that management maintain a dual control system in order that these books and records will be readily accessible to the examiners.

Section 2. All books and records of the subject credit union shall be posted to date, at the close of every month. Books and records must be posted to date, on or before the 16th of the following month. The daily work shall be posted in the journal and be kept up to date within a week of the time of any examination, so that the examiners may examine the subject credit union on a current basis.

Section 3. In order to facilitate examinations conducted by the department, all deposits received by the credit union must be deposited in the credit union's bank within two (2) working days after receipt.

HOWARD T. SALLEE, Commissioner

ADOPTED: April 14, 1975
APPROVED: ELIJAH M. HOGGE, Secretary
RECEIVED BY LRC: April 18, 1975 at 3:25 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Commissioner, Department of Banking and Securities, 911 Leawood Drive, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Administration and Operations

901 KAR 5:090. Burial, transportation and disinterment of dead bodies.

RELATES TO: KRS Chapter 213
PURSUANT TO: KRS 13.082, 194.050, 211.090
SUPERSEDES: VS-2-1
NECESSITY AND FUNCTION: KRS Chapter 213, relating to vital statistics, authorizes the Department for Human Resources to regulate the transportation, disposal, and disinterment of dead bodies. The purpose of this regulation is to establish uniform requirements for the transportation, interment, disinterment and reburial of dead bodies in Kentucky.

Section 1. Burial Transmit Permits. (1) The funeral director, or person acting as such, shall procure a burial-transit permit from the local registrar of vital statistics of the county where death occurred, prior to removal or disposition of the body. The permit shall grant permission for the transportation and burial or other disposition of the body. In the event the body is to be shipped by common carrier the local registrar shall issue the permit in duplicate and a copy shall accompany the body.

(2) A burial-transit permit issued by the appropriate authority of another state accompanying a body shipped into Kentucky shall be deemed permission for burial in this state. Such permit shall be signed by the sexton or other authorized official of the cemetery after burial and shall be filed with the local registrar of the county in which burial occurs.

(3) In the event a body is to be cremated, the funeral director, or person acting as such, shall so inform the local registrar of the county where death occurred, who shall obtain the approval of the coroner on the burial-transit permit as a condition precedent to issuing it as required by KRS 213.125. The funeral director, or person acting as such, shall deliver a copy of the permit bearing the coroner's approval to the crematorium. The person in charge of the crematorium shall sign the permit in the space provided for the sexton's signature after the body is cremated and shall file the permit with the local registrar for the county in which the cremation occurs. No permit shall be required for the transportation or disposal of the cremated remains.

Section 2. Interment. (1) Where the disposition of the body is by burial and the outer container for the body is made of concrete, metal, fiber glass, or other impervious material and it is hermetically sealed, all parts of such container shall be buried to a depth of at least two (2) feet below the level of the natural surface of the ground. All other burials shall be at least three (3) feet below the level of the natural surface of the ground measured from all parts of the outer container.

(2) Where impenetrable rock is encountered the local health department may, upon proper application, grant a variance to the depth of burial requirements of this regulation.

(3) The depth of burial requirements of this regulation do not apply where interment is in a mausoleum.

Section 3. Disinterment. (1) When one or more bodies are to be disinterred for reburial in the same cemetery, a disinterment-reinterment permit shall be procured upon proper application from the local registrar.

(2) When one or more bodies are to be disinterred for reburial in a different cemetery or for other disposal, an application for a disinterment-reinterment permit shall be made to the State Registrar of Vital Statistics. The application shall contain the following information:

(a) Name of deceased, if known;
(b) Date of death;
(c) Original grave site;
(d) Proposed grave site;
(e) Approximate date of removal;
(f) Name of the person or firm who will remove the body or bodies;
(g) A statement by the applicant that he has made, or will make, a reasonable effort to contact and obtain written permission from the next-of-kin for the removal of the remains; and
(h) A statement by the applicant that he is familiar with and will abide by all applicable laws, regulations, and policies relating to the establishment and abandonment of cemeteries and the custody, handling, and disposal of human remains.

Section 4. Reburial. (1) All disinterred human remains intended for reburial, and all other contents of the grave, shall be enclosed in a container constructed of strong material and of sufficient size to hold the remains without altering their shape or size. In the event the human remains are not thoroughly decomposed the container shall be sealed to prevent the escape of liquids or gas.

(2) The depth of burial requirements of Section 2 of this regulation shall apply to all reburials except that human remains which are thoroughly decomposed need be reburied only to such a depth so that no part of the container is less than two (2) feet below the natural surface of the ground.

DANIEL B. HOWARD, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: May 15, 1975
RECEIVED BY LRC: May 15, 1975 at 3:24 p.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Kentucky Drug Formulary Council

902 KAR 1:190. Meprobamate tablet.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)
PURSUANT TO: KRS 13.082
NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Meprobamate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Meprobamate Tablet Pharmaceutical Products. The following Meprobamate tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Meprobamate 200mg Tablet Form

Equanil	Wyeth Laboratories
Meprobamate	International Laboratories, Inc.
Meprobamate	Philips-Roxane Laboratories
Miltown	Wallace Laboratories
SK-Bamate	Smith, Kline and French Laboratories

(2) Meprogamate 400mg Tablet Form

Equanil	Wyeth Laboratories
Meprobamate	Bocan Drug Company
Meprobamate	International Laboratories
Meprobamate	Philips-Roxane Laboratories

Meprobamate	Rexall Drug Company
Miltown	Wallace Laboratories
QID—bamate	Mallinckrodt Chemical Corporation
SK—Bamate	Smith, Kline and French Laboratories
Tranmep	Reid—Provident Laboratories, Inc.

E. C. SEELEY, Chairperson

ADOPTED: April 29, 1975
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: May 15, 1975 at 3:25 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Al Austin, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board

902 KAR 20:010. Hospital facilities; construction and alteration.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 3
NECESSITY AND FUNCTION: This regulation relates to the construction and alteration of hospital facilities. It 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.

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. Functions of Hospitals. (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 facilities and staff, is maintained in the institution except within speciality hospitals, included but not limited to, tuberculosis, psychiatric, and etc.
(13) Food served to patients meets their nutritional requirements, and special diets are regularly available.

Section 3. Preparation of Plans and Specifications. After receiving certificate of need approval from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board, the following procedures and regulations will be followed:
(1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any changes in facilities for a hospital, the licensee or applicant shall submit plans to the licensing agency for approval.
(2) Architectural drawings must bear the seal of an architect registered in the Commonwealth of Kentucky and the mechanical and electrical drawings must bear the seal of a professional engineer registered in the Commonwealth of Kentucky.
(3) Drawings shall not exceed thirty-six (36) by forty-six (46) inches when trimmed.

Section 4. Submission of Plans and Specifications for Hospitals. (1) First stage; schematic plans:
(a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical patient room layouts (scaled 1/2"=1'0") with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.
(b) If the project is an addition, or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.
(2) Second stage; preliminary plans. Preliminary sketch plans shall include the following:
(a) Architectural:
1. Plans of basement, floors, and roof showing space assignment, sizes, and outline of fixed and movable equipment;
2. All elevations and typical sections;
3. Plot plan showing roads, parking, and sidewalks;
4. Areas and bed capacities by floors.
(b) Mechanical:
1. Single line layout of all duct and piping systems;
2. Riser diagrams for multistory construction;
3. Scale layout of boilers and major associated equipment and central heating, cooling, and ventilating units.
(c) Electrical:
1. Plans showing space assignment, sizes and outlines of fixed equipment such as transformers, main switch and switchboards, and generator sets;
2. Simple riser diagram for multistory building construction, showing arrangement of feeders, subfeeders, bus work, load centers, and branch circuit panels.
(d) Outline specifications:
1. General description of the construction, including interior finishes, types and locations of acoustical material, and special floor covering.
2. Description of the air-conditioning, heating, and ventilation systems and their controls; duct and piping systems; and dietary, laundry, sterilizing and other special equipment.
3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.
(3) Third stage; contract documents:
(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:
1. Architectural drawings: Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas; plan of each basement, floor, and roof; elevations of each facade; sections through building; required scale and full-size details; schedule of doors, windows, and room finishes. Equipment: location of all fixed equipment. Layout of typical and special rooms indicating all fixed equipment and major items of movable equipment. Equipment not included in contract shall be so indicated; conveying systems. Details of construction, machine and control spaces necessary, size and type of equipment and utility requirements for the following: dumbwaiters: electric, hand, hydraulic; elevators: freight, passenger, patient; loading dock devices; pneumatic tube systems.
2. Structural drawings: Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members; dimensions of special openings; details of all special connections, assemblies, and expansion joints.
3. Mechanical drawings:
a. Heating, steam piping, and air-conditioning systems. Radiators and steam heated equipment such as sterilizers, warmers, and steam tables; heating and steam mains and branches with pipe sizes; diagram of heating and steam risers with pipe sizes; sizes, types, and capacities of boilers, furnaces, hot water heaters with stokers, oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping, and ducts; supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.
b. Plumbing, drainage, and standpipe systems: Size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building; location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment; size and location of hot, cold and circulating branches, and risers from the service entrance, and tanks; riser diagram for all plumbing stacks with vents, water risers, and fixture connections; gas, oxygen, and vacuum systems; standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.
4. Electrical drawings: Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder break-

ers or switches. Light outlets, receptacles, telephone switchboard, strip boxes, telephone outlets, and branch conduits. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams. Fire alarm system with stations, signal devices, control board, and wiring diagrams. Emergency electrical system with outlets, transfer switch, sources of supply, feeders, and circuits. All other electrically operated systems and equipment.

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;
2. Index;
3. Sections describing materials and workmanship in detail for each class of work.

(c) General conditions include the following requirements: access to work. Representatives of the appropriate state agencies will have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

Section 5. Code and Standards. (1) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(2) The following codes and standards will apply where applicable and as adopted by the respective agency authority:

(a) Current Kentucky Standards of Safety regulations applicable to hospitals.
(b) Current Kentucky Plumbing Standards regulations applicable to hospitals.
(c) Current Kentucky standards for air contaminants for incinerators regulations applicable to hospitals.
(d) Current Kentucky standards for elevators regulations applicable to hospitals.
(e) Current Kentucky standards for making buildings and facilities accessible to and usable by the physically handicapped regulations applicable to hospitals.
(f) Current Kentucky standards for radiographic equipment and use regulations applicable to hospitals.
(g) Current Kentucky standards for radioisotope equipment and use regulations applicable to hospitals.

Section 6. Facility Requirements and Special Conditions.

(1) These regulations, except Section 5 which may be administered independent from these regulations, apply to the construction of new facilities and facilities that are being converted to hospitals. Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with these regulations and must provide to the satisfaction of the board that there are valid, reasonable, and specific justifications for not being in full compliance. The board, however, reserves the right to establish deadlines for compliance to standards of significant importance as determined by the board.

(2) These standards are intended for facilities to be licensed as hospitals. There are other separate and unique construction and facility standards applicable only to the specific level of care intended which are not interchangeable.

(3) Hospitals with a capacity of fifty (50) beds or less present special problems. The sizes of the various departments will depend upon the requirements of the hospital. Some functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the best standards of safety and of medical and nursing practices. In other respects, the general standards set forth in these regulations, including the area requirements, shall apply.

(4) Facilities shall be available to the public, staff, and patients who may be physically handicapped with special attention given to ramps, drinking fountain height, tilted mirrors, etc.

(5) The number of beds in a nursing unit shall not exceed sixty (60) unless additional services are provided, as deemed necessary by the Certificate of Need and Licensure Board. At least sixty (60) percent of the beds shall be located in rooms designed for one (1) or two (2) beds.

Section 7. Nursing Unit. (1) Patient rooms. Each patient room shall meet the following requirements:

(a) Maximum room capacity: four (4) patients.
(b) Minimum room areas exclusive of toilet rooms, closets, lockers, wardrobes, or vestibules: 100 square feet in one-bed rooms and eighty (80) square feet per bed in multibed rooms.
(c) Multibed rooms shall be designed to permit no more than two (2) beds side by side parallel to the window wall. Not less than a four (4) foot space shall be provided between beds, and at least three (3) foot space between the side of a bed and the nearest wall, fixed cabinet, or heating/cooling element. A minimum of four (4) feet is required between foot of bed and opposite wall, or foot of opposite bed in multibed rooms.
(d) Windows: All patient rooms must have windows that may be opened in an emergency. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least ten (10) percent of patient room floor area.
(e) Nurses' calling stations. (See Section 30(8).)
(f) Lavatory. In single and two-bed rooms with private toilet room, the lavatory may be located in the toilet room. Where two (2) patient rooms share a common toilet, a lavatory shall be provided in each patient room.
(g) Wardrobe or closet for each patient. Minimum clear dimensions: One (1) foot deep by one (1) foot and eight (8) inches wide with full length hanging space; provide clothes rod and shelf.
(h) Cubicle curtains, or equivalent built-in devices shall be provided to furnish complete privacy for each patient at any one time in multibed rooms.
(i) No patient room shall be located more than 120 feet from the nurses' station, the clean workroom, and the soiled workroom. No room shall be used as a patient room where the access is through another patient's rooms.

(2) Service areas in each nursing unit. The size of each service area will depend on the number and types of beds within the unit and include:

(a) Nurses' station. For nurses' charting, doctors' charting, communications, and storage for supplies and nurses' personal effects.
(b) Nurses' toilet room. Convenient to nurses' station.
(c) Soiled workroom. Shall contain clinical sink, work counter, waste receptacle and soiled linen receptacles.
(d) Medicine area. Provision shall be made for convenient and prompt twenty-four (24) hour distribution of medicine to patients. This may be from a medicine preparation room or unit, a self-contained medicine dispensing unit, or by another approved system. If used, a medicine preparation room or unit shall be under the nursing staff's visual control and contain a work counter, refrigerator, and locked storage for biologicals and drugs. A medicine dispensing unit may be located at the nurses' station, in the clean workroom, or in an alcove or other space under direct control of the nursing or pharmacy staff. Controlled substances locker must be under double lock.
(e) Clean linen storage. Enclosed storage space. (May be designated area within the clean workroom.)
(f) Nourishment station. Storage space, sink, hot plate, and refrigerator for serving between-meal nourishments. (May serve more than one (1) nursing unit on the same floor.)
(g) Patient baths. One (1) shower stall or one (1) bathtub for each fifteen (15) beds not individually served.
(h) Stretcher and wheelchair parking area or alcove.
(i) Janitor's closet. Storage of housekeeping supplies and equipment; floor receptor or service sink.

(3) Patient toilet rooms. A toilet room shall be directly accessible from each patient room without going through the general corridor. One (1) toilet room may serve two (2) patient rooms, but not more than four (4) beds. (The lavatory may be omitted from the toilet room if one (1) is provided in each patient room.)

(4) Isolation room. Isolation room(s) for the particular use of those prone to infections as well as those suffering from infections shall be provided. Each isolation room shall have:

(a) Only one (1) patient per room.
(b) Separate toilet room with bath or shower and lavatory for the exclusive use of the patient allowing for direct entry from the patient bed area.
(c) Facilities outside and immediately adjacent to the patient room for maintaining aseptic conditions.

Section 8. Newborn Nursery Unit. (1) General. Each nursery shall provide:

(a) Lavatory.
(b) Emergency nurses' call.
(c) Oxygen.
(d) Isolation nursery.
(e) Facilities for viewing the babies.

(2) Full-term nursery. Each room shall contain not more than eight (8) bassinets (this may be increased to sixteen (16) if the extra bassinets are of the isolation type) with a minimum area of twenty-four (24) square feet per regular bassinet (Forty (40) square feet per isolation type bassinets). An examination and workroom shall be provided. (One (1) examination and workroom serve up to twenty-four (24) bassinets.)

(3) Premature and special care nursery. A premature nursery is required only for hospitals with twenty-five (25) or more maternity beds. Each nursery shall have a minimum area of forty (40) square feet per bassinet. The premature nursery shall have its own workroom including lavatory. (A work area within the premature nursery may be used but this area shall be in addition to the required bassinet area.)

(4) Formula room. This room is intended for the sole purpose of preparing the infant formula and shall have no direct access to the nursery or workroom. It may be located elsewhere in the hospital. The following shall be provided unless commercially-prepared formula is used:

(a) Work counter with built-in sink with gooseneck-type spout and knee or foot control.
(b) Lavatory.
(c) Hot plate.
(d) Refrigerator.

(e) Sterilizer (autoclave).
(f) Bottle washer.

(5) If commercially prepared formula is to be used or other modifications are proposed in formula preparation and processing, the formula room shall include such space and equipment as are necessary to accommodate formula processing, handling, and storage requirements.

(6) Janitor's closet. This closet shall contain floor receptor or service sink and space for supplies and cleaning equipment.

Section 9. Pediatric Unit. If provided as a separate nursing unit it shall contain: (1) Patient rooms. Pediatric patient rooms shall conform to the same requirements as those for a patient room shown in Section 7(1)(b). In addition, an allowance of forty (40) square feet per bassinet must be provided in nurseries.

(2) Service areas. These areas shall conform to the requirements in Section 7(2) and shall include:
(a) Treatment room. Lavatory.
(b) Education, and playroom. Multiuse area for fifty (50) percent of the patients.
(c) Toilet room. For each sex, with minimum ratio of one (1) toilet for each eight (8) beds excluding bassinets.
(d) Storage. For clothes, toys, and equipment.

Section 10. Psychiatric Unit. If included as a separate nursing unit, it should be designed as other nursing units except that care must be taken to provide for patients needing close supervision to prevent the patient's escape, suicide, or hiding. The unit shall contain:

(1) Patient room. Each patient room shall meet the following requirements:
(a) Minimum room areas: 100 square feet in one-bed rooms and eighty (80) square feet per bed in multibed rooms.
(b) Private toilet rooms.
(c) Window: Sill height shall not be higher than three (3) feet above the floor and shall be above grade. Provide detention screens or equivalent.

(2) Service areas. These areas shall conform to the requirements in Section 7(2) and shall include:
(a) Examination and treatment room.
(b) Conference room.
(c) Dining room, recreation room, occupational therapy room shall equal forty (40) square feet per patient combined.
(d) Storage for recreation and occupational therapy equipment.
(e) Storage for patients' belongings.

Section 11. Surgical Suite. (1) General. The suite shall be located to prevent through traffic.

(2) Operating rooms. The number of operating rooms and recovery beds and the sizes of the service areas shall be based on the expected surgical workload. The surgical suite shall be located and arranged to preclude unrelated traffic through the suite.

(3) Cystoscopy room. This room is required in a facility of over 150 beds. Facilities for dispensing of liquid waste shall be provided. (May be located in area other than the surgical suite.)

(4) Recovery facilities. A separate room with charting space, medication storage and preparation space, and clinical sink is required.

(5) Service areas in each surgical suite. The size of each service area will depend on the surgical workload and shall include:
(a) Surgical supervisor station.
(b) Sterilizing facilities. Near operating room with hi-speed autoclave.
(c) Facilities for storage and preparation of medication.
(d) Scrubup facilities. Adjacent to operating rooms.
(e) Soiled workroom. Shall contain counter, clinical sink, waste receptacle, and soiled linen receptacle.
(f) Storage for sterile and unsterile supplies. (May be in clean workroom.)
(g) Anesthesia workroom. For cleaning and storage of equipment.
(h) Storage room for anesthetic agents.
(i) Medical gas and oxygen facilities. (Provide storage room if these services are not piped in.)
(j) Clean workroom. For storage and assembly of supplies; shall contain counter and sink.
(k) Equipment storage room. For surgical and monitoring equipment.
(l) Janitor's closet. Floor receptor or service sink, and storage for housekeeping supplies and equipment.
(m) Clothing change areas, lockers, and toilet rooms. For doctors, nurses, orderlies, and other personnel.
(n) A holding area should be designated for patients waiting for surgery which will not obstruct the corridors.
(o) Stretcher alcove.

Section 12. Obstetrical Suite. (1) General. The suite shall be located to prevent through traffic and shall be completely separated from the surgical suite. (See Sections 26, 29 and 30 for special requirements.)

(2) Delivery room. The number required shall be based on the estimated annual birth rate.

(3) Labor room. The number required shall be based on the estimated annual birth rate. A toilet room shall be provided accessible to each labor room.

(4) Recovery room. Shall contain a minimum of two (2) beds; clinical sink; and medication storage and preparation. (May be omitted in hospitals with an annual birth rate of less than 1500.)

(5) Service areas in each obstetrical suite. The size of each service area will depend on the obstetrical workload and the suite shall include:
(a) Supervisor's station.
(b) Sterilizing facilities. Provide with high-speed autoclave. Locate near delivery rooms.
(c) Facilities for storage and preparation of medication.
(d) Scrubup facilities. Adjacent to delivery room.
(e) Soiled workroom. Shall contain counter, clinical sink, waste receptacle, and soiled linen receptacles.
(f) Storage for sterile and unsterile supplies. (May be in clean workroom.)
(g) Anesthesia workroom. For cleaning and storage of equipment.
(h) Storage room for anesthetic agents.
(i) Nitrous oxide and oxygen facilities. (Provide storage room if these services are not piped in.)
(j) Clean workroom. For storage and assembly of supplies; shall contain counter and sink.
(k) Equipment storage room. For surgical and monitoring equipment.
(l) Janitor's closet. Floor receptor or service sink and storage for housekeeping supplies and equipment.
(m) Clothing change areas, lockers, and toilet rooms. For doctors, nurses, orderlies and other personnel.

Section 13. Coronary care unit. When coronary care units are planned they shall provide the following:

(1) Single bed patient rooms.
(a) All beds shall be arranged to permit direct visual observation by the nursing staff.
(b) Windows shall be provided so that each patient is cognizant of the outdoor environment.
(c) Opaque curtains when privacy is necessary.
(d) IV solution support for each patient so that the solution is not suspended directly over the patient.
(e) Each bed location shall have oxygen and suction available, two (2) convenience outlets, an examination light and a call system.
(f) Provision for bed lighting suitable for patient reading.
(g) Communication system for nurse to use in an emergency situation without leaving patient bedside.
(h) Toilet facilities shall be directly accessible for each patient. Lavatory spouts should have knee, foot or wrist control.
(i) A locker for the patient's clothing if no closet is available.

(2) Service areas:
(a) Nurses' station:
1. Shall be located to permit direct visual observation of each patient.
2. A desk or counter large enough to provide sufficient work space as well as to accommodate central monitoring equipment and charts.
3. Handwashing facilities shall be available convenient to nurse's station and the drug distribution station.
(b) Emergency equipment.
(c) Drug distribution center: Provision shall be made for the administration of drugs within the unit and shall contain a work counter, refrigerator, and locked storage for biologicals and drugs.

Section 14. Emergency Room Suite. The facilities shall be located to prevent outpatients from traversing inpatient areas and shall include:

(1) Well-marked and sheltered entry with convenient access for ambulances and wheelchairs.

(2) Reception area with telephone, drinking fountain, and toilet rooms.

(3) Admissions and patients' records area.

(4) Examination and treatment room(s). Lavatory.

(5) Emergency room. Clincal sink. (See Sections 26, 29 and 30 for special requirements.)

(6) Storage for sterile supplies.

(7) Wheelchair and stretcher alcove.

(8) Janitor's closet. Floor receptor or service sink and storage for housekeeping supplies and equipment.

Section 15. Radiology Suite. This suite shall contain:
(1) Radiographic room (See Section 30 for special requirements).
(2) Film processing room.
(3) Film filing room.
(4) Toilet room. Adjoining each fluoroscopy room.
(5) Dressing area. For ambulatory patients.
(6) Holding area. For stretcher patients.
(7) Waiting space.
(8) Office. With film viewing facilities.

Section 16. Laboratory Suite. Facilities for the following services shall be provided: chemistry, serology, bacteriology, cytology, pathology, and hematology, if not obtained from an outside source shall be provided. The following shall be included:

(1) Glasswashing and sterilizing facilities.
(2) Recording and filing facilities.
(3) Office.
(4) Blood storage facility. (May be located in area other than the laboratory suite.)
(5) Specimen collection room. This room shall be located near the laboratory and contain a water closet and lavatory.
(6) Morgue and autopsy facilities. These facilities shall be provided within the hospital unless otherwise available.

Section 17. Pharmacy or Drug Room. If drugs are used, an adequate supply 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. Controlled substances and other dangerous or poisonous drugs shall be handled in a safe manner to protect against their unauthorized use. Controlled substances locker must be under double lock. There shall be adequate refrigeration for biologicals and drugs which require refrigeration. The existing laws, rules and regulations governing drugs and poisons shall be complied with.

Section 18. Dietary Department. The department shall include the following facilities unless commercially prepared dietary service, meals, and/or disposables are to be used. If a commercial service will be used, dietary areas and equipment shall be designed to accommodate the requirements for sanitary storage, processing, and handling.
(1) Food preparation center. Provide lavatory but do not provide mirror.
(2) Food serving facilities. For patients and staff.
(3) Dishwashing room. Provide commercial-type dishwashing equipment and lavatory.
(4) Potwashing facilities.
(5) Refrigerated storage. Three-day supply.
(6) Dry storage. Three-day supply.
(7) Cart cleaning facilities.
(8) Cart storage area.
(9) Wast disposal facilities.
(10) Canwashing facilities.
(11) Dining facilities.
(12) Dietician's office.
(13) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink.
(14) Toilet room. Conveniently accessible for dietary staff.

Section 19. Administration Department. This department shall include: (1) Business office.
(2) Cashier's station.
(3) Information center.
(4) Administrator's office.
(5) Admitting office.
(6) Medical library resources.
(7) Lobby.
(8) Public and staff toilet rooms.
(9) Director of nurses office.
(10) Housekeeper's office or space. (Location optional and may be combined with clean linen room in hospitals of less than 100 beds.)
(11) Conference room (multipurpose).

Section 20. Medical Records Unit. This unit shall include: (1) Active record storage area.
(2) Record review and dictating room.
(3) Work area. For sorting, recording, or microfilming.
(4) Inactive record storage area. (May be omitted if microfilming is used.)

Section 21. Central Medical and Surgical Supply Department. The following areas shall be separated from each other: (1) Receiving and cleanup room. Space for cleaning equipment and disposing or processing of unclean articles shall be provided.
(2) Clean workroom. This room shall be divided into work space, clean storage area, sterilizing facilities, and storage area for sterile supplies.
(3) Unsterile supply storage area. (May be located in an area other than this department.)

Section 22. Laundry. The laundry shall include: (1) Soiled linen room.
(2) Clean linen and mending room.
(3) Linen cart storage.
(4) Lavatories. Accessible from soiled, clean and processing rooms.
(5) Laundry processing room. A supply of clean linens shall be available to meet daily needs of patients.
(6) Janitor's closet. Storage for housekeeping supplies and equipment; floor or service sink.
(7) Storage for laundry supplies. (Subsections (5), (6), (7) need not be provided if laundry is processed outside the hospital.)

Section 23. Central Stores. General storage shall be adequate to meet the needs of the hospital.

Section 24. Employe's Facilities. (1) Female help locker room. This room shall have rest space, lockers, and separate toilet room.
(2) Male help locker room. This room shall have lockers and separate toilet room.

Section 25. Engineering Service and Equipment Areas. The following shall be provided:
(1) Boiler room.
(2) Engineer's office.
(3) Mechanical and electrical equipment room(s).
(4) Maintenance shop(s). At least one (1) room shall be provided.
(5) Storage room for building maintenance supplies.
(6) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closet elsewhere.)
(7) Convenient bathing facilities.
(8) Refuse room. For trash storage. Shall be located convenient to service entrance.
(9) Incinerator space. The incinerator shall be in a separate room, or in a designated area within the boiler room, or outdoors.
(10) Yard equipment storage room. For yard maintenance equipment and supplies.

Section 26. Details and Finishes. All details and finishes shall meet the following requirements:
(1) Details:
(a) Exit facilities shall comply with the requirements for exit facilities as listed in "Standards of Safety," adopted by the State Fire Marshal's Office. Doors to patient toilet rooms and other rooms needing access for wheelchairs shall have a minimum width of two (2) feet and ten (10) inches.
(b) Such items as drinking fountains, telephone booths, and vending machines shall be located so that they do not project into the required width of exit corridors.
(c) All doors to patient-room toilets or patient-room bathrooms shall be equipped with hardware which will permit access in any emergency.
(d) All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.
(e) No doors shall swing into the corridor except closet doors.
(f) Thresholds and expansion joint covers, if used, shall be flush with the floor.
(g) The location and arrangement of lavatories and sinks with blade handles intended for handwashing purposes shall provide sixteen (16) inches clearance each side of center line of fixture. (See Section 29(5)(a).)
(h) Towel dispensers or other hand drying equipment shall be provided at all lavatories and sinks used for handwashing.
(i) If linen and refuse chutes are used, they shall be designed as follows: (Also see Section 29(2).)
1. Service openings to chutes shall have approved class "B", one and one-half (1 1/2) hour fire doors.
2. Service openings to chutes shall be located in a room or closet of not less than one (1) hour fire-resistive construction, and the entrance door to such room or closet shall be class "C", three-fourths (3/4) hour fire door.
3. Minimum diameter of gravity-type chutes shall be two (2) feet.
4. Chutes shall terminate in or discharge directly into a refuse room or linen chute room separate from the incinerator or laundry. Such rooms shall be of not less than two (2) hour fire-resistive construction and the entrance door shall be a class "B", one and one-half (1 1/2) hour fire door.
5. Chutes shall extend at least four (4) feet above the roof and shall be covered by a metal skylight glazed with thin plain glass.
(j) Dumbwaiters, conveyors, and material handling systems shall not open into any corridor or exitway but shall open into a room enclosed by not less than one (1) hour fire-resistive construction. The entrance door to such room shall be a class "C", three-fourths (3/4) hour fire door.
(k) Protection requirements of x-ray and gamma-ray installations shall be approved by the Radiation and Product Safety Branch, Office of Consumer Health Protection, Bureau for Health Services, Department for Human Resources.
(l) Ceiling Heights:
1. Boiler room. Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping with a minimum height of nine (9) feet.
2. Corridors, storage rooms, patients' toilet rooms, and other minor rooms. Not less than seven (7) feet and six (6) inches.
3. All other rooms. Not less than eight (8) feet.
(m) Boiler rooms, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eighty-five (85) degrees Fahrenheit.
(n) Approved fire extinguishers shall be provided in recessed locations throughout the building in accordance with the requirements of the State Fire Marshal's Office.
(o) Noise reduction criteria. Partition, floor, and ceiling construction in patient areas shall comply with Table 1, Section 31.
(2) Finishes:
(a) For flame spread requirements, see Section 28(5).
(b) Floors in anesthetizing areas and rooms used for storage of flammable anesthetic agents shall comply with NFPA Standard No. 56A as adopted by the State Fire Marshal's Office for hospitals.

(c) Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchens and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish.
(d) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.
(e) Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moistureproof. Wall bases in dietary areas shall be free of spaces that can harbor insects.
(f) Wall bases in any areas used for surgical and obstetrical procedures shall be integral with either the wall or the floor surface material and shall be without voids that can harbor harmful bacteria.
(g) All ceilings shall be washable or easily cleanable except that ceilings shall be washable in operating suites, delivery suites, dietary areas, and nurseries. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops, and similar spaces.
(h) Ceilings shall be acoustically treated in corridors, in patient areas, nurses' stations, labor rooms, nourishment stations, dining areas, and dayrooms. Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to patient bedroom areas.

Section 27. Elevators. Elevator requirements shall conform to the current standards for elevators adopted by the Division of Labor Standards, Department of Labor.

(1) Elevators, where required. All hospitals where either patients' beds or a critical facility, such as operating, delivery, diagnostic, recreation, patient dining, or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

(a) Number of elevators:
1. At least one (1) hospital-type elevator shall be installed where one (1) to fifty-nine (59) patient beds are located on any floor other than the first. (For purposes of these requirements, the first floor is that floor first reached from the main front entrance.)
2. At least two (2) hospital-type elevators shall be installed where sixty (60) to 200 patient beds are located on floors other than the first, or where inpatient facilities are located on a floor other than that containing the patient beds.
3. At least three (3) hospital-type elevators shall be installed where 201 to 350 patient beds are located on floors other than the first, or where inpatient facilities are located on a floor other than that containing the patient beds.
4. For hospitals with more than 350 beds, the number of elevators shall be determined from a study of the hospital plan and the estimated vertical transportation requirements.

(b) Cars and platforms shall be constructed of noncombustible material, except that fire-retardant-treated material may be used if all exterior surfaces of the car are covered with metal. Cars of hospital-type elevators shall have inside dimensions that will accommodate a patient's bed and attendant and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep. The car door shall have a clear opening of not less than three (3) feet and eight (8) inches.
(c) Leveling. Elevators shall have automatic leveling of the two-way automatic maintaining type with accuracy within plus or minus one-half (1/2) inch.
(d) Operation. Elevators (except freight elevators) shall be equipped with two-way special service switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.

(2) Field inspection and tests. The contractor shall be required to cause inspections and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section and all pertinent safety requirements.

Section 28. Construction Including Fire-Resistive Requirement. (1) Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil-bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement, except that one (1) story buildings may rest on a fill designed by a soils engineer. When engineered fill is used, site preparation and all grading shall be done under the direct full-time supervision of the soils engineer. The soils engineer shall issue a final report on the grading operation and a certification of compliance with the job specifications. All footings shall extend to a depth not less than one (1) foot below the estimated maximum frost line.

(2) Construction shall meet the standards of safety adopted by the State Fire Marshal's Office.

(3) Fire safety approval. Prior to final approval of plans and specifications by the state licensure agency, the plans and specifications must be approved by the State Fire Marshal's Office or their authorized representative.

(4) One-story buildings. One (1) story buildings shall be of not less than one (1) hour fire-resistive construction throughout, with the following exceptions:
(a) Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of two (2) hour fire-resistive construction.
(b) Heavy timber construction may be used in gymnasiums, chapels, auditoriums, and administration areas provided that these areas are so located as to be freestanding buildings or if attached to the main building, are suitably fire separated therefrom, do not form a major circulation element in the facility, and not serve as a required means of egress.

(5) Multistory buildings:
(a) For all buildings more than one (1) story in height, the structural framework and building elements shall be an appropriately fire-resistive combination of materials using steel, concrete, or masonry. Load-bearing walls may be used only for exterior walls, fire walls, and vertical shafts.
(b) Bearing walls and walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of two (2) hour fire-resistive construction.
(c) Nonload-bearing corridor partitions shall be of one (1) hour fire-resistive construction.
(d) Columns, girders, trusses, floor construction, including beams shall be of not less than one and one-half (1 1/2) hour fire-resistive construction.
(e) Beams supporting masonry shall be individually protected with not less than two (2) hour fire-resistive construction.
(f) Nonload-bearing partitions other than corridor partitions shall be of one (1) hour fire-resistive construction and may utilize fire-retardant treated wood studs.

(6) Fire-resistive ratings shall be determined in accordance with the American Society of Testing and Materials, Standard E119-73, filed herein by reference.

(7) Interior finish of walls and ceilings of all exitways, storage rooms, and areas of unusual fire hazard shall have a flame spread rating of not more than twenty-five (25); all other areas shall have a flame spread rating of not more than seventy-five (75), except that up to ten (10) percent of the aggregate wall and ceiling area may have a finish with a rating up to 200. Floor finish materials shall have a flame spread rating of not more than seventy-five (75). Flame spread ratings for each specific product shall be determined by an independent testing laboratory in accordance with the American Society of Testing and Materials, Standard E84-70, filed herein by reference.

Section 29. Mechanical Requirements. (1) General: Prior to completion of the contract and final acceptance of the facility, the architect and/or engineer shall obtain from the contractor certification that all mechanical systems have been tested and that the installation and performance on these systems conform to the requirements of the plans and specifications.

(2) Incinerators and refuse chutes. Incinerators shall be gas, electric, or oil-fired and shall be capable of, but need not be limited to complete destruction of pathological wastes. The design and installation must comply with current Kentucky standards for control of air contaminants for incinerators regulations applicable to hospitals. Design and construction of refuse chutes shall be in accordance with Part III of the NFPA Standard No. 82 as adopted by the State Fire Marshal's Office for hospitals.

(3) Steam and hot water systems:
(a) Boilers. If boilers are used, a minimum of two (2) must be provided; the combined capacity of the boilers, based upon the published Steel Boiler Institute or Institute of Boiler and Radiator Manufacture's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.
(b) Boiler accessories. Boiler feed pumps, condensate return pumps, fuel oil pumps, and circulating pumps shall be connected and installed to provide standby service when any pump breaks down.
(c) Valves. Supply and return mains and risers of space heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return end.
(d) Covering. Boilers, smoke breeching, steam supply piping, high pressure steam return piping, and hot water space heating supply and return piping shall be insultated with insultation having a flame spread rating of twenty-five (25) or less and a smoke-developed rating of fifty (50) or less.

(4) Air-conditioning, heating, and ventilating systems:
(a) Temperature and humidities:
1. The systems shall be designed to provide the temperatures and humidities shown below:

Area Designation	Temp. F.	RH
Operating	70-76*	50-60
Delivery	70-76	50-60
Recovery	75	50-60
Nursery (observation)	75	50
Nursery (full-term)	75	50

Nursery (premature)	75–80*	50–60*
Intensive Care	75–80*	30–60

*Variable range required

2. For all other occupied areas, a minimum temperature of seventy–two (72) degrees Fahrenheit shall be provided at winter design conditions.

(b) Ventilation system details. All air–supply and air–exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at the discharge end of the system. The ventilation rates shown on Table 2, Section 30, shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty–five (25) feet from the exhauts from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or, if installed through the roof, three (3) feet above roof level.
2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas as shown in Table 2, Section 30.
3. All air supplied to sensitive areas such as operating and delivery rooms and nurseries shall be delivered at or near the ceiling of the area served and all air exhausted from the area shall be removed near floor level. At least two (2) exhaust outlets shall be used in all operating and delivery rooms. Exhaust outlets shall be located not less than three (3) inches above the floor.
4. Room supply air inlets, recirculation, and exhaust air outlets installed in nonsensitive areas shall be located not less than three (3) inches above the floor.
5. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate bathrooms, toilet rooms, or janitor's closets opening directly on corridors.
6. Filters. The ventilation systems serving sensitive areas such as operating rooms, delivery rooms, nurseries, isolation rooms and laboratory sterile rooms, and circulated central air systems serving other hospital areas, shall be equipped with a minimum of two (2) filter beds. Filter bed #1 shall be located upstream of the conditioning equipment and shall have a minimum efficiency of thirty (30) percent. Filter bed #2 shall be located downstream of the conditioning equipment and shall have a minimum efficiency of ninety (90) percent.
7. Central systems using 100 percent outdoor air and serving other than sensitive areas, except as noted in subparagraph 14 of this paragraph, shall be provided with filters rated at eighty (80) percent efficiency.
8. The above filter efficiencies shall be warranted by the manufacturer and shall be based on the National Bureau of Standards Dust Spot Test Method with Atmospheric Dust.
9. The exhausts from all laboratory hoods in which infectious or radioactive materials are processed shall be equipped with filters having a ninety–nine (99) percent efficiency based on the DOP (dioctyl–phthalate) test method.
10. Filter frames shall be durable and carefully dimensioned, and shall provide an air–tight fit with the enclosing ductwork. All joints between filter segments and the enclosing ductwork shall be gasketed or sealed to provide a positive seal against air leakages.
11. A manometer shall be installed across each filter bed serving central air systems.
12. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay or asbestos cement.
13. Ducts which penetrate construction intended for x–ray or other ray protection shall not impair the effectiveness of the protection.
14. Duct linings, coverings, vapor barriers, and the adhesives used for applying them shall have a flame spread classification of not more than twenty–five (25) and a smoke–developed rating of not more than fifty (50).
15. Acoustical lining materials shall be used in the interior of duct systems serving sensitive areas such as operating and delivery rooms, nurseries, and isolation rooms.
16. Ducts which pass through fire walls shall be provided with approved automatic fire doors on both sides of the wall except that three–eights (3/8) inch steel plates may be used in lieu of fire doors for openings not exceeding one (1) foot and six (6) inches in diameter. An approved fire damper shall be provided on each opening through each fire partition and on each opening through the walls of a vertical shaft. Ducts which pass through a required smoke barrier shall be provided with dampers which are actuated by products of combustion other than heat. Access for maintenance shall be provided at all dampers.
17. Cold–air ducts shall be insulated wherever necessary to maintain the efficiency of the system or to minimize condensation problems.
18. Laboratories shall be provided with outdoor air at a rate of two (2) air changes per hour. If this ventilation rate does not provide the air required to ventilate fume hoods and safety cabinets, additional air shall be provided. A filter with ninety (90) percent efficiency shall be installed in the air supply system at its entrance to the media transfer room.
19. Laboratory hoods for general use shall have a minimum average face velocity of seventy–five (75) feet per minute. Hoods in which infectious or highly radioactive materials are processed shall have a face velocity of 100 feet per minute and each shall have an independent exhaust system with the fan installed at the discharge point of the system. Hoods used for processing infectious materials shall be equipped with a means of disinfection.
20. Duct systems serving hoods shall be constructed of corrosion–resistant material. Duct systems serving hoods in which highly radioactive materials and strong oxidizing agents are used shall be constructed of stainless steel for minimum distance of ten (10) feet from the hood and shall be equipped with washdown facilities.
21. The air from dining areas may be used to ventilate the food preparation areas only after it has passed through a filter with eighty (80) percent efficiency.
22. Exhaust hoods in food preparation centers shall have a minimum exhaust rate of 100 cubic feet per minute per square foot of hood face area. All hoods over cooking ranges shall be equipped with fire extinguishing systems and heat–actuated fan controls. Clean–out openings shall be provided every twenty (20) feet in horizontal exhaust duct systems serving hoods.
23. The ventilation system for anesthesia storage rooms shall conform to the requirements of NFPA Standard No. 56A as adopted by the State Fire Marshal's Office for hospitals.
24. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and reasonable temperatures in the rooms and in adjoining areas. (See Section 26(1)(m) for additional boiler room, food preparation center, and laundry ventilation requirements.)

(5) Plumbing and other piping systems. All plumbing systems shall be installed in accordance with the requirements of current Kentucky plumbing standards regulations applicable to hospitals. (See Section 5(2).)

(a) Plumbing fixtures:
1. The material used for plumbing fixtures shall be of non–absorptive acid–resistant material.
2. Lavatories and sinks required in patient care areas shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by medical and nursing staff and all lavatories used by patients and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose they shall not exceed four and one–half (4 1/2) inches in length, except that handles on scrub sinks and clinical sinks shall be not less than six (6) inches long.
3. Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

(b) Water supply systems:
1. Systems shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum pressure of fifteen (15) pounds per square inch during maximum demand periods.
2. Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
3. Hot, cold, and chilled water piping, and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior vapor barrier.
4. Backflow preventers shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as laboratory and janitor's sinks, bedpan flushing attachments, and autopsy tables.
5. Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.
6. Bedpan flushing devices shall be provided in each patient toilet room and in the soiled workroom.
7. Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.
8. An auxiliary water supply shall be available to provide potable water in emergencies.

(c) Hot water heaters and tanks:
1. The hot water heating equipment shall have a sufficient capacity to supply water at the temperature and amounts indicated below:

	Use		
	Clinical	Dietary	Laundry
Gal/hr/bed	6 1/2	4	4 1/2
Temp. F.	125	180	180

2. Storage tank(s) shall be provided and shall be fabricated of non-corrosive metal or lined with non-corrosive material.

(d) Drainage systems:

1. Drain lines from sinks in which acid wastes may be poured shall be fabricated from an acid-resistant material.
2. Piping over operating and delivery rooms, nurseries, food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of necessary overhead piping systems.
3. Floor drains shall not be installed in operating and delivery rooms.
4. Building sewers shall discharge into a community sewerage system. Where such a system is not available, a facility providing sewage treatment which conforms to applicable local and state regulations is required.

(e) Fire extinguishing systems. Automatic fire extinguishing systems shall be installed in areas such as: central soiled linen holding rooms, maintenance shops, trash rooms, bulk storage, and laundry and trash chutes. Storage rooms of less than 100 square-foot area and spaces used for storage of nonhazardous materials are exluded from this requirement. Sprinkler heads shall be installed at the top and at alternate floor levels of trash and laundry chutes.

(f) Nonflammable medical gas systems. Nonflammable medical gas system installations shall be in accordance with the requirements of NFPA Standard No. 56-F as adopted by the State Fire Marshal's Office for hospitals.

(g) Plumbing approval. Prior to final licensure approval of the plans and specifications by the state licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department for Natural Resources and Environmental Protection.

Section 30. Electrical Requirements. (1) General:

(a) All material including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities shown in the specifications or indicated on the plans. All materials shall be listed as complying with applicable standards of Underwriters' Laboratories, Inc., or other similarly established standards.

(b) The contractor shall be responsible for testing all electrical installations and systems and shall show that the equipment is correctly installed and operates as planned or specified. A written record of tests of conductive floors, ground contact, indicators, and radiation protection shall be supplied to the owner.

(2) Special feeders and circuits. Fixed and mobile x-ray units shall be connected by means of independent feeders or circuits.

(3) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and distribution panel-boards shall be enclosed or guarded to provide a dead front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in the ambient temperature conditions.

(4) Distribution panelboards. Lighting and applicance panelboards shall be provided for the circuits on each floor. This requirement does not apply to emergency system circuits.

(5) Lighting:

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Patients' bedrooms shall have general lighting and night lighting. A reading light shall be provided for each patient. A fixed receptacle type night light mounted approximately sixteen (16) feet above the floor, with the switch located at patient room door, shall be provided in each patient room. Patients' reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire. All switches for controls of light in patient areas shall be of the quiet operating type.

(c) Operating and delivery rooms shall have general lighting for the room in addition to local lighting provided by special lighting units at the surgical and obstetrical tables. Each special lighting unit for local lighting at tables shall be connected to an independent circuit.

(d) Provisions shall be made for the night lighting of corridors. (See Table 3, Section 31, for levels of illumination for various areas.)

(6) Receptacles (convenience outlets):

(a) Anesthetizing locations. Each operating, delivery, and emergency room shall have at least three (3) receptacles of the interchangeable type. In locations where mobile x-ray is used, an additional receptacle, distinctively marked for x-ray use, shall be fed by an independent underground circuit.

(b) Bedroom. Each patient bedroom shall have duplex receptacles as follows: one (1) on each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between the beds); receptacles for luminaries and motorized beds, if used; and one (1) receptacle on another wall.

(c) Corridors. Single polarized receptacles marked for use of x-ray only shall be located in corridors of patient areas so that mobile equipment may be used in any location within a patient room. If the same mobile x-ray unit is used in operating rooms and in nursing areas, all receptacles for x-ray use shall be of a configuration that one (1) plug will fit the receptacles in all locations. Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors and shall be polarized to prevent use interchange with x-ray receptacles. Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

(d) Pediatric units. Receptacles in patient rooms shall be of the safety type. Receptacles in corridors shall be of safety type or shall be controlled by switches located at a nurses' station or other supervised location.

(7) Equipment installation in special areas:

(a) Installation in hazardous areas. In areas where flammable anesthetic agents are used, such as operating, delivery, emergency, and anesthesia induction rooms, and rooms for storage of flammable gases, all electrical equipment and devices including receptacles, wiring and conductive flooring installations shall comply with NFPA Standard No. 56A as adopted by the State Fire Marshal's Office for hospitals.

(b) X-ray and gamma-ray installations. X-ray stationary installations and mobile equipment shall conform to the current Kentucky standards for radiographic and radioisotope equipment and use regulations applicable to hospitals.

(c) X-ray film illuminator. Viewing panels shall be installed in each operating room and in the x-ray viewing room.

(8) Nurses' calling system. For patients' use at each bed, nurses' calling stations shall be provided that will register a call from the patient at the nurses' station and actuate a visual signal at the patient room door, in the clean workroom, soiled workroom, and nourishment stations of the nursing unit. In multicorridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two (2) or more calling stations, indicating lights shall be provided at each calling station. Nurses' calling systems which provide two-way voice communication shall be equipped with an indicating light at each calling station which lights and remains lighted as long as the voice circuit is operating. An emergency calling station shall be provided convenient for patients' use at each patient toilet, bath, or shower room. An emergency nurses' calling station shall be provided for nurses' use in each operating, emergency, and intensive nursing care rooms, and wards for mental patients. In addition, an emergency nurses' call system shall be provided for nurses' use in delivery and recovery rooms, and in nurseries where adequate nursing personnel (two (2) or less) are not available to manage emergency situations.

(9) Fire alarms and fire detector systems. The design and installation of these systems must be approved by the State Fire Marshal's Office.

(10) Emergency electric service:

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the medical care, treatment or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

(b) Sources. The source of this emergency electric service shall be as follows:

1. An emergency generating set, when the normal service is supplied by one or more central station transmission lines.
2. An emergency generating set or a central station transmission line, when the normal electric supply is generated on the premises.

(c) Emergency generating set. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electrical system. Exception: A system of prime movers which are ordinarily used to operate other equipment and alternately used to operate the emergency generator(s) will be permitted provided that the number and arrangement of the prime movers is such that when one (1) of them is out of service (due to breakdown or for routine maintenance), the remaining prime mover(s) can operate the required

emergency generator(s) and provided that the connection time requirements described in paragraph (e) of this subsection are met. The emergency generator set shall be of sufficient kilowatt capacity to supply all lighting and power load demands of the emergency system. The power factor rating of the generator shall be not less than eighty (80) percent.

(d) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting:
a. Exitways and all necessary ways of approach thereto including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors.
b. Surgical, obstetrical, and emergency room operating lights.
c. Nursery, laboratory, recovery room, intensive care areas, nursing station, medication preparation area, and labor rooms.
d. Generator set location, switch-gear location, and boiler room.
e. Elevator (if required for emergency).
f. Night light in patient rooms.
2. Equipment. Essential to life, safety and for protection of important equipment or vital materials:
a. Nurses' calling system.
b. Alarm system including fire alarm actuated at manual stations, water flow alarm devices of sprinkler system if electrically operated, fire detection systems, paging or speaker systems if intended for issuing instructions during emergency conditions, and alarms required for nonflammable medical gas systems, if installed.
c. Fire pump, if installed.
d. Receptacles for incubators for infants.
e. Pump for central suction system.
f. Sewerage or sump lift pump, if installed.
g. Receptacles for blood bank refrigerator.
h. Receptacles in operating, recovery, intensive care, and delivery rooms except those for x-ray. At least one (1) duplex receptacle in each nursery.
i. Duplex receptacles in patient corridors, and at least one (1) receptacle in each patient room.
j. One (1) elevator, where elevators are used to transport patients to operating and delivery rooms or from these rooms to nursing areas on another floor.
k. Equipment such as burners and pumps necessary for operation of one (1) or more boilers and their necessary auxiliaries and controls, required for hearing and sterilization.
l. Ventilation of operating and delivery rooms.
m. Equipment necessary for maintaining telephone service.
n. One (1) electric sterilizer, if installed.
3. Heating. Where electricity is the only source of power normally used for space heating, the emergency service shall provide for heating of operating, delivery, labor, recovery, intensive care, nurseries, and patient rooms. Emergency heating of patient rooms will not be required under either of the following conditions: (i) the design temperature is higher than +20 degrees Fahrenheit, based on the Median of Extremes as shown in the current edition of the ASHRAE Handbook of Fundamentals; or (ii) the hospital is supplied by at least two (2) utility service feeders, each supplied by separate generating sources, or a network distribution system fed by two (2) or more generators, with the hospital feeders so routed, connected, and protected that a fault any place between the generators and the hospital will not likely cause an interruption of more than one (1) of the hospital service feeders.

(e) Details. The emergency electrical system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and connected within ten (10) seconds through one or more primary automatic transfer switches to all emergency lighting; all alarms; blood banks; nurses' call; equipment necessary for maintaining telephone service; pump for central suction system; and receptacles in operating and delivery rooms, patient corridors, recovery rooms, intensive care nursing areas, and nurseries. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Receptacles connected to the emergency system shall be distinctively marked for identification. Storage-battery-powered lights, provided to augment the emergency lighting or for continuity of lighting during the interim of transfer switching immediately following an interruption of the normal service supply, shall not be used as a substitute for the requirement of a generator. Where fuel is normally stored on the site, the storage capacity shall be sufficient for twenty-four (24) hour operation. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

Section 31.

Table 1 Sound Transmission Limitations for Partitions and Floors in General Hospitals

Table 2 Pressure Relationships and Ventilation of Certain Hospital Areas

Table 3 Lighting Levels for Hospitals

Table 1. Sound Transmission Limitations for Partitions and Floors in General Hospitals

Location	Airborne Sound Transmission Class (STC) a*		Impact Noise Rating (INR) b*
	Partitions	Floors	Floors
Patients' room to patients' room	45	45	Minus 2
Corridor to patients' room	40	45	Plus 5c*
Public space to patients' room d*	50	50	Plus 5c*
Service areas to patients' room e*	55	55	Plus 10c*

a* Sound transmission class (STC) shall be determined by tests in accordance with methods set forth by the American Society of Testing and Materials, Standard E90-70, filed herein by reference.

b* Impact noise rating (INR) shall be determined in accordance with criteria set forth in HUD-TS-24 "A Guide to Airborne Impact and Structureborne Noise Control in Multifamily Dwellings" filed herein by reference.

c* Impact noise limitation applicable only when corridor, public space, or service area is over patients' room.

d* Public space includes lobbies, dining rooms, recreation rooms, treatment rooms, and similar spaces.

e* Service areas include kitchens, elevators, elevator machine rooms, laundries, garages, maintenance rooms, boiler and mechanical equipment rooms, and similar space of high noise or vibration or both. Mechanical equipment located on the same floor or above patients' rooms, offices, nurses' stations, and similar occupied spaces shall be effectively isolated from such spaces with respect to noise and vibration.

Note: The requirements set forth in this table assume installation methods which will not appreciably reduce the efficiency of the assembly as tested. Location of electrical receptacles, grilles, ductwork, and other mechanical items, and blocking and sealing of partitions at floors and ceilings shall not compromise the sound isolation required.

Table 2. Pressure Relationships and Ventilation of Certain Hospital Areas

Area Designation	Pressure Relationship to Adjacent Areas	All Supply Air From Outdoors	Minimum Air Changes of Outdoor Air Per Hour
Operating room	P	—	5
Emergency operating room	P	—	5
Delivery room	P	—	5
Nursery	P	—	5
Recovery	0	—	2
Intensive Care	P	—	2
Patient room	0	—	2
Patient area corridor	0	—	2
Isolation room	0	—	2
Isolation anteroom	0	—	2
Treatment room	0	—	2
X-ray, fluoroscopy room	N	—	2
X-ray, treatment room	0	—	2
Physical therapy and hydrotherapy	N	—	2
Soiled workroom	N	—	2
Clean workroom	P	—	2
Autopsy and darkroom	N	—	2
Toilet room	N	—	—
Bedpan room	N	—	—
Bathroom	N	—	—
Janitor's closet	N	—	—
Sterilizer equipment room	N	—	—
Linen and trash chute rooms	N	—	—
Laboratory, general (1)	N	—	2

Laboratory, media transfer (2)	P	—	2
Food preparation centers (3)	0	—	2
Dishwashing room	N	—	—
Dietary dry storage	0	—	—
Laundry, general	0	—	2
Soiled linen sorting and storage	N	—	—
Clean linen storage	P	—	2
Anesthesia storage (4)	0	—	—
Central medical and surgical supply:			
Soiled or decontamination room	N	—	2
Clean workroom	P	—	2
Unsterile supply storage	0	—	2

P = Positive N = Negative 0 = Equal — = Optional
(1) See Sec. 29(4)(b)14. and Sec. 29(4)(b)15. for additional requirements.
(2) See Sec. 29(4)(b)18. for additional requirements.
(3) See Sec. 29(4)(b)18. for exceptions.
(4) See Sec. 29(4)(b)19. for additional requirements.

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Room
Operating room	12	—	No
Emergency operating room	12	—	No
Delivery room	12	—	No
Nursery	12	—	No
Recovery	6	Yes	No
Intensive Care	6	—	No
Patient room	2	—	—
Patient area corridor	4	—	—
Isolation room	6	Yes	No
Isolation anteroom	6	Yes	No
Treatment room	6	—	No
X-ray, fluoroscopy room	6	Yes	No
X-ray, treatment room	6	—	—
Physical therapy and hydrotherapy	6	—	—
Soiled workroom	4	—	No
Clean workroom	4	—	—
Autopsy and darkroom	12	Yes	No
Toilet room	10	Yes	No
Bedpan room	10	Yes	No
Bathroom	10	Yes	No
Janitor's closet	10	Yes	No
Sterilizer equipment room	10	Yes	No
Linen and trash chute rooms	10	Yes	No
Laboratory, general (1)	6	—	—
Laboratory, media transfer (2)	4	—	No
Food preparation centers (3)	10	Yes	No
Dishwashing room	10	Yes	No
Dietary dry storage	2	—	No
Laundry, general	10	Yes	No
Soiled linen sorting and storage	10	Yes	No
Clean linen storage	2	—	—
Anesthesia storage (4)	8	Yes	No
Central medical and surgical supply:			
Soiled or decontamination room	4	—	No
Clean workroom	4	—	—
Unsterile supply storage	2	—	—

Table 3. Lighting Levels for Hospitals

Area	Footcandles*
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Barber and beautician areas	50
Chapel or quiet area	30
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Examination and treatment room	
General	50
Examining table	100
Exit stairways and landings	5
Janitor's closet	15
Nurses' station, general, day	50
Nurses' station, general, night	20
Nurses' desk, for charts and records	70
Nurses' medicine cabinet	100
Occupational therapy	30
Patient care unit (or room), general	10
Patient care room, reading	30
Patient care room, night light (variable)	.5 to 1.5
Physical therapy	20
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20
Utility room, work counter	50
Worktable, (Occupational therapy, etc.)	100

*Minimum on task at anytime.

HOWARD L. BOST, Chairman
ADOPTED: March 11, 1975
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: May 15, 1975 at 3:23 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Howard L. Bost, Ph.D., Chairman, 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 20:040. Family care homes; operation and services.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)
PURSUANT TO: KRS 216.425, 13.082
SUPERSEDES: HFHS 2-1
NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Family Care Homes, 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.

Section 1. Scope. This regulation relates to the operation and services rendered by a family care home (formerly licensed as mini care homes).

Section 2. Definitions. (1) A family care home is a home operated and maintained to provide twenty-four (24) hour protective and personal care services in residential accommodations for two (2) or three (3) individuals who are not related within the third degree of consanguinity to the licensee and who because of impaired capacity for self care elect or require a protective environment but who do not have an illness, injury, or disability for which constant medical care and skilled nursing services are required. The term "home" as used in this regulation means a family care home.
(2) "Impaired capacity for self care" includes residents who have a mental or physical limitation which decreases his/her ability to function in a normal adult manner or whose daily living is normalized through the use of prescription medications. Such individuals do not have the ability to function independent of the protective environment in their daily living.
(3) "Protective environment" refers to the provision of those services (emergency health care, nutritional needs, personal grooming, or freedom from injury) which the resident is not capable of providing for him or herself in a safe and/or sanitary manner.

Section 3. Essential Characteristics. The essential characteristics of a family care home are as follows:
(1) The home maintains a bed for each resident. Never more than one (1) resident to a bed.
(2) The licensee who resides in the home and provides twenty-four (24) hour supervision of and assistance to the residents.
(3) A record is maintained for each resident.
(4) All residents are mobile to the extent that they are not bedfast, and can either walk unassisted, or with mechanical assistance not requiring the attention of another person.
(5) There is supervision of medications ordered by physicians for residents.
(6) There are arrangements for physician's services for residents when required.
(7) Food served to residents meets their nutritional needs.
(8) There are arrangements with other health agencies and facilities for residents who, at some time, may require a transfer to a different level of care.
(9) The home maintains standards of comfort and safety in keeping with the needs of the residents.
(10) Provisions are made to involve the resident in community activities, and to activate the resident in a beneficial way, within the home.
(11) There is a written procedure for providing or obtaining emergency services.

Section 4. Licensure. No person shall provide family care home services without having first obtained a license from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board. All family care homes shall comply with the provisions of this regulation in order to qualify for licensing and for the renewal thereof.

Section 5. Licenses. (1) Upon submission of a properly completed license application form together with prescribed fee, a family care home operating prior to July 1, 1975 that has been determined through a site inspection to be in compliance with the standards listed herein, or in substantial compliance and with a plan to achieve compliance as soon as appropriate but not later than the date of expiration of the license, may be issued a license by the Certificate of Need and Licensure Board.

(2) Family care homes not operating prior to July 1, 1975 must be in compliance with the standards listed herein to be licensed.

Section 6. Management and Personnel. (1) The person submitting an application for licensure of a family care home shall be the person directly responsible for the twenty-four (24) hour daily operation of the home or for delegating that responsibility to another qualified individual when a temporary absence is necessary. The name of that individual to whom the responsibility may be designated shall be in writing and available to the agents of the board inspecting the home.

(2) Each licensee shall attend at least one (1) training program for family care home operators per year as offered or approved by the Department for Human Resources.

(3) The licensee and all full-time or part-time help utilized by the licensee shall be in good health and free of communicable diseases. They shall be able to show proof of an annual examination for TB by a physician or the local health department.

(4) The licensee shall keep a notebook located on the premises and available for inspection by the board's agents. The notebook shall contain the following information typed or in ink about each resident:

(a) Name and sex.
(b) Date of arrival and birthdate.
(c) Relatives (if any) or responsible agencies and their addresses.
(d) Name of physician and phone numbers.
(e) Amount charged per week or month as compensation for care.
(f) Date of departure.
(g) Other relevant information including physician visits and/or assessment reports.

(5) Phone numbers of a hospital, an ambulance service, fire department, and a physician for emergencies shall be posted by the telephone in large legible print if phone service is available in the area.

(6) An accident report on a resident shall be written and one (1) copy kept on file and made available to the board agents within seven (7) days of the incident. The original shall be sent to the Division for Licensing and Regulation, 107 Bridge Street, Frankfort, Kentucky 40601.

(7) A family care home shall not be used as a boarding home for infants and children under the age of eighteen (18) years.

(8) No persons under eighteen (18) years of age shall operate a family care home.

(9) The licensee shall keep any other records as required by the licensing authority.

Section 7. Medical Requirements. (1) No licensee shall knowingly admit or retain a resident suffering from a communicable disease. The licensee shall show evidence a concerted effort has been made to obtain for a resident a physical examination by a physician within a reasonable time (three (3) months) prior to or after arrival at the home.

(2) If admitted from another facility a discharge summary or transfer form shall be included in the resident's record. Medical evaluation including medical history, physical examination and diagnosis shall be included (may be a copy of discharge summary, history and physical report from hospital or other health facility, if done within fourteen (14) days prior to admission to the home).

(3) It shall be the responsibility of the licensee to obtain the services of a physician in case of accident or acute illness of any resident.

(4) All medications prescribed for residents shall be noted, in writing, as given with the date, time and dosage, and signed by the person administering the medication.

(5) Medication shall not be administered to any resident except on the written order of a physician. When medication requires administration by a trained person, arrangements shall be made to procure the services of such a person.

(6) Medications shall be kept in a locked cabinet.

(7) Self-administration of prescription medications shall be allowed only upon the written instructions of the attending physician and a record shall be maintained as required in subsection (4) of this section.

(8) Residents admitted or retained for care shall not require because of illness, injury or disease, a degree of care exceeding the skill of the operator to perform. Failure to comply with this standard shall be the basis for immediate revocation of the home's license.

Section 8. Personal Care. The following standards are considered minimal: (1) Responsible residents shall not be detained against their will.

(2) The residents shall be treated in a manner which will preserve their feelings of self-worth and human dignity; have visitation rights; the right to a degree of privacy; and be allowed to worship in the way they choose.

(3) A resident's correspondence shall not be opened, except as authorized by the resident's guardian or committee.

(4) Residents shall not be physically punished in any way. They shall not be held in seclusion for any reason and restraints shall not be used.

(5) Residents shall be encouraged to perform activities of daily living for themselves and shall be given assistance when necessary.

(6) Residents may volunteer their services to help care for the home but they shall not be required to help in the home.

(7) Residents shall be appropriately dressed at all times and given assistance, when needed, in maintaining proper body hygiene and good grooming.

(8) Each resident shall have their individual:

(a) Clean wash cloth and towel;
(b) Toothbrush;
(c) Brush and comb;
(d) Other appropriate toilet articles; and
(e) Bureau or cupboard for storage of his personal belongings.

(9) Each resident shall have his own bed equipped with substantial springs, a clean comfortable mattress, two (2) sheets and a pillow, and such bed covering as required for resident's health and comfort.

(10) Residents shall not be denied the privilege of rest periods in their beds.

(11) Residents shall be encouraged to take part in social activities both within and without the home.

Section 9. Dietary Requirements. (1) Food shall be prepared with consideration for any individual dietary requirement.

(2) Menus shall be planned and written according to a definite pattern. A written record shall be kept of all foods served, including food offered as a bed-time snack.

(3) Nutrition needs shall be met in accordance with the current recommended dietary allowances of the Food and Nutrition Board of the National Research Council. The following daily food guide for adults is based on these allowances:

(a) Milk: Appropriate servings of milk relative to patient needs. A portion may be served in cooked form such as creamed dishes, desserts, etc.
(b) Meat group: Two (2) or more servings of protein food of good quality. This can include fish, beans, poultry, and cheese.
(c) Vegetable and fruit group: Four (4) or more servings. One (1) serving of vegetables equals one-half (1/2) cup.
(d) Bread and cereal group: Four (4) or more servings of whole grain, enriched or restored. One (1) slice of bread equals one (1) serving. One-half (1/2) cup cereal equals one (1) serving. This can include corn, potatoes, or rice.
(e) Butter or margarine: Some of either each day as a seasoning, and as a spread.

(4) Other foods: Serve other foods as necessary to round out meals, satisfy individual appetites, improve flavor and meet the individual's nutritional and calorie needs. Snacks may also be used for this purpose.

(5) Food returned from residents' dishes shall not be served again in any form.

(6) Therapeutic diets: Special diets or dietary restrictions shall be medically prescribed.

(7) At least three (3) meals per day shall be served with not more than a fourteen (14) hour span between the evening meal and breakfast. Between meal snacks should be available to patients except when conflicting with special diets prescribed by a licensed physician.

(8) All food shall be stored above the floor in such a manner as to be protected from dust, flies, vermin, or other forms of contamination.

(9) Refrigerators shall have a complete seal, be clean, free of odors, and kept at a temperature below forty-five (45) degrees Fahrenheit. A thermometer shall be placed in each regrigerator and freezer.

(10) All type food showing evidence of spoilage or infestation shall be disposed of immediately upon detection.

(11) Floors, walls, ceilings, lighting fixtures, storage areas and equipment shall be kept clean and in good repair. Windows and doors shall be screened, kept in repair, and clean.

Section 10. Housekeeping and Sanitation. Each family care home shall:

(1) Be kept in good repair and shall be clean, uncluttered and sanitary at all times;

(2) Eliminate odors at their source by prompt and thorough cleaning of commodes, and other obvious sources;

(3) Screen all windows and other openings and keep curtains clean and in good repair in all windows in rooms used by residents;

(4) Maintain the premises in such a manner as to prevent infestation by rodents and insects;

(5) Give soiled clothing and linens immediate attention and not allow them to accumulate;

(6) Not permit any clothing or bedding used by one patient to be used by another until it has been laundered or dry cleaned;

(7) Change bed linens as often as necessary to provide a clean bed at all times and place rubber or other waterproof material (excluding papers) over the mattress whenever necessary;

(8) Dispose of wastes in a sanitary manner into a public sewage system where available, or if none is available, into a system which shall meet the requirements of the Department for Human Resources. Outside provisions can be allowed only if local county health departments approve this in their regulations; and

(9) Collect and dispose of all garbage, refuse, trash, and

litter in compliance with applicable state and local laws and regulations. Garbage containers shall be made of metal or other impervious material and shall be water tight and rodent proof and shall have tight-fitting covers.

Section 11. Accommodations. Each family care home shall: (1) Be safe and of substantial construction and comply with applicable state and local laws relating to location, zoning, plumbing and sanitation, including insect and rodent control;
(2) Be adequately lighted at all times by natural or artifical light including each hall, stairway, entryway, vestibule, patient area, kitchen, and bathroom;
(3) Have a water supply of a safe, sanitary quality approved by the local health department;
(4) Have an ample supply of hot and cold running water available at all times for general use;
(5) Have appropriate sanitary toilet and bathing facilities conveniently available for resident use;
(6) Have adequate ventilation in all resident use areas, and if there is no window, toilet rooms shall be vented to the outside;
(7) Have an exterior window which can be opened in each resident room;
(8) Place beds occupied by residents so that no resident may experience discomfort because of proximity to radiators, heat outlets or exposure to drafts;
(9) Not use "bunk" beds;
(10) Have beds that are no less than thirty-three (33) inches wide and six (6) feet long;
(11) Not house residents in rooms or detached buildings or other enclosures which have not been previously inspected and approved for resident use, or in basements not constructed for sleeping quarters. Approved basements must have an outside door;
(12) Not be located in a house trailer or motor homes;
(13) Ensure that porches, patios and other outside areas of the residence are of substantial construction with protective railings where necessary;
(14) Provide a heating system which can maintain an even temperature, and capable of maintaining seventy-two (72) degrees Fahrenheit in resident used areas;
(15) Have telephone service if available in the area, accessible to the residents;
(16) Have no more than three (3) persons residing in the home who are not related to the operator within the third degree of consanguinity;
(17) Provide for insect and rodent control; and
(18) Provide no less than one (1) tiolet and lavatory per six (6) persons residing in the home, including residents receiving care, licensee and family.

Section 12. Safety. Each family care home shall: (1) Have a fire control and evacuation plan;
(2) Have an adequate number of ABC-rated fire extinguishers located throughout the home;
(3) Have a person in charge thoroughly oriented in the evacuation of the residents in the event of a fire; and
(4) Have non-slippery floors and shall not have scatter rugs over uncarpeted floors.

HOWARD L. BOST, Chairman

ADOPTED: March 11, 1975
APPROVED: C. LESLIE DAWSON, Secretary
RECEIVED BY LRC: May 15, 1975 at 3:23 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Howard L. Bost, Ph.D., Chairman, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 1:010. Physician services.

RELATES TO: KRS 205.550(4), 205.560(4)
PURSUANT TO: KRS 13.082, 194.050
NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a program of Medical Assistance Under Title XIX of the Social Security Act. KRS 205.550(4) and 205.560(4) require that the secretary prescribe the methods for determining costs for vendor payments for medical care services. This regulation sets forth the method for establishing payment for physician services.

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

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

Section 3. Method and Source of Information on Charges: (1) Effective October 1, 1974, the individual fee profiles for participating physicians were generated from historical data accumulated from charges submitted and processed by the Medical Assistance Program during all of calendar year 1973.
(2) Effective October 1, 1974, the Title XIX prevailing fee maximums were generated from the same historical data as referenced in subsection (1) of this section.
(3) Effective October 1, 1974, the Title XVIII, Part B, current reasonable charge profiles were utilized by the Medical Assistance Program to comply with 45 C.F.R. section 250.30.
(4) Effective October 1, 1974, the Title XVIII, Part B, current prevailing charge data was utilized by the Medical Assistance Program to comply with 45 C.F.R. section 250.30.
(5) Percentile:
(a) The Title XIX prevailing charges were established by utilizing the statistical computation of the seventy-fifth (75th) percentile.
(b) The Title XVIII, Part B, prevailing charges were established by utilizing the statistical computation of the seventy-fifth (75th) percentile.

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

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

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: May 14, 1975
RECEIVED BY LRC: May 15, 1975 at 3:20 p.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 1:020. Pharmacy services.

RELATES TO: KRS 205.550(4), 205.560(4)
PURSUANT TO: KRS 13.082, 194.050
NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.550(4) and 205.560(4) require that the secretary prescribe the methods for determining costs for vendor payments for medical services. This regulation sets forth the professional dispensing fee for pharmacy services.

Section 1. Payment to pharmacists participating in the Medical Assistance Program for those drugs contained on the Medical Assistance Program drug list and provided to eligible recipients shall be limited to the basic cost of the drug as determined by established formula plus a professional dispensing fee of one dollar and eighty cents ($1.80) per prescription or the charge to the general public for a like product and service, whichever is lesser.

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

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: May 14, 1975
RECEIVED BY LRC: May 15, 1975 at 3:19 p.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 2:005. Technical requirements; AFDC.

RELATES TO: KRS 205.010, 205.200(2), 205.200(3)
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: PA-42.1, 43.1, 58, 61.2, 63.1, 68.2, 75
NECESSITY AND FUNCTION: The Department for Human Resources has the responsibility under the provisions by KRS Chapter 205 to administer the assistance program of Aid to Families With Dependent Children, hereinafter referred to as AFDC, in accordance with title IV-A of the Social Security Act. KRS 205.200(2) requires that the conditions of eligibility to receive AFDC money grants be prescribed by regulations in conformity with the Social Security Act and federal regulations. This regulation sets forth the technical requirements of residence, deprivation, living with a relative, age one (1) category of assistance, and work registration for eligibility for AFDC.

Section 1. Residence: To be eligible for AFDC, a child shall be domiciled in Kentucky.

Section 2. Deprivation: (1) To be eligible for AFDC, a child must be in need and must be deprived of parental support or care due to the death, continued absence from the home or physical or mental incapacity.
(2) Continued absence from the home: To be eligible for AFDC, a needy child must be physically separated from the parent and the nature of the absence of the parent is such as either to interrupt or terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of absence precludes counting on the parent's performance of his function in planning for the present support or care of the child. Absence may be voluntary or involuntary. Voluntary absence includes divorce, legal separation, marriage annulment, desertion of thirty (30) days or more, or birth out-of-wedlock. Involuntary absence includes commitment to a penal institution for thirty (30) days or more, long term hospitalization, military service or deportation.
(3) Incapacity defined: Incapacity is any condition of mind or body which makes a parent physically or mentally unable to provide the necessities of life for his needy child. The condition must be anticipated to continue for at least thirty (30) days beyond the date of application and may be presumed to continue during a period in which the parent is undergoing diagnostic studies and/or evaluation of rehabilitation potential.
(a) Incapacity of the father must prevent him from working in an occupation in which he previously engaged, or another job for which he is equipped and which is accessible in the county or community where he normally resides. If a job opportunity exists in the community or county, it shall be considered accessible regardless of its immediate availability. Scarcity of work does not establish incapacity unless there is a causal relationship between the father's unemployment and actual physical or mental disability.
(b) Incapacity of the mother must prevent her from engaging in a useful occupation including performance of homemaking and child care functions.

Section 3. Living with a Specified Relative: To be eligible for AFDC a needy child must be living in the home of a relative as specified in the Social Security Act and interpreted as follows:
(1) A blood relative, including father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece, first cousin or first cousin once removed.
(2) Also relatives of the half-blood and preceding generations as denoted by prefixes of grand, great or great-great; a stepfather, stepmother, stepbrother, stepsister.
(3) Adoptive parents as well as the natural and other legally adopted children and other relatives of such parents.
(4) An exception to the requirement of living in the home of a relative specified above is made in the case of a child placed in foster care following a judicial determination that remaining in the home of the relative would be hazardous to his welfare, providing the child was receiving AFDC as of the month in which court action was initiated, or if not, would have received AFDC if application had been made; or if not living with a relative at the time of court action, did live with such relative within six (6) months prior to the month of initiation of court action and was eligible or would have been eligible for AFDC if application had been made.

Section 4. Age and School Attendance: A child may be eligible for AFDC from birth to age twenty-one (21); provided, however, that the child eighteen (18) to twenty-one (21) is regularly attending a school or training course leading to a certificate, diploma or degree in accordance with 45 C.F.R. section 233.10 and further provided that the eighteen (18) to twenty-one (21) year old attending school less than full time is either regularly employed or available for and seeking employment unless precluded therefrom by a physical handicap.

Section 5. One Category of Assistance: A child or adult relative shall not be eligible for AFDC if receiving supplemental security income.

Section 6. Work Registration: (1) Unless exempt under the criteria, as specified in Title IV of the Social Security Act and 45 C.F.R. section 233.11, needs of an individual for whom application has been made may not be included in the AFDC assistance grant if he refuses to register for the Work Incentive Program, (WIN) or if registered, refuses to participate without good cause.
(2) Individuals exempt from WIN registration are as follows:
(a) A child under age sixteen (16).
(b) A child age sixteen (16) to twenty-one (21) if enrolled as a full time student.
(c) An individual who has a medically determined temporary illness or injury with recovery anticipated within ninety (90) days.
(d) An individual who has a medically determined physical or mental incapacity which is expected to exist longer than ninety (90) days.
(e) An individual age sixty-five (65) or over.
(f) An individual whose presence is required in the home to care for another member of the household who has been medically determined to be precluded from self-care and for whom alternate care arrangements are not feasible.
(g) A mother or other caretaker relative of a child under six (6).
(h) A person so far remote from a work incentive project that his effective participation is precluded.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: May 14, 1975
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 2:035. Right to apply and reapply.

RELATES TO: KRS 205.200(1), 205.245, 205.520(3)
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: PA-71
NECESSITY AND FUNCTION: The Department for Human Resources has the responsibility of administering public assistance programs under Titles IV-A, XVI and XIX of the Social Security Act, namely Aid to Families with Dependent Children, hereinafter referred to as AFDC, Mandatory and Optional Supplementation of the aged, blind and disabled, hereinafter referred to as MS and OS, and Medical Assistance, hereinafter referred to as MA. This regulation sets forth the procedure by which an application for assistance under these titles is made.

Section 1. Right to Apply or Reapply: Each individual wishing to do so shall have the opportunity to apply or reapply for any assistance program administered by the Department for Human Resources through the Bureau for Social Insurance. An individual eligible for a money payment either from the bureau or from the federal Bureau for Supplemental Security Income is eligible for MA without a separate application. Denial of assistance by the Bureau for Supplemental Security Income for technical reasons is also considered a denial of MA.

Section 2. Application Process: An application will be considered to have been made when the individual or his representative has signed, under penalty of perjury, the application form prescribed by the Bureau for Social Insurance or the federal Bureau for Supplemental Insurance and such application has been received at an office of the bureau.

Section 3. Who May Sign an Application: (1) An application for AFDC shall be signed by the relative with whom a needy child lives, the parent or natural guardian of the relative, or the legally appointed committee of the relative.
(2) An application for MA shall be signed by the individual requesting assistance, the relative with whom the child lives, or an interested party acting in behalf of the applicant.
(3) An application for AFDC-FC (foster care) or MA for children in foster care or private child caring institutions shall be signed by the representative of the agency to which the child is committed or the institution in which the child is placed.
(4) An application for state supplementation shall be signed by the aged, blind or disabled individual, his legally appointed committee or the representative payee receiving the supplemental security income benefit.

Section 4. Where Applications are Filed: Applications are to be filed in the office of the Bureau for Social Insurance in the county in which the applicant resides except that a concurrent application for supplemental security income and MA is filed in the service area office of the Social Security Administration.

Section 5. Action on Applications: A decision shall be made on each application with reasonable promptness, that is within five (5) days for emergency assistance, forty-five (45) days for AFDC or MA for families and/or children, or sixty (60) days for MA or OS determinations in which permanent and

total disability must be established. Exception to the above time standard may be made in instances in which delay is beyond the control of the bureau, that is failure or delay on the part of the applicant or examining physician or because of some administrative or other emergency that could not be controlled by the bureau, in which instances the case record shall show the cause for the delay. Failure to process an application within the above time frame shall not be used as the basis for denial.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: May 14, 1975
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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 2:040. Procedures for determining initial and continuing eligibility.

RELATES TO: KRS 205.200(2)
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: PA-52.3, 54, 70
NECESSITY AND FUNCTION: The Department for Human Resources has responsibility under the provisions of KRS Chapter 205 to administer public assistance programs under Titles IV-A and XIX of the Social Security Act, namely Aid to Families with Dependent Children, hereinafter referred to as AFDC, and Medical Assistance, hereinafter referred to as MA. In addition the department is required by Title XVI as amended and by KRS 205.245 to provide supplementation to certain aged, blind and disabled individuals. This regulation sets forth the procedures utilized to determine initial and continuing eligibility for assistance under the above programs.

Section 1. Eligibility Determination Process: Each decision regarding eligibility or ineligibility for assistance shall be supported by facts recorded in the applicant's or recipient's case record. The applicant or recipient shall be the primary source of information and shall be required to furnish verification of income, resources, and technical eligibility if he can reasonably be expected to do so, and to give written consent to those contacts necessary to verify or clarify any factor pertinent to the decision of eligibility of the applicant.

Section 2. Continuing Eligibility: The recipient shall be responsible for reporting any change in circumstances which may affect eligibility or the amount of payment. In addition, eligibility shall be reconsidered or redetermined:
(1) When a report is received or information is obtained about changes in circumstances; and
(2) At least every six (6) months for AFDC and every twelve (12) months for MA.

Section 3. Determination of Incapacity or Permanent and Total Disability: (1) A determination that the parent with whom the needy child lives is incapacitated or that the individual requesting medical assistance due to disability is both permanently and totally disabled shall be made by a medical review team following review of both medical and social reports except as listed in subsections (1) or (2) of this section.
(2) A parent shall be considered incapacitated if he declares he is physically unable to work, the worker observes some physical or mental limitation, and:
(a) He/she is receiving SSI.
(b) He/she is aged sixty-five (65) or over.
(c) He/she has been determined to meet the definition of blindness as contained in Titles II and XVI of the Social Security Act relating to OASDI and SSI by either the Social Security Administration or the State Supervising Ophthalmologist of the Bureau for Social Insurance.
(d) He/she has been determined to meet the definition of permanent and total disability as contained in Titles II and XVI of the Social Security Act relating to OASDI and SSI by either the Social Security Administration or the Medical Review Team of the Bureau for Social Insurance.
(e) He/she has previously been determined to be incapacitated or permanently and totally disabled by the medical review team, hearing officer, appeal board or court of proper jurisdiction with no reexamination requested and there is no visible improvement in condition.
(f) He/she is receiving OASDI, Federal Black Lung Benefits or Railroad Retirement Benefits based on disability as evidenced by an award letter or benefit check.
(g) He/she is currently hospitalized and a statement from the attending physician indicates that incapacity will continue for at least thirty (30) days. If application was made prior to admission, the physician is also requested to indicate if incapacity existed as of application date.
(3) An individual shall be considered permanently and totally disabled if:
(a) He receives OASDI, Railroad Retirement, or Federal Black Lung Benefits based on disability.
(b) He previously received SSI based on disability and discontinuance was due to income or resources, not to improvement in physical condition.

Section 4. Reviews of Supplementation Cases: Aged, blind or disabled supplementation cases shall be periodically reviewed to determine that the special need for which supplementation is granted continues to exist.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: May 14, 1975
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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 2:050. Time and manner of payments.

RELATES TO: KRS 205.220(1)
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: PA-35, 45
NECESSITY AND FUNCTION: The Department for Human Resources has responsibility under the provisions of KRS Chapter 205 to administer money payment programs under Title IV-A of the Social Security Act and a state funded program of money payments to those aged, blind and disabled individuals disadvantaged by the implementation of the Supplemental Security Income Program, hereinafter referred to as SSI. In addition KRS 205.245 provides for money payments to certain other aged, blind or disabled individuals. This regulation sets forth the time and the manner in which payments are made and the persons to whom payments may be made as required by KRS 205.220(1).

Section 1. Manner and Time of Payment: (1) All assistance payments are made by check issued monthly.
(2) The effective date of payment shall be the first day of the month of application if all eligibility factors were met as of that month.
(3) Payment is made for an entire month during any part of which eligibility factors are met.
(4) Supplemental payments shall be made if due to administrative deadlines changes in circumstances cannot be recognized in the month such change is reported.
(5) Supplemental payments to correct underpayments due to administrative errors shall be made for a period of up to twelve (12) months preceding the month of error correction if the error existed in the preceding months.

Section 2. Inalienability of Payment: Money payments are unconditional and are exempt from any remedy for the collection of debts, liens and encumbrances.

Section 3. Eligible Payees: Money payments are issued in the name of the eligible applicant, except that:
(1) In the Aid to Families with Dependent Children Program, a protective payment may be made to a third party payee when:
(a) A determination has been made that poor money management is contributing to the unsuitability of the home for a needy child; or
(b) The parent payee has refused without good cause to participate in the Work Incentive Program.
(2) Payment for the month of death may be made to the parent or other specified relative of the deceased child, or the duly appointed administrator of the estate or other qualified executor of the will of the deceased.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:010. Employer's registration numbers; reports.

RELATES TO: KRS 341.190
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-57
NECESSITY AND FUNCTION: This regulation requires each employing unit to make application for a registration number and to make other additional reports as required by the division.

Section 1. Each employing unit having in the state in covered employment one or more workers shall make application by letter to the Division for Unemployment Insurance for a registration number. Such letter shall contain the full name or names of the owners, the trade name, if any, under which the business is operated, the date such employing unit commenced

business, and a statement as to whether the business was new or purchased from another employing unit.

Section 2. Each employing unit shall make such additional reports as are required on the forms prescribed by the division in accordance with the instructions contained thereon.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:020. Change of status; discontinuance of business.

RELATES TO: KRS 341.115
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: KUC-58
NECESSITY AND FUNCTION: This regulation requires subject employers to notify the division of any change of ownership or control of their business.

Section 1. Subject employers shall notify the Division for Unemployment Insurance within fifteen (15) days of any change in ownership or control of their business, whether in whole or in part, or of the discontinuance of their business.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:030. Employer contributions.

RELATES TO: KRS 341.260
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-59
NECESSITY AND FUNCTION: This regulation sets the due date upon which employer contributions are payable to the division.

Section 1. Contributions shall become due on or before the last day of the month following the close of the calendar quarter for which they are payable.

Section 2. The first contribution payment of any employing unit which becomes a subject employer at any time during a calendar quarter, shall become due on or before the last day of the month following the close of the quarter in which such employing unit became a subject employer, and shall include contributions which have accrued for the entire period beginning January 1 of the calendar year and including the calendar quarter in which the employing unit became a subject employer.

Section 3. Contributions required under KRS 341.290 shall become payable on the basis of calendar years. Such contributions shall become due on February 28, of the year following the year for which they are payable.

Section 4. Notwithstanding the provisions of Sections 1, 2, and 3 of this regulation, in the event a subject employer has erroneously paid to another state or to a federal agency contributions due under KRS Chapter 341, the due date of such contributions shall be extended by the number of calendar days between the date such contributions were erroneously paid to such other agency and the date the secretary determines such contributions were payable under KRS Chapter 341; provided, however, if such contributions have been refunded by such other agency to such subject employer prior to the date of the secretary's determination, the due date shall be extended only for the number of calendar days between the date of such erroneous payment and the date of such refund.

Section 5. Contributions shall not be considered paid until the required contribution and wage reports have been received by the Division for Unemployment Insurance or which have been deposited in the mail on or before the due date as indicated by the postmark thereon.

Section 6. For the purpose of this regulation, when the due date falls on a day during which the office of the division is closed, the next day thereafter on which such office is open shall be considered the due date and contributions and reports which have been deposited in the mail on or before the due date, as indicated by the postmark thereon, shall be considered as timely filed.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: May 14, 1975
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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:040. Computation date.

RELATES TO: KRS 341.270(5)(g)
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-96
NECESSITY AND FUNCTION: This regulation sets the computation date for determining contribution rates for subject employers.

Section 1. The computation date for determining contribution rates for subject employers shall be the September 30, immediately preceding the calendar year with respect to which such rates are to be determined.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:050. Posting notice to employees.

RELATES TO: KRS 341.115
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: KUC-60
NECESSITY AND FUNCTION: This regulation requires the division to promptly notify an employing unit of its liability and to furnish employers with posters informing employees of their unemployment insurance rights.

Section 1. The Division for Unemployment Insurance shall promptly notify an employing unit of any determination as to its liability as a subject employer.

Section 2. The division shall furnish each subject employer with posters (UI-5.1) informing the workers that the employer is a subject employer under the Kentucky Unemployment Insurance Law and of their potential rights to claim benefit payments for weeks of partial unemployment. The employer shall post and maintain such posters at conspicuous places on the premises at which his payroll records are maintained.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:060. Social Security number required of employees.

RELATES TO: KRS 341.115
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: KUC-61
NECESSITY AND FUNCTION: This regulation requires each worker engaged in covered employment to secure a Federal Social Security Account Number and report said number to the employing unit.

Section 1. Each worker engaged in covered employment for a subject employer shall procure a Federal Social Security Account Number and report his number to every subject employer for whom he is engaged in covered employment.

Section 2. Each worker who is engaged in covered employment, for a subject employer, who does not have a Federal Social Security Account Number shall file an application therefor not later than three (3) days after the first day on which he is engaged in covered employment for a subject employer. It shall be the duty of each employer to procure the appropriate form for application for a Social Security Account Number and to furnish such application form to each

worker engaged in covered employment in his employ who does not have such a number.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:070. Separation for cause; reports.

RELATES TO: KRS 341.115
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: KUC-62
NECESSITY AND FUNCTION: This regulation requires the employing unit to notify the division of a worker's separation from employment for cause by returning notices sent to the employer after an initial or reopened claim for benefits has been filed.

Section 1. When an initial claim for benefits is filed by a claimant, the Division for Unemployment Insurance shall immediately notify such claimant's most recent employer of such filing on Form UI-412-A. If such claimant was separated from such employer's employ for a reason other than lack of work, the employer shall complete such form and return the "employer's notice of initial claim" to the local office indicated thereon.

Section 2. When a reopened claim for benefits is filed by a claimant and the claimant has been employed since last claiming benefits, the division shall immediately notify such claimant's most recent employer of such filing on Form UI-412-B. If such claimant was separated from such employer's employ for a reason other than lack of work, the employer shall complete such form, and return the "employer's notice of reopened claim" to the local office indicated thereon.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:080. Reasonable time for protesting claim.

RELATES TO: KRS 341.370(4), 341.530(3)
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-92
NECESSITY AND FUNCTION: This regulation defines the term "reasonable time" within which an employer must protest a claim by a former worker. A non-most recent employer is now given fifteen (15) days within which to protest instead of ten (10) days.

Section 1. Except as provided in Section 2 of this regulation the reasonable time referred to in KRS 341.370(4) and 341.530(3) shall not extend beyond seven (7) days after the date of first notice to the employer from the division that a claim has been filed. In computing such seven (7) day period the day following the date of mailing of such notice shall be considered the first day, and the day the employer's return notice is delivered to a representative of the division or deposited in the mail, as indicated by the postmark thereon, shall be considered the date it is received by the division.

Section 2. In the event the employer is not the worker's most recent employer and has not received Form UI-412-A or UI-412-B as provided in 904 KAR 5:070, the reasonable time referred to in KRS 341.530(3) shall not extend beyond fifteen (15) days after the date of first notice to the employer from the division that a claim has been filed. In computing such fifteen (15) day period the day following the date of mailing of such notice shall be considered the first day, and the day the employer's return notice is delivered to a representative of the division or deposited in the mail, as indicated by the postmark thereon, shall be considered the date it is received by the division.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:090. Labor dispute or strike; notification.

RELATES TO: KRS 341.090, 341.360
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-64
NECESSITY AND FUNCTION: This regulation requires the employer to notify the division when a labor dispute or strike begins or ends.

Section 1. When an initial claim for benefits or a reopened claim for benefits is filed by a claimant, the Division for Unemployment Insurance shall immediately notify such claimant's most recent employer of such filing on Form UI-412-A or UI-412-B. If such claimant is unemployed because of a strike or other bona fide labor dispute the employer, in addition to the notice required under KRS 341.360(3), shall indicate on such form the reason for such claimant's unemployment and return said form to the division within seven (7) days after the date appearing thereon as the date of mailing. In computing such seven (7) day period the day following the date of mailing of the notice shall be considered the first day, and if the seventh day falls on a day during which the division's office is closed, the next day thereafter on which such office is open shall be considered the seventh day.

Section 2. Within seven (7) days after the termination of such alleged strike or labor dispute the employer shall notify the division in writing of such termination. In computing such seven (7) day period the day following the termination of such alleged strike or labor dispute shall be considered the first day, and if the seventh day falls on a day during which the division's office is closed, the next day thereafter on which such office is open shall be considered the seventh day.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:100. Claimant's reporting requirements.

RELATES TO: KRS 341.350, 341.380
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-89
NECESSITY AND FUNCTION: This regulation sets forth the reporting requirements that the claimant must meet to draw benefits and the date when the claim will be valid. It further sets out the length of time a claim may be backdated and the procedures for mail claims.

Section 1. Registration for Work. A worker must be registered for work before he shall be eligible to receive benefits.

Section 2. Initial and Reopened (Additional) Claims for Benefits. (1) In order for a worker to file an initial or reopened claim for benefits he shall report in person to a public employment office and complete such forms and conform to such procedures as are approved by the secretary.

(2) In areas serviced by a full-time public employment office, such initial or reopened claim shall be dated as of the first day of the week in which such worker first reports to such public employment office for the purpose of filing a claim for benefits.

(3) In areas serviced by an itinerant public employment office, such initial or reopened claim shall be dated as of the first day of the week in which the worker becomes unemployed provided he reports to such itinerant office for the purpose of filing a claim for benefits on the first day such office is open following his last day of work; otherwise such claim shall be dated as of the first day of the week in which the worker reports at an itinerant or full-time public employment office.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section such initial or reopened claim may be dated as of the first day of any week of unemployment in which the worker worked less than his customary full-time hours for his regular employer, provided such worker reports to a public employment office for the purpose of filing a claim for benefits within fourteen (14) days after the date he was paid for such week.

(5) Upon the presentation by the worker of reasons found to constitute good cause for failure to report at an earlier date, the secretary may authorize the backdating of initial or reopened claims in an area serviced by a full-time public employment office to the first day of a week which ended not earlier than fourteen (14) days prior to the day on which he first reported or indicated his desire to file such claim, and in an area serviced by an itinerant office to the first day of the week which ended not earlier than twenty-eight (28) days prior to the day on which he first reported.

Section 3. Continued Claims for Benefits. (1) In order

for a worker, who has filed his initial claim for benefits and has established a benefit year, to file a continued claim for benefits he shall report in person, except as hereinafter provided, to a public employment office and complete such forms and conform to such procedures as are approved by the secretary.

(2) Continued claims for benefits shall cover the week or the two (2) weeks of unemployment (depending on whether the worker is reporting on a weekly or biweekly basis) immediately prior to the date on which they are filed.

(3) Upon the presentation by the worker of reasons found to constitute good cause for failure to file at an earlier date, the secretary may authorize the backdating of continued claims in an area serviced by a full-time public employment office to cover a week or weeks of unemployment ended not earlier than twenty-eight (28) days prior to the date on which they are filed and in an area serviced by an itinerant public employment office to cover a week or weeks of unemployment ended not earlier than thirty-five (35) days prior to the date on which they are filed.

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, such continued claim may be dated as of the first day of any week of unemployment in which the worker worked less than his customary full-time hours for his regular employer and for which week he filed a continued claim, provided such worker reports to a public employment office for the purpose of filing a claim for benefits within fourteen (14) days after the date he was paid for such week.

(5) Continued claims for partial benefits shall be certified as to earnings when so required by procedures approved by the secretary, except that the failure of an employer to properly certify earnings shall not result in a denial of benefits otherwise due under the law.

Section 4. Mail Claims. (1) The secretary may establish procedures whereby an individual may file his continued claims by mail if reporting in person would require expenditure of an unreasonable amount of travel or money. Such continued claim shall cover the week or weeks indicated on the claim form.

(2) Claims filed by mail shall be considered filed on the day they are deposited in the mail and postmarked. The provisions of this regulation governing the dating and backdating of continued claims filed in areas serviced by a full-time employment office shall also apply to claims filed by mail, and unless such claims are filed within the time prescribed herein, they shall not be allowed.

Section 5. Claims by Re-employed Workers. Notwithstanding the provisions of Section 3 of this regulation, a worker, who having filed his initial claim for benefits and having established a benefit year and who by reason of having returned to full-time employment is unable to report in person to a public employment office, may file a continued claim for benefits by completing such forms in accordance with such procedures as are approved by the secretary and submitting such forms by mail to the Division for Unemployment Insurance. Such continued claim shall cover the week of unemployment indicated on the claim form provided that such week of unemployment ended not earlier than thirty-five (35) days prior to the date on which such claim was deposited in the mail.

Section 6. Failure to Comply with Regulations. Notwithstanding any other provisions of this regulation, if the secretary finds that the failure of any worker to file a claim for benefits, and register for work within the specified time, was due to the failure on the part of the employer to comply with any of the provisions of the commission's regulations, or to coercion or intimidation exercised by the employer to prevent the prompt filing of such claim or to failure by the division's personnel to discharge necessary responsibilities, the worker shall have fourteen (14) days after he has received appropriate notice of such findings of the secretary, within which to file such claim, provided that no claim shall be allowed which is filed later than thirteen (13) weeks subsequent to the end of the actual or potential benefit year involved.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:110. Week of unemployment defined.

RELATES TO: KRS 341.080
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-93
NECESSITY AND FUNCTION: This regulation defines the term "week of unemployment."

Section 1. The term "week of unemployment" as used in KRS 341.080(3) shall mean a calendar week of seven (7) consecutive calendar days, beginning 12:01 a.m., Sunday and ending 12:00 midnight the following Saturday. A week of unemployment beginning in a benefit year shall be deemed to be wholly in such benefit year.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:120. Duration of unemployment defined.

RELATES TO: KRS 341.370
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-84
NECESSITY AND FUNCTION: This regulation defines the phrase "duration of any period of unemployment."

Section 1. The "duration of any period of unemployment," as that term is used in KRS 341.370(2), shall be the period of time beginning with the worker's discharge or voluntary quitting and running until such worker has again obtained bona fide full-time employment or has earned six (6) times his weekly benefit rate in covered employment under the provisions of KRS Chapter 341 or a similar law of another state or of the United States. Employment which is temporary or intermittent in nature, or which was secured or furnished for the sole purpose of terminating the disqualification provided for in KRS 341.370(2), shall not be deemed bona fide employment for the purpose of this regulation.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: May 14, 1975
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SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:130. Appeals.

RELATES TO: KRS 341.440
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-91
NECESSITY AND FUNCTION: This regulation sets up the appeals process and general rules for the conduct of hearings.

Section 1. Appeals to Referee. (1) The presentation of an appeal to a referee.

(a) Any interested party wishing to appeal to a referee from a notice of a determination may do so by filing with the Division for Unemployment Insurance or its authorized representative a written statement clearly indicating the party's intention to appeal.

(b) An appeal to a referee shall be considered filed at the time it is delivered to a representative of the division or deposited in the mail as indicated by the postmark thereon.

(2) Notification of Hearings: All hearings shall be scheduled promptly and notices thereof shall be mailed to all interested parties at least seven (7) days before the date of hearing specifying the time and place of hearing, except that, the referee may, when the exigencies of the situation in his judgment require, set a case for hearing before the expiration of seven (7) days, only then, however, upon agreement of all interested parties.

(3) Disqualification of Referees: No referee shall participate in the hearing of an appeal in which he has an interest. Challenges to the interest of any referee shall be heard and decided by the commission.

(4) Hearing of appeals:

(a) The claimant and any other party to the appeal may present such evidence as may be pertinent and may question the opposite party and his witnesses. The referee shall, if he deems it necessary to secure full information on the issues, examine each party who appears and his witnesses. The referee may take any additional evidence which he deems necessary; but, if additional evidence is taken, all interested parties shall be afforded an opportunity of examining and refuting the same.

(b) The parties to an appeal, with the consent of the referee, may stipulate the facts involved, in writing. The referee may decide the appeal on the basis of such stipulation or may schedule a hearing and take such further evidence as he deems necessary.

(c) The hearing shall be scheduled and held at a place where the claimant can attend without undue expense or inconvenience, giving consideration to the claimant's place of employment.

(d) The referee may in his discretion grant a continuance of a hearing in order to secure necessary evidence.

(5) Decisions:
(a) After the hearing is concluded the referee shall promptly set forth in writing his finding of facts on the issues involved, his decision and the reasons therefor; provided, however, that if the appellant fails to appear and prosecute his appeal, the referee may summarily affirm the determination.
(b) Copies of the decision shall be mailed to the claimant and other parties to the appeal, and a copy shall be retained in the division's files.

Section 2. Appeals to the Commission. (1) Presentation of an appeal to the commission:
(a) Any interested party wishing to appeal to the commission from a decision of a referee may make written application with the commission, the division or its authorized representative for leave to appeal in any form which clearly indicates the party's intention to appeal. A notice of such application for leave to appeal shall be mailed by the division to other interested parties.
(b) An application for leave to appeal shall be considered initiated and filed at the time it is delivered to an authorized representative of the commission or the division or deposited in the mail, as indicated by the postmark thereon.
(c) The commission may grant or deny the application for leave to appeal without a hearing or may notify the parties to appear at a specified place and time for argument on the application.
(2) Hearing of appeals:
(a) Except in instances where the commission orders cases removed to it from a referee, all appeals to the commission may be heard upon the records of the division and the evidence and exhibits introduced before the referee. In the hearing of an appeal on the record, the parties may, if they desire, present written arguments and, at the commission's discretion be allowed to present oral arguments.
(b) The commission may, however, direct the taking of additional evidence before it, if needed, in order to determine the appeal. If, in the discretion of the commission, additional evidence is necessary to determine the appeal, the parties shall be notified of the time and place such evidence shall be taken at least seven (7) days prior to the date on which the evidence will be taken.
(c) The commission, at its discretion, may return any case or issue to a referee for the taking of such additional evidence as it desires. The referee shall take the testimony in the manner prescribed for the hearing of appeals before referees and shall thereupon return the record to the commission for its decision thereon.
(3) The hearing of appeals by the commission on cases ordered removed to it from any referee: The procedure on any case before a referee, ordered by the commission to be removed to it, shall be presented, heard and decided by the entire commission in the manner as prescribed for the hearing of other cases before the referee.
(4) The determination of appeals before the commission:
(a) Following the conclusion of a hearing the commission shall promptly announce its decision, which may be either an affirmation of the decision of the referee, or a separate finding of facts, decision and reasons therefor. The decision shall be in writing and shall be signed by the members of the commission who heard the appeal.
(b) If a decision of the commission is not unanimous, the decision of the majority shall control. The minority may file a dissent from such decision of the majority setting forth the reasons why it fails to agree with the majority.
(c) Copies of the decision shall be mailed to all interested parties.

Section 3. General Rules For Both Appeal Stages. (1) Issuance of subpoenas: Subpoenas requested by a claimant or an employer to compel the attendance of witnesses and/or the production of records for any hearing of an appeal shall be issued only on a sworn statement by the party applying for the issuance thereof setting forth the substance of the anticipated proof to be obtained and the need therefor.
(2) Appeal record: All reports, forms, letters, transcripts, communications, statements, determinations, decisions, orders, and other matters, written or oral, from the worker, employer, or personnel or representative of the division which have been written, sent, or made in connection with an appealed claim shall constitute the record with respect to such claim.
(3) Supplying information from the records of the division for unemployment insurance: Information from the records of the division shall be furnished to an interested party or his representative to the extent necessary for the proper presentation of the party's case, only upon written request therefor. All requests for such information shall state, as clearly as possible, the nature of the information desired. Nothing in this regulation shall prevent an interested party or his representative from examining a record in the hands of a referee at a hearing.
(4) Conduct of hearings: All hearings shall be conducted informally without regard to common law, statutory or technical rules or procedure and in such manner as to determine the substantial rights of the parties. The parties and their witnesses shall testify under oath or affirmation. All issues relevant to the claim shall be considered and passed upon.
(5) Reopening hearings: Any party to an appeal who fails to appear at the scheduled hearing may, within seven (7) days from the date thereof, request a rehearing. The request shall be granted if such party has shown good cause for his failure to appear. The request shall be in writing and shall set forth the reasons for his failure to attend the scheduled hearing. The request shall be mailed or delivered to the office where the appeal was filed or the Appeals Branch, the Division for Unemployment Insurance, Frankfort, Kentucky. Upon the rehearing being granted, notice of the time and place of the reopened hearing shall be given to the parties or to their representatives.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: May 14, 1975
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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:140. Fees for representing claimant.

RELATES TO: KRS 341.115
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-85
NECESSITY AND FUNCTION: This regulation sets the maximum fee that may be charged for representing a claimant.

Section 1. The fee to be charged for representing a claimant in any proceeding before a referee, the commission, or any court, or all three (3), shall not exceed twenty (20) percent of the maximum amount of potential benefits payable with respect to the claim under adjudication.

Section 2. The fee agreed to by the claimant and his representative, if within the maximum established in Section 1 above, shall be deemed to have been approved by the commission.

Section 3. Enforcement of payment of such fee shall be a matter entirely between such counsel or agent and the claimant. Such fee shall not be deducted either in whole or in part, from the benefit checks otherwise due and payable to the claimant.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:150. Determination defined.

RELATES TO: KRS 341.410
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-46
NECESSITY AND FUNCTION: This regulation defines the term "determination" as used by the division.

Section 1. Any decision rendered by the Division for Unemployment Insurance or its duly authorized representatives in writing affecting a worker's claim for unemployment benefits or the charges to an employer's reserve account for benefits paid or payable shall be a "determination."

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:160. Unemployment insurance fund payments.

RELATES TO: KRS 341.500, 341.510
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-80
NECESSITY AND FUNCTION: This regulation sets the procedure to be used between the Division for Unemployment Insurance, the Treasurer of the Unemployment Insurance Fund, the Executive Department for Finance and Administration and the Secretary of the Department for Human Resources for the certification of checks to be written and paid for benefits under the program.

Section 1. All transfers to the state's account in the Unemployment Trust Fund or refund payments made from the clearing account shall be made by the Treasurer of the Unemployment Insurance Fund immediately upon receipt of a written order for such action signed by the Director of the Division for Unemployment Insurance or such other person as may be designated by the commission and approved by the Secretary of the Department for Human Resources.

Section 2. Requisitions from the state's account in the Unemployment Trust Fund shall be made by the said treasurer within twenty-four (24) hours after the receipt of a written order for such requisition signed by the Director of the Division for Unemployment Insurance or such other person as may be designated by the commission and approved by the Secretary of the Department for Human Resources. Such withdrawals, when effected, shall immediately be deposited in the benefit account.

Section 3. (1) All vouchers for the payment of benefits shall be prepared on Form UI-419 and certified as correct to the Department of Finance on Form DES-500 by the Director of the Division for Unemployment Insurance or such other person as may be designated by the commission and approved by the Secretary of the Department for Human Resources. Such vouchers shall show:

(a) Claimant's name;
(b) Claimant's Social Security Account Number;
(c) Amount of payment to be made;
(d) The compensable period for which payment is made;
(e) The serial number and the date of issuance;
(f) The name of the depository bank against which they are drawn; and
(g) Such other information that from time to time shall be deemed necessary for proper control.

(2) After approval by the Commissioner of the Executive Department for Finance and Administration, such vouchers shall be presented to the treasurer of the unemployment insurance fund. Upon presentation, the treasurer shall cause his signature to be affixed to such vouchers and they shall become a demand upon the depository bank for payment of the amounts specified thereon.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:170. Interstate claimants.

RELATES TO: KRS 341.145, 341.380
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-77
NECESSITY AND FUNCTION: This regulation governs the Division in its administrative cooperation with other states for the payment of benefits to interstate claimants.

Section 1. The following regulation shall govern the secretary in his administrative cooperation with other states adopting a similar regulation for the payment of benefits to interstate claimants.

Section 2. Definitions. As used in this regulation, unless the context clearly requires otherwise:

(1) "Interstate Benefit Payment Plan" means the plan approved by the Interstate Conference of Employment Security Agencies under which benefits shall be payable to unemployed individuals absent from the state or states in which benefit credits have been accumulated.

(2) "Interstate claimant" means an individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state. The term interstate claimant shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the secretary finds that this exclusion would create undue hardship on such claimants in specified areas.

(3) "State" includes Puerto Rico and District of Columbia.

(4) "Agent state" means any state in which an individual files a claim for benefits from another state.

(5) "Liable state" means any state against which an individual files, through another state, a claim for benefits.

(6) "Benefits" means the compensation payable to an individual, with respect to his unemployment, under the unemployment insurance law of any state.

(7) "Week of unemployment" includes any week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

Section 3. Registration for Work. (1) Each interstate claimant shall be registered for work, through any public employment office in the agent state when and as required by the law, regulations, and procedures of the agent state. Such registration shall be accepted as meeting the registration requirements of the liable state.

(2) Each agent state shall duly report, to the liable state in question, whether each interstate claimant meets the registration requirements of the agent state.

Section 4. Benefit Rights of Interstate Claimants. (1) If a claimant files a claim against any state, and it is determined by such state that the claimant has available benefit credits in such state, then claims shall be filed only against such state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.

(2) For the purposes of this regulation, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

(3) The benefit rights of interstate claimants established by this regulation shall apply only with respect to new claims (notices of unemployment).

Section 5. Claims for Benefits. (1) Claims for benefits or waiting period shall be filed by interstate claimants on uniform interstate claim forms and in accordance with uniform procedures developed pursuant to the Interstate Benefit Payment Plan.

(2) Claims shall be filed in accordance with the type of week in use in the agent state. Any adjustments required to fit the type of week used by the liable state shall be made by the liable state on the basis of consecutive claims filed.

(3) Claims shall be filed in accordance with agent-state regulations for interstate claims in local employment offices, or at an itinerant point, or by mail.

(a) With respect to claims for weeks of unemployment in which an individual was not working for his regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one (1) week, or one (1) reporting period, late. If a claimant files more than one (1) reporting period late, an initial claim must be used to begin a claim series and no continued claim for a past period shall be accepted.

(b) With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable State shall accept any claim which is filed within the time limit applicable to such claims under the law of the agent state.

Section 6. Determinations of Claims. (1) The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question such facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.

(2) The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state shall not refuse to take an interstate claim.

Section 7. Appellate Procedure. (1) The agent state shall afford all reasonable cooperation in taking of evidence and the holding of hearings in connection with appealed interstate benefit claims.

(2) With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:180. Time extension for reports and notices.

RELATES TO: KRS 341.115
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-79
NECESSITY AND FUNCTION: This regulation allows an extension of time for filing reports and paying contributions due to an Act of God.

Section 1. The secretary may extend for a reasonable period of time the due date for filing reports and paying contributions as prescribed in 904 KAR 5:030, and the specified time for notifying the division of separations for cause as prescribed in 904 KAR 5:080, if, upon the presentation of sufficient facts by the employer, he finds that failure to file such reports, pay such contributions, or notify such division of such separation within the time specified was due to an Act of God.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:190. Payments to fund in lieu of contributions.

RELATES TO: KRS 341.275
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-98
NECESSITY AND FUNCTION: This regulation sets the payment schedule in lieu of contributions to the division by nonprofit organizations. Changes have been made to comply with federal guidelines.

Section 1. The election of a nonprofit organization as defined in KRS 341.275(1) to make payments to the fund in lieu of contributions shall be made on forms requiring such information as may be prescribed by the secretary.

Section 2. Any nonprofit organization which elects to make payments to the fund in lieu of contributions, in accordance with KRS 341.275(2), shall deposit with the division, as a condition of such election a maximum amount of money equal to the lesser of two (2) percent of the total wages paid of three and two-tenths (3.2) percent of the taxable wages paid by such employing unit during the four (4) calendar quarters immediately preceding the effective date of such election, unless the secretary determines that such employing unit or guarantor acceptable to the secretary possesses equity in real or personal property equal in value to at least double the amount of the deposit that would otherwise be required. If such nonprofit organization did not pay wages in each of the four (4) calendar quarters immediately preceding such election, the secretary shall determine the amount to be deposited on the basis of such information as may be available.

Section 3. The secretary may require an adjustment in the amount deposited with the division in accordance with Section 2 of this regulation at any time he determines there has been a substantial change in the amount of wages paid by a nonprofit organization when related to the wages or information upon which such deposit was originally based.

Section 4. An election to make payments to the fund in lieu of contributions by any nonprofit organization failing to comply with any of the requirements of this regulation or of KRS 341.275 shall be rejected by the secretary and such employing unit shall be notified in writing of the reason for such rejection.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:200. Financing benefits for state employes.

RELATES TO: KRS 341.282, 341.275
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-95
NECESSITY AND FUNCTION: This regulation provides for the financing of unemployment insurance benefits for state employes.

Section 1. State departments, agencies and institutions for which service in covered employment is performed shall be billed by the Division for Unemployment Insurance quarterly for the amount of regular benefits and one-half (1/2) of the extended benefits paid attributable to such service in the same manner as is provided in KRS 341.275(3) for nonprofit organizations.

Section 2. Payment of such bill shall be made by such department, agency, or institution within thirty (30) days of such billing to the Treasurer, Kentucky Unemployment Insurance Fund, Frankfort, Kentucky 40601.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:210. Voluntary contributions to reserve account.

RELATES TO: KRS 341.530, 341.330, 341.260, 341.270
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-97
NECESSITY AND FUNCTION: This regulation provides for voluntary contributions by a subject employer to his reserve account.

Section 1. Voluntary contributions made by a subject employer to his reserve account for the purpose of obtaining a reduced rate for any given year must have been received by the Division for Unemployment Insurance within twenty (20) days following the mailing of the first notice to an employer of such employer's rate for such year. In computing such twenty (20) day period the day following the date of mailing shall be considered the first day and the day such contributions are deposited in the mail, as indicated by the postmark thereon, shall be considered the date it is received by the division.

Section 2. A voluntary contribution, when received and accepted by the division, insofar as necessary to accomplish the purpose for which it is made, shall not be subject to refund under KRS 341.330, nor used as a credit on any contributions which may be or may become due under KRS 341.260 or 341.270.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:220. Cash value of board and lodging.

RELATES TO: KRS 341.030
PURSUANT TO: KRS 13.082, 194.050, 341.115
SUPERSEDES: KUC-37
NECESSITY AND FUNCTION: This rule sets forth the reasonable cash value of board and lodging when they are in lieu of wages received by the worker and are not specified under the contract of hire.

Section 1. Board, lodging, or any other payment in kind received by a worker in employment from his employing unit in addition to or in lieu of (rather than as a deduction from) money wages shall be deemed to be wages paid by his employing unit.

Section 2. The commission shall determine or approve the cash value of such payments in kind, and such cash value shall be used in determining the wages paid to such worker in employment and in computing contributions due under the law.

Section 3. Where a money value for board or lodging or both furnished an individual in employment is agreed upon in a contract of hire, the amount so agreed upon shall, if more than the rate specially determined by the commission or the rates prescribed herein, be deemed the cash value of such board and lodging. Until and unless in a given case a rate for board and lodging is determined by the commission, board and lodging furnished in addition to money wages shall be deemed to have not less than the following values:

Full board and room weekly	$10.00
Meals, per week	6.50
per day	1.00
per meal	.35
Lodging, per week	3.50

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance

904 KAR 5:230. Employer's records.

RELATES TO: KRS 341.115
PURSUANT TO: KRS 13.082, 194.050
SUPERSEDES: KUC-56
NECESSITY AND FUNCTION: This regulation sets forth the records that must be maintained by each employing unit with respect to covered employment and the length of time that such records must be kept.

Section 1. Each employing unit shall establish, maintain and preserve for not less than six (6) years records with respect to covered employment performed in its service, which records shall show:

(1) For each pay period:
  (a) The beginning and ending date of such period.
  (b) The total amount of wages paid for covered employment in such pay period.
  (c) The largest number of workers in covered employment in any one (1) day of each calendar week.

(2) For each worker:
  (a) The name and social security account number.
  (b) His wages paid, showing separately cash payments, the reasonable cash value of remuneration in any medium other than cash, the date on which such payments were made, and the pay period during which the services so remunerated were performed. If the remuneration is in a medium other than cash, show the nature and amount thereof.
  (c) His total wages payable for each calendar quarter.
  (d) The date on which he was hired, rehired, or returned to work after a temporary layoff, and the date on which he was separated from covered employment.

Section 2. Each employing unit shall establish and maintain for not less than two (2) years certain additional records for each worker in its employ.

(1) Such records shall be maintained on a calendar week basis, except that, if the employing unit is operating on a seven (7) day pay period basis, the required individual records may be maintained on the basis of such employing unit's seven (7) day pay period. Such records shall show for each such seven (7) day period:
  (a) The amount of wages earned.
  (b) The number of hours worked.
  (c) The number of hours of additional work available which was not accepted.
  (d) The rate of pay for such additional work.

(2) Each employing unit shall upon request furnish to the Division for Unemployment Insurance or to a worker a certification of the wages earned and the hours worked, the number of hours of additional work available but not accepted, and the rate of pay for such additional hours of work during the week of unemployment for which such worker claims benefits. This information shall be available by the employing unit not later than seven (7) days after the last day of the seven (7) day period to which such records apply. Any employing unit failing to grant the certification within the specified time shall not be permitted to subsequently contest the amount of benefits paid for such week of unemployment.

GAIL S. HUECKER, Commissioner
C. LESLIE DAWSON, Secretary

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KAR References to Kentucky Revised Statutes

KRS Section	Regulation No.
2.110	703 KAR 2:020
2.190	703 KAR 2:020
6.690–6.700	2 KAR 1:010
12.080	103 KAR 8:050
	200 KAR 1:010E
	200 KAR 1:010
12.140	103 KAR 8:050
Chapter 13	1 KAR 1:010
15.020	40 KAR 1:010
15.025	40 KAR 1:020
15.330	503 KAR 1:010
	503 KAR 1:020
	503 KAR 1:040
	503 KAR 1:050
	503 KAR 1:059
15.360	503 KAR 1:030
15.410–15.510	503 KAR 5:060
15.420	503 KAR 5:010
15.440	503 KAR 5:020
	503 KAR 5:030
15.460	503 KAR 5:040
	503 KAR 5:050
15.470	503 KAR 5:050
15.490	503 KAR 5:050
15.510	503 KAR 5:070
15A.040	500 KAR 5:005
	500 KAR 5:015
15A.160	503 KAR 1:010
	503 KAR 1:059
16.050	502 KAR 5:010E
	502 KAR 5:010
16.080	502 KAR 5:010E
	502 KAR 5:010
16.505–16.645	105 KAR 1:010
	105 KAR 1:020
17.210	806 KAR 50:100
18.110	101 KAR 1:010
	101 KAR 1:040
	101 KAR 1:070
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341.330	904 KAR 5:210
341.350	904 KAR 5:100
341.360	904 KAR 5:090
341.370	904 KAR 5:120
341.370(4)	904 KAR 5:080
341.380	904 KAR 5:100
	904 KAR 5:170
341.410	904 KAR 5:150
341.440	904 KAR 5:130
341.500	904 KAR 5:160
341.510	904 KAR 5:160
341.530	904 KAR 5:210
341.530(3)	904 KAR 5:080
Chapter 342	803 KAR 25:010
342.040	803 KAR 25:050
342.120	803 KAR 25:030
342.143	803 KAR 25:040
342.316	803 KAR 25:030
342.340	803 KAR 25:020
342.345	803 KAR 25:020
342.990	803 KAR 25:050
Chapter 343	803 KAR 1:010
Chapter 344	104 KAR 1:010
	104 KAR 1:020
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	104 KAR 1:050
	104 KAR 1:060

KRS Section	Regulation No.
Chapter 350	402 KAR 1:015
	402 KAR 1:020
	402 KAR 1:025
	402 KAR 1:030
	402 KAR 1:035
	402 KAR 1:040
	402 KAR 1:045
	402 KAR 1:050
	402 KAR 1:055
	402 KAR 1:060
350.151	402 KAR 1:010
351.070	805 KAR 3:010
	805 KAR 3:020
	805 KAR 3:030
	805 KAR 3:040
	805 KAR 3:050
	805 KAR 3:060
	805 KAR 3:070
	805 KAR 3:080
	805 KAR 3:090
	805 KAR 3:100
	805 KAR 3:110
	805 KAR 3:120
351.320	805 KAR 4:010
	805 KAR 4:020
	805 KAR 4:030
	805 KAR 4:040
	805 KAR 4:050
	805 KAR 4:060
351.330	805 KAR 4:010
	805 KAR 4:020
	805 KAR 4:030
	805 KAR 4:040
	805 KAR 4:050
	805 KAR 4:060
351.340	805 KAR 4:010
	805 KAR 4:020
	805 KAR 4:030
	805 KAR 4:040
	805 KAR 4:050
	805 KAR 4:060
351.990	805 KAR 4:010
	805 KAR 4:020
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	805 KAR 4:040
	805 KAR 4:050
	805 KAR 4:060

KRS Section	Regulation No.
352.050(1)	805 KAR 2:010
353.500	805 KAR 1:080
353.520	805 KAR 1:080
353.540	805 KAR 1:080
353.550	805 KAR 1:030
	805 KAR 1:060
	805 KAR 1:070
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353.560	805 KAR 1:040
	805 KAR 1:080
353.590	805 KAR 1:030
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360.210–360.265	808 KAR 4:015
363.510	302 KAR 75:010
	302 KAR 75:020
	302 KAR 75:030
	302 KAR 75:050
	302 KAR 75:060
	302 KAR 75:070
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	302 KAR 76:005
	302 KAR 76:015
	302 KAR 76:025
	302 KAR 76:035
	302 KAR 76:045
	302 KAR 76:055
	302 KAR 76:065
	302 KAR 76:075
	302 KAR 76:085
365.010	806 KAR 9:130
393.090	103 KAR 8:040
393.095	103 KAR 8:060
393.110	103 KAR 8:040
	103 KAR 8:070
393.140	103 KAR 8:070
393.280	103 KAR 8:050
402.120	902 KAR 2:080
402.180	902 KAR 2:080
424.260	702 KAR 3:140
	703 KAR 1:070
433.750	603 KAR 5:025
433.753	603 KAR 5:025
439.340(3)	501 KAR 1:010

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.)

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LEGISLATIVE RESEARCH COMMISSION

Chapter 1 Administrative Regulations
010 Form of administrative regulations; Administrative Register; Codification

TITLE 2
GENERAL ASSEMBLY

Chapter 1 Board of Ethics
010 Practice and procedure

TITLE 10
GOVERNOR

TITLE 11
KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

Chapter 1 State Student Incentive Grants
010 Criteria for selection; amounts
010E (Same, filed on emergency basis)

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AGRICULTURAL EXPERIMENT STATION

Chapter 1 Seed
005 Definitions
010 Sampling, analyzing and testing; tolerances
015 Testing and labeling terms
020 Noxious-weed seed
025 Maximum weed seed content permitted
030 Minimum germination
035 Germination test date
040 Hermetically sealed containers
045 Hard and dormant seed
050 Current germination test; relabeling
055 Identification of seed not for sale
060 Labeling of seed distributed to wholesalers
065 Lawn, turf mixtures; labeling
070 Treated seed label
075 Types of labeling; tag label form
080 Use of own tags; permit, report
085 Illegal labeling and sales
090 Stop sale orders
095 Impounded seed
100 Records
105 Schedule of charges

Chapter 2 Commercial Feeds
006 Definitions
011 Label format
016 Brand and product names
021 Guarantees
026 Ingredients
031 Directions; precautionary statements
036 Non-protein nitrogen
041 Additives
046 Poisonous or deleterious substances
051 Manufacturing conditions
056 List of manufacturers
061 Registration

Chapter 3 Pet Food
007 Definitions and terms
012 Uniform labeling format
017 Brand and product names
022 Guarantees
027 Ingredients
032 Directions for use
037 Additives

Chapter 4 Fertilizer
010 Definitions
020 Registration
030 Brand name
040 Chemical guarantee
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060 Shipment reports; inspection fees
070 Violations; stop sale notices

Chapter 5 Milk and Cream
010 Licenses
020 Testing
030 Test samples
040 Sampling and weighing
050 Inspections
060 Purchases from farm bulk tanks
070 Uniform standards for payment

TITLE 30
DEPARTMENT OF STATE

Chapter 1 Corporations
010 Certificates of good standing
020 Statements, reports and documents; filing requirements

TITLE 31
STATE BOARD OF ELECTIONS

Chapter 1 Absentee Voting
010 When charged with or indicted for a crime

TITLE 40
DEPARTMENT OF LAW

Chapter 1 Attorney General
010 Conditions for furnishing opinions
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TITLE 100
SECRETARY OF CABINET

TITLE 101
DEPARTMENT OF PERSONNEL

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010 Definitions
020 General provisions
030 Personnel Board procedures
040 Classification plan
050 Compensation plan
060 Applications and examinations
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080 Certification and selection of eligibles
090 Types of appointments
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120 Separations and disciplinary actions
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140 Service regulations
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TITLE 102
TEACHERS' RETIREMENT SYSTEM

Chapter 1 General Rules
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030 Substitute Teachers
035 Substitute teaching by retired teachers
036 Part-time service
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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
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110 Leave of absence
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120 Voluntary contributions
125 Omitted contributions
130 Additional contributions
135 Interest credited to accounts
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150 Optional benefits
155 Annuity payments
160 Annuity tables
165 Surviving children's benefits
175 Investment policies
180 KIDFA investments
185 Reciprocal program between CERS, KERS, SPRS and TRS

Chapter 2 Board of Trustees
010 Election of chairman; vice-chairman

TITLE 103
DEPARTMENT OF REVENUE

Chapter 1 General Administration
010 Protests and appeals

Chapter 5 Ad Valorem Tax; Administration
010 Bank deposits
020 Delinquent tax collector's contract
050 Bond of property valuation administrators
070 Fiduciary's report on personal property held
080 Savings and loan; production credit; banks for cooperatives
090 Marginal accounts reports
110 Valuation of bank shares
120 Sheriff's cash book

Chapter 7 Ad Valorem Tax; Local Assessment
010 Opening of safe deposit boxes
030 City adoption of county assessment
040 Intangible property right; annuities
050 Trusts as intangible property

Chapter 8 Ad Valorem Tax; State Assessment
010 Nonresident watercraft allocation
020 Property tax; time extension
030 Preparation of tax bills
040 Abandoned property; escheating
050 Escheated property; records
060 Unclaimed pari-mutuel tickets; records; redemption
070 Posting and advertising abandoned property lists
090 Classification of property; public service corporations

Chapter 15 Income Tax; General Administration
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040 Statute of limitations; assessments and refunds
050 Filing dates and extensions
060 Estimated tax; amended declarations; short years

Chapter 16 Income Tax; Corporations
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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; buses; airlines
130 Apportionment and allocation; railroad companies
140 Subchapter S and DISC treatment
150 Apportionment and allocation; loan companies
160 Apportionment and allocation; construction companies

Chapter 17 Income Tax; Individual
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020 Combined individual returns
030 Filing requirements
040 Military personnel; filing extension
050 Standard deduction
060 Income subject to taxation; portions
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Chapter 18 Income Tax; Withholding
010 Employers required to withhold
020 Withholding return adjustment
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Chapter 19 Income Tax; Miscellaneous
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Chapter 25 Sales and Use Tax; Registration and Collection
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020 Application for retail sales and use tax permit
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Chapter 26 Sales and Use Tax; Service and Professional Occupations
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020 Physicians and surgeons
030 Optometrists, Oculists and Opticians
040 Morticians, undertakers and funeral directors
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060 Painters and finishers
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Chapter 27 Sales and Use Tax; Miscellaneous Retailer Occupations
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080 Meals served by railroads, airplanes, etc.
090 Memorial dealers
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120 Photographers, photo finishers and x-ray labs
130 Printing and related industries
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

Chapter 28 Sales and Use Tax; Miscellaneous Retail Transactions
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040 Redemption of premium or trading stamps
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120 Telephonic, telegraphic communications; services
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020 Prescription medicines, prosthetic devices and physical aids
030 Gasoline and special fuels
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130 Raw materials and industrial supplies
140 Energy and energy-producing fuels
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160 Natural gas; by-product gases and fuels
170 Containers, wrapping and packing materials
180 Installing or applying property sold
190 Interstate and foreign commerce
200 Occasional sales; sale of a business
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Chapter 35 Severance Tax
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100 Consumer tax; customs

Chapter 41 Selective Excise Tax; Cigarettes
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Chapter 44 Selective Excise Tax; Motor Vehicle Usage
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KENTUCKY EMPLOYEES' RETIREMENT SYSTEM

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TITLE 200
EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

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Chapter 2 Travel Expense and Reimbursement
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Chapter 3 State Owned Buildings and Grounds
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Chapter 4 Coal Producing County Development Fund
010 Expenditure of funds

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030 Local government bonds, obligations; marketing assistance

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DIVISION OF OCCUPATIONS AND PROFESSIONS

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045 Subjects of examination; grading; re-examination
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055 License renewal; revival fee
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Chapter 3 Board of Auctioneers
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Chapter 6 Board of Licensure for Nursing Home Administrators
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Chapter 7 Board for Licensing Hearing Aid Dealers
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135 Auxiliary personnel
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180 Applicant; requirements
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210 Examination questions review; approval
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270 Grade requirement; dental hygiene examination
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280 Re-examination; dental hygienists
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310 Duplicate license; hygienists
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340 Specialty application; examination
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380 Repayment contract; scholarship
385 Scholarship contract form

Chapter 9 Board of Medical Licensure
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Chapter 11 Real Estate Commission
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070 Branch offices
075 Broker's interest disclosure
080 Broker's requirements when not regularly engaged in business
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095 Closing statements; rental management agreements
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105 Owner's consent and authorization
110 Exclusive authority retained by original broker
115 Auction obligations
120 Broker-salesman defined
125 Salesman required to complete instruction for examination
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135 Salesman obtaining broker's license
140 Salesman operating as broker; when
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Chapter 14 Board of Barbering
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Chapter 17 Board of Examiners for Speech Pathology and Audiology
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Chapter 18 Board of Registration for Professional Engineers and Land Surveyors
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TITLE 301
DEPARTMENT OF FISH AND WILDLIFE RESOURCES

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012 Boating, swimming and water skiing
015 Boats and outboard motors; size limits
016 Private camps; boat docks, etc.
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030 Tennessee River closing hours
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035 Cumberland Gap National Historical Park restrictions
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050 Small state-owned lakes, special regulations of
055 Angling; limits and seasons
057 Trotlines; sport fishing
060 Sport and rough fishing
070 Rough fish from backwaters
075 Gigging, snagging, tickling, noodling
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082 Frog season; limits
085 Mussel shell harvesting
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047 Specified areas; seasons, limits for birds and small game.
050 Land Between the Lakes hunting rules
055 Pits and blinds; restrictions
060 Sale of bobwhite quail for food purposes
070 Birds of prey; taking and use
080 Propagation of game; pet permits
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Chapter 3 Hunting and Fishing
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Chapter 30 Pest Control
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Chapter 35 Grain Storage
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Chapter 75 Weights and Measures; Packaging and Labeling
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Chapter 76 Weights and Measures; Method of Sale
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Chapter 77 Weights and Measures; General
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201 KAR 7:125	241	Withdrawn January 31, 1975.
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201 KAR 8:070	336	Effective February 5, 1975.
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201 KAR 8:120	336	Effective February 5, 1975.
201 KAR 8:130	337	Effective February 5, 1975.
201 KAR 8:135	337	Effective February 5, 1975.
201 KAR 8:140E	447	Effective January 1, 1975; Expired May 1, 1975.
201 KAR 8:140	338	Effective February 5, 1975.
201 KAR 8:150	338	Effective February 5, 1975.
201 KAR 8:160	339	Effective February 5, 1975.
201 KAR 8:170	339	Effective February 5, 1975.
201 KAR 8:180	339	Effective February 5, 1975.
201 KAR 8:185	592	Effective April 9, 1975.
201 KAR 8:190	339	Effective February 5, 1975.
201 KAR 8:200	340	Effective February 5, 1975.
201 KAR 8:210	340	Effective February 5, 1975.
201 KAR 8:220	340	Effective February 5, 1975.
201 KAR 8:230	340	Effective February 5, 1975.
201 KAR 8:240	340	Effective February 5, 1975.
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201 KAR 8:260	340	Effective February 5, 1975.
201 KAR 8:270	342	Effective February 5, 1975.
201 KAR 8:277	592	Effective April 9, 1975.
201 KAR 8:280	342	Effective February 5, 1975.
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201 KAR 8:310	342	Effective February 5, 1975.
201 KAR 8:320	342	Effective February 5, 1975.
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201 KAR 8:380	344	Effective February 5, 1975.
201 KAR 8:385	344	Effective February 5, 1975.
201 KAR 9:010	470	Effective March 12, 1975.
201 KAR 9:020	470	Effective March 12, 1975.
201 KAR 9:030	472	Effective March 12, 1975.
201 KAR 9:040	472	Effective March 12, 1975.
201 KAR 9:050	472	Effective March 12, 1975.
201 KAR 9:060	472	Effective March 12, 1975.
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201 KAR 9:080	473	Effective March 12, 1975.
201 KAR 9:090	474	Effective March 12, 1975.
201 KAR 10:010	592	Effective April 9, 1975.
201 KAR 10:020	593	Effective April 9, 1975.
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201 KAR 10:060	594	Effective April 9, 1975.
201 KAR 10:070	594	Effective April 9, 1975.
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201 KAR 11:015	595	Effective April 9, 1975.
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201 KAR 11:025	595	
201 KAR 11:030	595	Effective April 9, 1975.
201 KAR 11:035	596	Effective April 9, 1975.
201 KAR 11:040	596	Effective April 9, 1975.
201 KAR 11:045	596	Effective April 9, 1975.
201 KAR 11:050	596	Effective April 9, 1975.
201 KAR 11:055	596	Effective April 9, 1975.
201 KAR 11:060	596	
Amended	971	Effective April 14, 1975
201 KAR 11:065	597	Effective April 9, 1975.
201 KAR 11:070	597	Effective April 9, 1975.
201 KAR 11:075	597	Effective April 9, 1975.
201 KAR 11:080	597	Effective April 9, 1975.
201 KAR 11:085	597	Effective April 9, 1975.
201 KAR 11:090	597	Effective April 9, 1975.
201 KAR 11:095	597	Effective April 9, 1975.
201 KAR 11:100	598	Effective April 9, 1975.
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201 KAR 11:120	598	Effective April 9, 1975.
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Amended	1224	Effective May 14, 1975.
201 KAR 11:130	598	Effective April 9, 1975.
201 KAR 11:135	599	Effective April 9, 1975.
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201 KAR 12:010	720	Effective May 14, 1975.
201 KAR 12:020	720	Effective May 14, 1975.
201 KAR 12:030	720	Effective May 14, 1975.
201 KAR 12:040	720	Effective May 14, 1975.
201 KAR 12:050	599	Effective April 9, 1975.
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201 KAR 12:080	721	Effective May 14, 1975.
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201 KAR 13:050	722	Effective May 14, 1975.
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201 KAR 14:035	724	Effective May 14, 1975.
201 KAR 14:040	724	Effective May 14, 1975.
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Corrected	1224	Effective May 14, 1975.
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201 KAR 14:070	725	Effective May 14, 1975.
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201 KAR 14:080	726	Effective May 14, 1975.
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201 KAR 14:090	726	Effective May 14, 1975.
201 KAR 14:095	728	Effective May 14, 1975.
201 KAR 14:100	728	Effective May 14, 1975.
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201 KAR 14:110	728	Effective May 14, 1975.
201 KAR 14:115	729	Effective May 14, 1975.
201 KAR 14:120	729	Effective May 14, 1975.
201 KAR 14:125	730	Effective May 14, 1975.
201 KAR 14:130	730	Effective May 14, 1975.
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301 KAR 1:010	33	Effective October 2, 1974.
301 KAR 1:012	148	Effective December 11, 1974.
301 KAR 1:015	148	Effective December 11, 1974.
301 KAR 1:016	345	Effective February 5, 1975.
301 KAR 1:020	33	Effective October 2, 1974.
301 KAR 1:030	33	Effective October 2, 1974.
301 KAR 1:031	346	Effective February 5, 1975.
301 KAR 1:035	149	Effective December 11, 1974.
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301 KAR 1:057	346	Effective February 5, 1975.
301 KAR 1:060	63	Effective November 13, 1974.
301 KAR 1:070	63	Effective November 13, 1974.
301 KAR 1:075	149	Effective December 11, 1974.
301 KAR 1:080	63	Effective November 13, 1974.
301 KAR 1:082	241	Effective January 8, 1975.
301 KAR 1:085	241	Effective January 8, 1975.
301 KAR 1:090	63	Effective November 13, 1974.
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301 KAR 1:110	64	Effective November 13, 1974.
301 KAR 1:115	241	Effective January 8, 1975.
301 KAR 1:120	150	Effective December 11, 1974.
301 KAR 1:122	346	Effective February 5, 1975.
301 KAR 1:125	346	Effective February 5, 1975.
301 KAR 1:130	242	Effective January 8, 1975.
301 KAR 1:132	347	Effective February 5, 1975.
301 KAR 1:145	474	Effective March 12, 1975.
Amended	971	
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301 KAR 1:150	242	Effective January 8, 1975.
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301 KAR 1:155	243	Effective January 8, 1975.
301 KAR 2:010	33	Effective October 2, 1974.
301 KAR 2:020	33	Effective October 2, 1974.
301 KAR 2:021E	24	Effective August 21, 1974; Expired December 19, 1974.
301 KAR 2:022E	121	Effective September 23, 1974 Expired January 21, 1975.
301 KAR 2:025	347	Effective February 5, 1975.
301 KAR 2:030	64	Effective November 13, 1974.
301 KAR 2:040	64	Effective November 13, 1974.
301 KAR 2:045	1255	
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301 KAR 2:050	65	Effective November 13, 1974.
301 KAR 2:055	600	Effective April 9, 1975.
301 KAR 2:060	347	Effective February 5, 1975.
301 KAR 2:070	475	Effective March 12, 1975.
301 KAR 2:080	732	Effective May 14, 1975.
301 KAR 2:090	732	Effective May 14, 1975.
301 KAR 2:100	1257	
301 KAR 2:110	1258	
301 KAR 3:010	34	Effective October 2, 1974.
301 KAR 3:020	34	Effective October 2, 1974.
Amended	1225	
301 KAR 3:030	600	Effective April 9, 1975.
301 KAR 3:050	475	Effective March 12, 1975; Expired May 5, 1975.
301 KAR 3:060	476	Effective March 12, 1975.
301 KAR 4:010	35	Effective October 2, 1974.
301 KAR 4:020	65	Effective November 13, 1974.
302 KAR 1:010	150	Effective December 11, 1974.
302 KAR 5:010	733	Effective May 14, 1975.
302 KAR 5:020	733	Effective May 14, 1975.
302 KAR 5:030	734	Effective May 14, 1975.
302 KAR 5:040	734	Effective May 14, 1975.
302 KAR 5:050	734	Effective May 14, 1975.
302 KAR 5:060	734	Effective May 14, 1975.
302 KAR 5:070	734	Effective May 14, 1975.
302 KAR 10:010	734	Effective May 14, 1975.
302 KAR 10:020	735	Effective May 14, 1975.
302 KAR 10:030	735	Effective May 14, 1975.
302 KAR 10:040	735	Effective May 14, 1975.
302 KAR 10:050	735	Effective May 14, 1975.
302 KAR 10:060	736	Effective May 14, 1975.
302 KAR 10:070	736	Effective May 14, 1975.
302 KAR 10:080	736	Effective May 14, 1975.
302 KAR 10:090	737	Effective May 14, 1975.
302 KAR 15:010	1022	
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302 KAR 15:030	1024	
302 KAR 20:010	737	Effective May 14, 1975.
302 KAR 20:020	738	Effective May 14, 1975.
302 KAR 20:030	738	Effective May 14, 1975.
302 KAR 20:040	739	Effective May 14, 1975.
302 KAR 20:050	740	Effective May 14, 1975.
302 KAR 20:060	741	Effective May 14, 1975.
302 KAR 20:070	742	Effective May 14, 1975.
302 KAR 20:080	743	Effective May 14, 1975.
302 KAR 20:090	744	Effective May 14, 1975.
302 KAR 20:100	744	Effective May 14, 1975.
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302 KAR 75:030	745	Effective May 14, 1975.
302 KAR 75:050	745	Effective May 14, 1975.
302 KAR 75:060	745	Effective May 14, 1975.
302 KAR 75:070	747	Effective May 14, 1975.
302 KAR 75:080	747	Effective May 14, 1975.
302 KAR 75:100	748	Effective May 14, 1975.
302 KAR 75:110	749	Effective May 14, 1975.
302 KAR 75:120	751	Effective May 14, 1975.
302 KAR 76:005	751	Effective May 14, 1975.
302 KAR 76:015	752	Effective May 14, 1975.
302 KAR 76:025	752	Effective May 14, 1975.
302 KAR 76:035	752	Effective May 14, 1975.
302 KAR 76:045	753	Effective May 14, 1975.
302 KAR 76:055	753	Effective May 14, 1975.
302 KAR 76:065	753	Effective May 14, 1975.
302 KAR 76:075	753	Effective May 14, 1975.
302 KAR 76:085	754	Effective May 14, 1975.
302 KAR 77:010	754	Effective May 14, 1975.
302 KAR 77:020	754	Effective May 14, 1975.
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303 KAR 1:005	754	Effective May 14, 1975.
303 KAR 1:010	754	Effective May 14, 1975.
303 KAR 1:015	754	Effective May 14, 1975.
303 KAR 1:025	1030	
303 KAR 1:030	755	Effective May 14, 1975.
303 KAR 1:040	755	
303 KAR 1:050	755	Effective May 14, 1975.
303 KAR 1:060	755	Effective May 14, 1975.
303 KAR 1:070	755	Effective May 14, 1975.
303 KAR 1:080	1030	
303 KAR 1:090	1030	
304 KAR 1:010	755	Effective May 14, 1975.
304 KAR 1:020	756	Effective May 14, 1975.
304 KAR 1:030	756	Effective May 14, 1975.
304 KAR 1:040	756	Effective May 14, 1975.
401 KAR 1:010	476	Effective March 12, 1975.
401 KAR 1:015	756	
401 KAR 1:020	10	Effective September 11, 1974
401 KAR 1:030	479	Effective March 12, 1975.
401 KAR 1:040	480	Effective March 12, 1975.
401 KAR 1:050	481	Effective March 12, 1975.
401 KAR 1:060	481	Effective March 12, 1975.
401 KAR 1:070	483	Effective March 12, 1975.
401 KAR 1:080	484	Effective March 12, 1975.
401 KAR 1:090	485	Effective March 12, 1975.
401 KAR 1:100	485	Effective March 12, 1975.
401 KAR 1:110	487	Effective March 12, 1975.
401 KAR 1:120	488	Effective March 12, 1975.
401 KAR 1:130	488	
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401 KAR 1:150	489	Effective March 12, 1975.
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401 KAR 4:040	759	
401 KAR 5:005	760	
401 KAR 5:015	761	
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401 KAR 5:035	762	
401 KAR 5:045	763	
401 KAR 6:010	763	Effective May 14, 1975.
401 KAR 6:020	766	Effective May 14, 1975.
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402 KAR 1:010	11	
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402 KAR 1:050	778	
402 KAR 1:055	778	
402 KAR 1:060	778	
402 KAR 2:010	13	
Amended	694	Effective April 9, 1975.
402 KAR 2:020	14	
Amended	694	Effective April 9, 1975.
500 KAR 5:005	1031	
500 KAR 5:015	1031	
501 KAR 1:010	348	Effective April 9, 1975.
502 KAR 5:010E	584	Effective January 31, 1975; Expired May 31, 1975.
502 KAR 5:010	626	
Amended	1226	Effective May 14, 1975.
502 KAR 10:010	1031	
502 KAR 10:020	1032	
502 KAR 10:030	1032	
502 KAR 10:040	1032	
502 KAR 10:050	1033	
502 KAR 10:060	1033	
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601 KAR 1:010	14	Effective September 11, 1974
601 KAR 1:020E	2	Effective July 23, 1974; Expired November 20, 1974.
601 KAR 1:020	14	Effective September 11, 1974
601 KAR 1:030	782	Effective May 14, 1975.
601 KAR 1:035	783	Effective May 14, 1975.
601 KAR 1:040	784	Effective May 14, 1975.
601 KAR 1:045	785	Effective May 14, 1975.
601 KAR 1:050	785	Effective May 14, 1975.
601 KAR 1:060	786	Effective May 14, 1975.
601 KAR 1:065	787	Effective May 14, 1975.
601 KAR 1:070	787	Effective May 14, 1975.
601 KAR 1:075	788	Effective May 14, 1975.
601 KAR 1:080	789	Effective May 14, 1975.
601 KAR 1:085	790	Effective May 14, 1975.
601 KAR 1:090	791	Effective May 14, 1975.
601 KAR 1:095	791	Effective May 14, 1975.
601 KAR 1:100	791	Effective May 14, 1975.
601 KAR 1:105	792	Effective May 14, 1975.
601 KAR 1:110	793	Effective May 14, 1975.
601 KAR 1:115	793	Effective May 14, 1975.
601 KAR 1:120	794	Effective May 14, 1975.
601 KAR 2:010	794	Effective May 14, 1975.
601 KAR 9:010	795	Effective May 14, 1975.
601 KAR 9:015	795	Effective May 14, 1975.
601 KAR 9:020	795	Effective May 14, 1975.
601 KAR 9:025	795	Effective May 14, 1975.
601 KAR 9:030	796	Effective May 14, 1975.
601 KAR 9:035	796	Effective May 14, 1975.
601 KAR 9:040	796	Effective May 14, 1975.
601 KAR 9:045	797	Effective May 14, 1975.
601 KAR 9:050	798	Effective May 14, 1975.
601 KAR 9:055	798	Effective May 14, 1975.
601 KAR 9:060	798	Effective May 14, 1975.
601 KAR 9:065	799	Effective May 14, 1975.
601 KAR 9:070	799	Effective May 14, 1975.
601 KAR 9:075	800	Effective May 14, 1975.
601 KAR 10:010	243	Effective January 8, 1975.
601 KAR 10:020	243	Effective January 8, 1975.
601 KAR 10:030	244	Effective January 8, 1975.
601 KAR 10:040	244	Effective January 8, 1975.
601 KAR 10:050	244	Effective January 8, 1975.
601 KAR 10:060	244	Effective January 8, 1975.
601 KAR 10:070	244	Effective January 8, 1975.
601 KAR 10:080	245	Effective January 8, 1975.
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601 KAR 12:030	1038	
601 KAR 13:010	35	Effective October 2, 1974.
601 KAR 13:020	1039	
601 KAR 13:030	1039	
601 KAR 20:010	245	Effective January 8, 1975.
601 KAR 20:030	245	Effective January 8, 1975.
601 KAR 20:040	245	Effective January 8, 1975.
601 KAR 20:050	246	Effective January 8, 1975.
601 KAR 20:070	246	Effective January 8, 1975.
601 KAR 20:080	246	Effective January 8, 1975.
601 KAR 20:090	246	Effective January 8, 1975.
601 KAR 20:110	246	Effective January 8, 1975.
601 KAR 20:130	247	Effective January 8, 1975.
601 KAR 25:010	800	Effective May 14, 1975.
601 KAR 25:020	801	Effective May 14, 1975.
601 KAR 25:030	801	Effective May 14, 1975.
601 KAR 25:040	801	Effective May 14, 1975.
601 KAR 25:050	801	Effective May 14, 1975.
601 KAR 25:060	802	Effective May 14, 1975.
601 KAR 25:070	802	Effective May 14, 1975.
601 KAR 25:080	802	Effective May 14, 1975.
601 KAR 25:090	803	Effective May 14, 1975.
601 KAR 25:100	803	Effective May 14, 1975.
601 KAR 25:110	803	Effective May 14, 1975.
601 KAR 25:120	803	Effective May 14, 1975.
601 KAR 25:130	804	Effective May 14, 1975.
601 KAR 25:140	804	Effective May 14, 1975.
601 KAR 25:150	804	Effective May 14, 1975.
601 KAR 25:160	805	Effective May 14, 1975.
601 KAR 25:170	805	Effective May 14, 1975.
601 KAR 25:180	805	Effective May 14, 1975.
601 KAR 25:190	806	Effective May 14, 1975.
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602 KAR 1:020	15	Effective September 11, 1974
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602 KAR 1:025	627	Effective April 9, 1975.
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602 KAR 1:040	36	Effective October 2, 1974.
602 KAR 1:050	627	Effective April 9, 1975.
602 KAR 1:060	628	Effective April 9, 1975.
602 KAR 1:070	630	Effective April 9, 1975.
602 KAR 1:080	630	Effective April 9, 1975.
602 KAR 10:010	631	Effective April 9, 1975.
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603 KAR 1:010	808	Effective May 14, 1975.
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603 KAR 1:030	809	Effective May 14, 1975.
603 KAR 2:015	809	Effective May 14, 1975.
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603 KAR 3:030	814	Effective May 14, 1975.
603 KAR 3:040	814	Effective May 14, 1975.
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603 KAR 4:015	815	Effective May 14, 1975.
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603 KAR 5:030	66	Effective November 13, 1974.
603 KAR 5:040	152	Effective December 11, 1974.
603 KAR 5:050	815	Effective May 14, 1975.
603 KAR 5:060	815	Effective May 14, 1975.
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603 KAR 5:070	817	Effective May 14, 1975.
603 KAR 5:075	817	Effective May 14, 1975.
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603 KAR 5:090	817	Effective May 14, 1975.
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603 KAR 6:010	66	Effective November 13, 1974.
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603 KAR 6:020	67	Effective November 13, 1974.
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603 KAR 6:029	248	Effective January 8, 1975.
603 KAR 6:030	248	Effective January 8, 1975.
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702 KAR 1:020	68	Effective November 13, 1974.
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702 KAR 1:030	68	Effective November 13, 1974.
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702 KAR 2:020	38	Effective October 2, 1974.
702 KAR 2:030	39	Effective October 2, 1974.
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704 KAR 3:060	75	Effective November 13, 1974.
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704 KAR 3:110	76	Effective November 13, 1974.
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704 KAR 3:140	77	Effective November 13, 1974.
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704 KAR 15:050	492	Effective March 12, 1975.
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704 KAR 20:065	495	Effective March 12, 1975.
704 KAR 20:070	496	Effective March 12, 1975.
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