

# of Kentucky Administrative Register

*Nahel W. Robertson*

VOLUME 2, NUMBER 1

FRIDAY, AUGUST 1, 1975



## IN THIS ISSUE

### SECTION ONE—WHITE PAGES

#### Emergency Regulations In Effect Now:

Department of Personnel .....	1
Department for Human Resources .....	
Bureau for Social Insurance .....	3

#### Amended Regulations:

Department of Personnel .....	5
Teachers' Retirement System .....	7
Department of Revenue .....	8
Executive Department for Finance and Administration .....	8
Board of Ophthalmic Dispensers .....	10
Department for Natural Resources and Environmental Protection .....	
Division of Sanitary Engineering .....	11
Department of Transportation .....	
Division of Aeronautics and Airport Zoning .....	14
Bureau of Highways .....	16
Department of Education .....	
Bureau of Administration and Finance .....	17
Bureau of Instruction .....	17
Bureau of Vocational Education .....	19
Bureau of Rehabilitation Services .....	20
Department of Labor .....	20
Department of Insurance .....	25
Public Service Commission .....	28
Department for Human Resources .....	
Certificate of Need and Licensure Board .....	36

#### Proposed Regulations Received through July 15:

Kentucky Higher Education Assistance Authority .....	55
Executive Department for Finance and Administration .....	60
Board of Hairdressers and Cosmetologists .....	73
Board of Physical Therapy .....	76
Department of Transportation .....	
Bureau of Vehicle Regulation .....	82
Division of Aeronautics and Airport Zoning .....	82
Department of Education .....	
Bureau of Instruction .....	83
Bureau of Vocational Education .....	86
Bureau of Education for Exceptional Children .....	86
Department for Human Resources .....	
Certificate of Need and Licensure Board .....	87
Bureau for Social Insurance .....	97

Minutes of Review Subcommittee Meeting .....	114
--	-----

### SECTION TWO—BLUE PAGES

Regulation Locator—Effective Dates .....	A1
KRS Sections Cited or Related to KAR .....	A3
Index .....	A4

LEGISLATIVE RESEARCH COMMISSION

FRANKFORT, KENTUCKY

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 of Kentucky* is the monthly advance sheets service for the 1976 Edition of KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

**HOW TO CITE:** Cite all material in the *Administrative Register of Kentucky* by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

*KENTUCKY ADMINISTRATIVE REGULATIONS* are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title	Chapter	Regulation
806	KAR	50 : 155
Cabinet, Department, Board or Agency	Bureau, Division or Major Function	Specific Area of Regulation

## *Administrative Register of Kentucky*

© 1975 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Room 300, State Capitol, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$24 per volume of 12 issues, beginning in August and ending with the July issue of the subsequent year.

Second class postage paid at Frankfort, Kentucky.

### KENTUCKY LEGISLATIVE RESEARCH COMMISSION

SENATOR WILLIAM L. SULLIVAN  
President Pro Tem

Co-Chairmen

REPRESENTATIVE NORBERT BLUME  
Speaker

#### Senate Members

TOM GARRETT Majority Floor Leader	JOE GRAVES Minority Caucus Chairman
EUGENE P. STUART Minority Caucus Chairman	WILLIAM GENTRY Majority Whip
JOE STACY Majority Caucus Chairman	DENVER C. KNUCKLES Minority Whip
PAT M. McCUISTON	

#### House Members

JOHN SWINFORD Majority Floor Leader	LARRY J. HOPKINS Minority Caucus Chairman
W. HAROLD DeMARCUS Minority Floor Leader	GEORGE F. HARRIS Majority Whip
W. J. REYNOLDS Majority Caucus Chairman	ARTHUR L. SCHMIDT Minority Whip
	JOSEPH McBRIDE

PHILIP W. CONN, Director

E. HUGH MORRIS, Assistant Director for Publications

### ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

#### Members

SENATOR MICHAEL R. MOLONEY  
Chairman  
REPRESENTATIVE JIM DAVIS  
REPRESENTATIVE BOBBY H. RICHARDSON

#### Staff

Phillip R. Patton, Counsel for the Subcommittee  
Mrs. Mabel D. Robertson, Regulations Compiler  
Mrs. Dollie S. Wilson, Assistant  
Mrs. Deborah Herd, Assistant

# Emergency Regulations

**JULIAN M. CARROLL, GOVERNOR**

Executive Order 75-615

July 1, 1975

## EMERGENCY REGULATION

Department of Personnel

By the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, I, Julian M. Carroll, Governor of the Commonwealth of Kentucky, do hereby direct that the attached amendment to 101 KAR 1:050, as adopted on June 27, 1975, by the State Personnel Board, become effective immediately upon being filed in the Office of the Legislative Research Commission.

**JULIAN M. CARROLL, GOVERNOR**

**THELMA L. STOVALL, Secretary of State**

## SECRETARY OF THE CABINET

Department of Personnel

As Amended

### 101 KAR 1:050E. Compensation plan.

RELATES TO: KRS 18.170, 18.190, 18.210, 18.240

PURSUANT TO: KRS 13.082, 18.170, 18.210

EFFECTIVE: July 7, 1975

EXPIRES: November 5, 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. If such a higher starting rate is established for emergency recruiting purposes, the Commissioner may also,

upon request of the appointing authority, authorize appropriate salary adjustments for employees in the same class of position in the same locality who are already paid at or above the new starting rate, provided that such adjustments do not place an employee's salary above Longevity Step C of the salary range.

- (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 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 (2) or three (3) 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 (1) 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 (1) 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 (1) 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 (1) 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 con-

sideration 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, Commissioner

WILLIAM E. SCENT, Secretary

ADOPTED: June 27, 1975

RECEIVED BY LRC: July 8, 1975 at 3:44 p.m.

**JULIAN M. CARROLL, GOVERNOR**  
Executive Order 75-591  
June 25, 1975

**EMERGENCY REGULATION**  
Department for Human Resources  
Bureau for Social Insurance

WHEREAS, the Department for Human Resources has been delegated responsibility for implementation of a program of Aid to Families with Dependent Children—Unemployed Fathers, as of July 1, 1975; and

WHEREAS, due to the proposed implementation date, the Department for Human Resources is unable to comply

with the normal administrative regulation filing procedures; and

WHEREAS, the Department for Human Resources has determined and finds that an emergency exists and that there is an immediate necessity for the enactment of a regulation to implement the aforementioned program;

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department for Human Resources that an emergency exists and direct that the attached Regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
Bureau for Social Insurance

**904 KAR 2:011E. AFDC unemployed fathers program.**

RELATES TO: KRS 205.222, 205.223

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: June 26, 1974

EXPIRES: October 24, 1974

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer public assistance programs under Title IVA of the Social Security Act. Title IVA provides for inclusion of children of unemployed fathers within the AFDC category at the option of the state. KRS 205.222 and 205.223 provide for a program in respect to children of unemployed fathers to be implemented effective July 1, 1975 upon a finding of the Secretary of the Department that certain conditions in relation to unemployment and funding exist. Inasmuch as such finding has been made, this regulation sets forth the conditions of eligibility specific to cases of needy children of unemployed fathers; hereinafter referred to as AFDC-UF.

Section 1. Regulations of General Applicability: Income and resource limitations as contained in 904 KAR 2:010 and all technical requirements as contained in 904 KAR 2:005, except that section relating to deprivation of parental support, shall be applicable to the AFDC-UF program.

Section 2. Definition of Unemployment: In accordance with 45 C.F.R. section 233.100, to be eligible for AFDC-UF based on unemployment, the natural or adoptive father who is legally married to the mother of the needy child has, for at least thirty (30) days, been:

- (1) Totally unemployed; or
- (2) Employed less than 100 hours a month; or
- (3) Employed more than 100 hours for a particular month but the work is intermittent and the excess is temporary in nature, that is, he was under the 100 hour standard during two (2) prior months and expects to be under the 100 hour standard during the next month; and
- (4) At time of application, prior labor market attachment exists in that:
  - (a) He has earned an income of not less than fifty dollars (\$50) during six (6) or more calendar quarters ending on

## ADMINISTRATIVE REGISTER

March 31, June 30, September 30 or December 31, within any thirteen (13) calendar quarter period ending within one (1) year of application; or

(b) Within twelve (12) months prior to application received unemployment compensation.

(5) Under this definition, the father shall not be considered as unemployed if he is:

(a) Temporarily unemployed due to weather conditions or lack of work if he can anticipate return to work within thirty (30) days; or

(b) On strike; or

(c) A farm owner or tenant farmer, unless he has previously habitually required and secured outside employment and currently is unable to secure outside employment; or

(d) Self-employed and not available for full-time employment.

Section 3. Other Conditions of Eligibility: All unemployed fathers shall:

(1) Register for employment with the Bureau for Manpower Services and/or be certified for participation in the Work Incentive Program.

(2) Accept any bona fide offer of full-time employment or training.

Section 4. Receipt of Unemployment Compensation: AFDC-UF shall not be paid for any month in which the unemployed father receives unemployment compensation but the unemployed father may, at his option, choose to receive AFDC-UF instead of unemployment compensation benefits to which he is otherwise entitled.

Section 5. Reasons for Discontinuance. In addition to technical or financial ineligibility as related to any AFDC case, AFDC-UF shall be discontinued whenever:

(1) The father obtains employment of 100 hours or more per month;

(2) The father begins to receive unemployment benefits;

(3) The father refuses a bona fide offer of suitable employment or training.

(4) Discontinuances under subsection (3) above shall be authorized only when the worker has determined that good cause for refusal did not exist in accordance with the following criteria:

(a) A definite bona fide offer was not made at a minimum wage customary for such work in the community;

(b) The father is unable to engage in such employment or training for mental or physical health reasons;

(c) The father has no way to get to and from the work site or the site is so far removed from the home that commuting time would exceed three (3) hours daily.

(d) Working conditions at such job or training would be a risk to the father's health or safety.

Section 6. Exception to Advance Notice Requirement: Adequate notice of termination, but not necessarily ten (10) days advance notice, shall be provided at the time the recipient father receives unemployment benefits due to the specific limitation of concurrent receipt as contained in 45 C.F.R. section 233.100. All recipients shall be advised of this exception at the time of application and each quarterly review.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 20, 1975

RECEIVED BY LRC: June 26, 1975 at 11:49 a.m.

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

## Amended Regulations

(In order to show the effect of amendments, the original regulation is reprinted with matter being deleted enclosed within brackets and new matter underlined where typewritten, or in italics if typeset.)

SECRETARY OF THE CABINET  
Department of Personnel  
(Proposed Amendment)

### 101 KAR 1:050. Compensation plan.

RELATES TO: KRS 18.170, 18.190, 18.210,  
18.240

PURSUANT TO: KRS 13.082, 18.170, 18.210

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. If such a higher starting rate is established for emergency recruiting purposes, the Commissioner may also, upon request of the appointing authority, authorize appropriate salary adjustments for employees in the same class of position in the same locality who are already paid at or above the new starting rate, provided that such adjustments do not place an employee's salary above Longevity Step C of the salary range.

- (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 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 (2) or three (3) 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 (1) 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 (1) 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 (1) 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 (1) 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, Commissioner

WILLIAM E. SCENT, Secretary

ADOPTED: June 27, 1975

RECEIVED BY LRC: July 8, 1975 at 3:44 p.m.

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

**SECRETARY OF THE CABINET**  
**Kentucky Teachers' Retirement System**  
**(Proposed Amendment)**

**102 KAR 1:120. Voluntary contributions.**

RELATES TO: KRS 161.705

PURSUANT TO: KRS 13.082, 161.310

NECESSITY AND FUNCTION: KRS 161.705 provides that members of the Teachers' Retirement System may make voluntary contributions in excess of the mandatory contributions to the retirement system in order to qualify for additional annuity payments at the time of retirement. This regulation sets out procedures for receiving such contributions and the payment of additional annuities.

Section 1. Interest credited to voluntary accounts made by teachers and boards of education under authority of KRS 161.705, shall be fixed annually by the board of trustees. At the last regular quarterly meeting of the fiscal year, the board of trustees shall fix the interest rate to be credited for the following fiscal year.

Section 2. It is further provided that the board of trustees may not fix a rate lower than "regular interest" as defined in KRS 161.220(13) nor at a rate greater than the average annual yield rate on the "fixed dollar" investments of the retirement system for the previous four (4) quarters. Interest shall be calculated and posted *at the end of each month* [on a monthly basis] with interest being based on the accumulated balance at the beginning of the month concerned, *less any withdrawals made during that month.*

Section 3. In the case of withdrawal or death of the member prior to retirement, the accumulated unmatched voluntary account shall be returned to the named beneficiary or estate as provided in KRS 161.705. If the employer has made contributions for the benefit of a member, such contributions shall be paid to the named beneficiary or the member's estate, except that a refund to the employer shall be made if provided for under an agreement between the member and the employer.

Section 4. Any member who has made voluntary "non-tax deferred" contributions under the provisions of KRS 161.705 may withdraw all or a part of said account, provided that no more than three (3) partial withdrawals may be approved. *Voluntary tax-deferred contributions may be withdrawn, without penalty, in the event of death, disability, retirement, or upon attainment of age sixty (60) years.* Following retirement under the regular retirement system, the member may choose any of the retirement options which may be selected for the regular retirement annuity or payment through no more than two (2) lump sum withdrawals. The member may defer payments from this account beyond the regular retirement date, but shall be limited to the option set out above upon electing to receive benefit payments.

TED L. CROSTHWAIT, Executive Secretary

ADOPTED: June 16, 1975

RECEIVED BY LRC: June 18, 1975 at 3:43 p.m.

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

**SECRETARY OF THE CABINET**  
**Kentucky Teachers' Retirement System**  
**(Proposed Amendment)**

**102 KAR 1:135. Interest credited to accounts.**

RELATES TO: KRS 161.440, 161.580

PURSUANT TO: KRS 13.082, 161.310

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

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

Section 2. For purposes of this regulation "active status"

## ADMINISTRATIVE REGISTER

shall be defined as that time during which the member has valid service credit with the retirement system.

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

*Section 4. Regular interest shall be assigned from the Guarantee Fund to each of the other funds, except the Expense Fund, at the end of each fiscal year. Interest shall be assigned to individual funds as follows:*

*(1) The Teachers' Savings Fund and the State Accumulation Fund shall be assigned equal amounts of interest in accordance with the procedures described in Sections 1, 2, and 3 of this regulation.*

*(2) The Voluntary Fund shall be assigned interest in accordance with Regulation 102 KAR 1:120.*

*(3) All other funds, except the Expense Fund, shall be assigned interest based upon the average month end balance of the fund for the fiscal year in question.*

TED L. CROSTHWAIT, Executive Secretary

ADOPTED: June 16, 1975

RECEIVED BY LRC: June 18, 1975 at 3:42 p.m.

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

**SECRETARY OF THE CABINET**  
**Department of Revenue**  
**(Proposed Amendment)**

**103 KAR 27:100. Motor vehicles, motor homes and trailers.**

RELATES TO: KRS 139.050, 139.130

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To interpret the sales and use tax law as it applies to sales of motor vehicles, mobile homes and trailers.

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

Section 2. Gross receipts from sales of motor vehicles, including motorcycles, which are subject to the motor vehicle usage tax (103 KAR 44:010) levied by KRS 138.460(1) are not subject to sales or use tax. Motor vehicle means any vehicle that is propelled by other than muscular power and that is used for transportation of persons or property over the public highways of the state, except road rollers, vehicles that travel exclusively on rails, and vehicles propelled by electric power obtained from overhead wires.

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

MAURICE P. CARPENTER, Commissioner

ADOPTED: June 10, 1975

APPROVED: WILLIAM E. SCENT, Secretary

RECEIVED BY LRC: July 10, 1975 at 3:28 p.m.

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

**EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION**  
**(Proposed Amendment)**

**200 KAR 4:010. Expenditure of funds.**

RELATES TO: KRS Chapter 42

PURSUANT TO: KRS 13.085, 42.300, 42.310

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;
- (e) Other construction, reconstruction and renovation projects of publicly owned facilities in the county; including without limitation to the generality thereof, construction, reconstruction and maintenance of roads and bridges, sewer and water projects [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, together 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: July 9, 1975

RECEIVED BY LRC: July 11, 1975 at 8:25 a.m.

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

(The following three regulations, published originally in the April, 1975 issue of the Register [1 Ky.R. 722-723], were amended to meet objections of the Administrative Regulation Review Subcommittee. The three regulations, as amended, were approved by the Subcommittee at its July 2, 1975 meeting and became effective on that date.)

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Ophthalmic Dispensers  
As Amended

201 KAR 13:030. Contact lens fitting.

RELATES TO: KRS 326.060 [326.020]

PURSUANT TO: KRS 13.082, 326.020(3)

SUPERSEDES: OD-5

EFFECTIVE: July 2, 1975

NECESSITY AND FUNCTION: Procedures and policies regarding fitting of contact lenses.

Section 1. (1) The fitting of contact lenses is a function of ophthalmic dispensing as outlined in KRS 326.060 [326.020], and an ophthalmic dispenser's license shall be required of any person who fits contact lenses except as specified in KRS 326.070(4).

(2) Contact lenses shall be furnished only upon prescription from a physician, osteopath or optometrist and under no circumstances shall the dispenser neutralize the customer's lenses to arrive at the prescription unless authorized to do so by

the physician, osteopath or optometrist.

(3) Trial lenses or sample contact lenses shall not be inserted into the eye or eyes of a person for the purpose of demonstrating, measuring or for trial or for any other purpose incident to the fitting of contact lenses unless authorized to do so by a physician, osteopath or optometrist.

[(4)] In all cases of contact lens fitting, the patient shall be instructed to return to the physician, osteopath or optometrist who prescribed the lenses for final check upon completion of the fitting.]

(4) [(5)] It shall be the exclusive prerogative of the prescribing physician, osteopath, or optometrist, as set out in KRS 326.010, to determine whether contact lenses are superior to other forms of visual aid glasses.

(5) [(6)] Since contact lens fitting is only one part of the ophthalmic dispensing procedure, the board will not consider an application for an apprentice license under 201 KAR 13:050 for any person working exclusively in contact lenses. All persons desiring to engage in contact lens fitting shall qualify as an ophthalmic dispenser under KRS 326.030 and be licensed by this board as such.

FRANK B. SANNING, Chairman

ADOPTED: May 27, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 20, 1975 at 1:32 p.m.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Ophthalmic Dispensers  
As Amended

201 KAR 13:040. Licensing; application, examination; temporary permit.

RELATES TO: KRS 326.020

PURSUANT TO: KRS 13.082, 326.020(3)

SUPERSEDES: OD-3-1, 3-2, 3-3, OD-4

EFFECTIVE: July 2, 1975

NECESSITY AND FUNCTION: To provide for the licensure of ophthalmic dispensers, apprentice ophthalmic dispensers, and temporary permits; specification of requirements for licensure and applications for licenses.

Section 1. Application for License. (1) Any person wishing to obtain the right to practice the vocation of dispensing optician, under KRS Chapter 326, shall make application to the Kentucky Board of Ophthalmic Dispensers upon Form O.D. No. 3-1, adopted by the board May 17, 1966, herein filed by reference; and shall obtain a license from the board permitting him to do so. Unless such person shall have obtained a license as above stated, it shall be unlawful for him to engage in the vocation of dispensing optician within the state of Kentucky, and he shall be subject to the penalties prescribed under the statute. The board shall admit to examination any candidate who pays the required fee of twenty-five dollars (\$25) and who submits satisfactory evidence to the board, under oath, that he qualifies under the rules and regulations adopted by the board.

(2) The applicant must be eighteen (18) [twenty-one (21)] years of age; of good moral character; a citizen of the United States; and must have completed at least two (2) years of satisfactory training and experience in ophthalmic dispensing under the supervision of a licensed ophthalmic dispenser, licensed physician, osteopath or optometrist, or be a graduate of an accepted school of ophthalmic dispensing. Such two (2) years of training and experience must be as a licensed apprentice as hereinafter mentioned unless it is clearly shown to the satisfaction of the board, in its sole discretion, that the training and experience of the applicant is otherwise satisfactory; provided, however, that any time spent in a recognized school for ophthalmic dispensing or in an optical laboratory as an ophthalmic technician may, at the discretion of the board, be considered as a

part of the two (2) years of satisfactory training and experience.

(3) Applicants for examination may be examined by the board upon matters pertaining to mathematics and physics, ophthalmic materials and laboratory techniques, ophthalmic optics, ophthalmic dispensing and practical subjects. When any applicant passes the necessary examination and meets the qualifications as set forth, the board shall issue a license to such person to engage in the vocation of dispensing optician within the state of Kentucky. Such license shall be subject to renewal on December 31 of each year, upon renewal application Form No. 2, herein filed by reference; and upon the payment of the required fee of ten dollars (\$10), wherein a renewal certificate will be issued.

Section 2. Apprentice License Application. For the encouragement and protection of those desiring to enter the vocation of ophthalmic dispensing as defined by KRS Chapter 326, the board has provided an apprentice training program. Applicants for apprentice licenses shall use the same form provided for other applicants in Section 1, and shall answer all questions except Sections three (3) and seven (7), A, B, C. All other questions must be filled out and the applicant must show good faith of his intention to learn the vocation of ophthalmic dispensing; that he intends to apply himself to the subject; and that at the earliest date after the expiration of two (2) years apprenticeship training, he intends to apply to the board for examination to be licensed as an ophthalmic dispenser. Since this program is designed to encourage apprenticeship training and the development of highly skilled and well qualified ophthalmic dispensers, the board will limit the number of apprentices to not more than one (1) apprentice to each active registered ophthalmic dispenser in each establishment.

Section 3. Temporary Permit Application. The board may issue a temporary permit to qualified ophthalmic dispensers, who otherwise would qualify for a license but are in the state on a temporary basis or who have not yet had an opportunity to take an examination to procure a license and whose immediate employment depends upon being licensed by the board. Applicants for temporary permits shall use the same form provided for other applicants in Section 1, and shall answer only Sections seven (7) and eight (8). The permit shall be valid only until the next regular examination date and in no case shall exceed six (6) months following date of issuance. The fee for a temporary permit shall be ten dollars (\$10), which amount shall accompany the application.

Section 4. Board Action, Notification. (1) The board will act only upon those applications which are completely and properly filled out by the applicant. Each applicant must enclose the prescribed license fee in the form of a check or money order made payable to the Commonwealth of Kentucky State Treasurer.

(2) Applicants will be notified of the action of the board; and, if favorable, when and where the examination will be held.

FRANK B. SANNING, Chairman

ADOPTED: May 27, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 20, 1975 at 1:32 p.m.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION  
Kentucky Board of Ophthalmic Dispensers  
As Amended

201 KAR 13:060. Military service; reciprocity.

RELATES TO: KRS 326.020

PURSUANT TO: KRS 13.082, 326.020(3)

SUPERSEDES: OD-1(18. and 19.)

EFFECTIVE: July 2, 1975

NECESSITY AND FUNCTION: To provide for necessity of renewal of licenses by members of the military service and to provide reciprocity between the states.

Section 1. Any license holder who is in the military service is exempt from renewing his license until he is honorably discharged from the service.

Section 2. (1) Any citizen of the United States who has been issued a license by the appropriate authority of their state to practice ophthalmic dispensing and who has been actively engaged in the active practice of ophthalmic dispensing for two (2) years, next preceding his application may be licensed by the Kentucky Board of Ophthalmic Dispensers without examination and without having spent two (2) years as an apprentice under the supervision of an ophthalmic dispenser, physician, osteopath or optometrist; provided, however, that his qualifications for licensing in his state were at the time of the issuance of said license equal to or higher than those requirements for the issuance of a license in the State of Kentucky.

(2) The foreign applicant shall file with the Kentucky Board of Ophthalmic Dispensers on the form provided for licensing, such information as shall be required thereon, together with a fee of twenty-five dollars (\$25) [fifty dollars (\$50)], no part of which shall be returned; and shall file with the said board three (3) affidavits attesting to the good moral character of said applicant.

(3) The board in its discretion may require the personal attendance of the applicant before it or one of its members to interrogate him in such way and manner as is desired to finally ascertain his fitness for licensing in this state.

FRANK B. SANNING, Chairman

ADOPTED: May 27, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 20, 1975 at 1:33 p.m.

DEPARTMENT FOR NATURAL RESOURCES  
AND ENVIRONMENTAL PROTECTION  
Bureau of Environmental Quality  
Division of Sanitary Engineering  
(Proposed Amendment)

401 KAR 6:040. Treatment plants; distribution systems; certification of plant operators.

RELATES: KRS Chapter 223, KRS 224.135

PURSUANT TO: KRS 13.082, 224.033(17), 223.200 and Executive Orders 73-221 and 74-449

SUPERSEDES: S-ENG-4-1

NECESSITY AND FUNCTION: The secretary is directed to adopt regulations applicable to certification of water and wastewater treatment operators. This regulation establishes standards for classification of water treatment plants, water distribution systems and wastewater treatment plants; qualifications of applicants; examination procedures; duties of the board; and, provisions relating to the issuance, renewal or revocation of certificates, fee schedule and other provisions necessary for certification of operators. Amendment necessary to clarify classification.

Section 1. Definitions. The following terms

shall have the meanings set forth below unless the context clearly indicates otherwise:

(1) "Board" shall be the Kentucky Board of Certification of Water Treatment Plant, Water Distribution System and Wastewater Treatment Plant Operators.

(2) "Department" shall be the Kentucky Department for Natural Resources and Environmental Protection.

(3) "Secretary" shall be the Secretary of the Department.

(4) "Certificate" shall mean a certificate of competency issued by the secretary stating that the operator has met all requirements for the specified operator classification as set by this regulation.

(5) "Operator" shall mean the person in responsible charge of the direct operation of a water supply system or wastewater system or any portion thereof which may affect the performance of the system or the quality of the water or the effluent produced by such system.

(6) "Responsible charge" shall mean having the authority to conduct or supervise the procedures and practices necessary to insure that the water supply system or wastewater system or any portion thereof is operated in accordance with accepted practice and laws and regulations of the Commonwealth.

(7) "Water supply system" shall mean the source of supply and all structures and appurtenances used for the collection, treatment, storage and distribution of water for a public water supply.

(8) "Public water supply" means any water supply serving the public irrespective of its ownership or operation and made available for drinking and/or domestic use including all community supplies which serve ten (10) or more homes or forty (40) or more residents; any other supply distributing more than 5,000 gallons per day for drinking and/or domestic use at peak demand.

(9) "Water treatment plant" shall mean that portion of the water supply system which is designed to alter either the physical, chemical or bacteriological quality of the water.

(10) "Water distribution system" shall mean the portion of the water supply system in which water is conveyed from the water treatment plant or other supply point to the premises of a consumer.

(11) "Wastewater system" shall mean the system of pipes, structures, equipment and processes required to collect, carry and treat domestic and/or industrial wastewater, including solids handling.

(12) "Wastewater treatment plant" shall mean that portion of the wastewater system used in the treatment of domestic and/or industrial wastewater, including solids handling.

(13) "Association of Boards of Certification for Operating Personnel in Water and Wastewater Utilities (ABC)" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of water supply and wastewater systems and state programs, and assists authorities in establishing new certification programs and upgrading existing ones.

Section 2. Duties of the Board. In carrying out its responsibilities the board shall:

(1) Examine the qualifications of applicants for certification.

(2) Recommend qualified applicants for certification by the department.

(3) Maintain records of operator qualifications, certification and register of certified operators.

Section 3. Application for Certification. (1) An operator desiring to be certified shall file application with the board preceding examination on an application form provided by the board.

(2) The executive secretary and treasurer of the board shall assemble all the information needed by the board to determine eligibility of the applicant for examination and certification.

(3) The board shall review applications and supporting documents, determine the eligibility of the applicant for examination and notify him of his status.

Section 4. Examinations. (1) The board and department shall be jointly responsible for preparation of the examinations to be used in determining knowledge, ability and judgment of the applicants. The examination questions promulgated by the ABC shall be used as a guideline.

(2) Examinations shall be held at places and times set by the board, with suitable method of advance announcements made by the board. They shall be conducted at least semiannually.

(3) Except in such cases as the board may decide represent proper exceptions, all examinations shall be written. All examinations will be graded by the board, or by the department and the applicant notified of the outcome. Papers will not be returned to the applicant, but means will be provided to review the results with a member of the board or department on request by the applicant.

(4) Separate examinations will be prepared to cover basic differences in the duties and responsibilities of operators, types of facilities, variations in wastewater quality, conditions of receiving waters and other pertinent matters.

(5) Applicants who fail to pass an examination may repeat the examination at the subsequent regularly scheduled examination.

Section 5. Fees. (1) Fees for certification of water treatment plant and water distribution system applicants shall be the following:

(a) Initial certification with examination: \$10.

(b) Certification by reciprocity: \$10.

(c) Re-examination for a new certificate or to make-up for failure to pass an examination: \$8.

(d) Reinstatement of a lapsed certificate: \$10.

(e) Annual renewal of certificate: \$4.

(2) Fees accompanying applications will not be returned to those who do not qualify for a certificate.

(3) No fees are required for operators of wastewater systems.

Section 6. Issuance of Certificates. (1) Upon satisfactory fulfillment of the requirements provided herein and upon recommendation of the board of certification, the department shall issue a suitable certificate to the applicant designating his competency. This certificate will indicate the classification of the water treatment plant, water distribution system, or wastewater treatment plant for which the operator is qualified.

(2) Certificates shall be valid for one (1) year unless revoked for cause or replaced by one of a higher classification. Certificates of operators in good standing will be renewed annually, upon written application and submission of applicable renewal fee, without examination. No renewal fee

is required for operators of wastewater systems.

(3) Certified operators who desire to become certified in a higher classification must satisfactorily complete the requirements before a new certificate is issued.

(4) Certificates shall be valid only so long as the holder uses reasonable care, judgment and application of his knowledge in the performance of his duties. No certificate will be valid if obtained through fraud, deceit or the submission of inaccurate data on qualifications.

(5) The certificates of operators who terminate their employment at a water treatment plant, water distribution system or wastewater treatment plant will be valid for five (5) years providing they are renewed as required by Section 6(2). After five (5) years, the certificate will be automatically invalidated. Operators whose certificates are invalidated may be issued new certificates of like classification provided appropriate proof of compe-

tency is presented to the department. Successful completion of an examination may be required at the discretion of the department.

(6) Certificates may be issued, without examination, in a comparable classification to any person who holds a certificate in any state, territory, or possession of the United States or any country provided the requirements for certification of operators under which the person's certificate was issued do not conflict with any provisions of KRS Chapters 223 and 224 and are of a standard not lower than that specified by regulations adopted under said chapters; and, providing further, that reciprocal privileges are granted to certified operators of this state.

(7) Certificates shall be prominently displayed in the office of the operator.

(8) Certificates heretofore issued by the department shall continue in full force and effect, unless revoked for cause, until such time as the department issues new certificates based upon the new classifications provided herein.

**Section 7. Revocation of Certificates.** The department may revoke the certificate of an operator, following a hearing before the department or its designated representative, when it is found that the operator has practiced fraud or deception; that reasonable care, judgment or the application of his knowledge was not used in the performance of his duties; or that the operator is incompetent or unable to properly perform his duties.

**Section 8. Classification of Water Treatment Plants and Water Distribution Systems.** (1) Classification shall be generally in accordance with the following four (4) classes except that the department may make changes in classification in accordance with the needs created by particular complexities of any specific plant or distribution system by reason of special features of design, or by reason of a source of supply which is particularly hazardous, or characteristics which make operation more difficult than normal, or a combination of such conditions. Due notice of any such change shall be given to the owner of the water treatment plant and/or water distribution system.

- (a) Class I:
  1. (Class IA) All plants using physical treatment and disinfection and serving a population less than 500.
  2. (Class IB) All plants using disinfection and serving a population less than 500.
- (b) Class II:
  1. (Class IIA) All plants using physical and chemical treatment including chemical coagulation and/or water softening processes, filtration and disinfection and serving a population less than 3,000.
  2. (Class IIB) All plants using physical treatment and disinfection and serving a population equal to or greater than 500 and less than 3,000.
  3. (Class IIC) All plants using disinfection and serving a population equal to or greater than 500 and less than 3,000.
- (c) Class III:
  1. (Class IIIA) All plants using physical and chemical treatment including chemical coagulation and/or water softening processes, filtration and disinfection and serving a population equal to or greater than 3,000 and less than 15,000.
  2. (Class IIIB) All plants using physical treatment and disinfection and serving a population equal to or greater than 3,000.
  3. (Class IIIC) All plants using disinfection and serving a population equal to or greater than 3,000.
- (d) Class IV: All plants using physical and chemical treatment including chemical coagulation and/or water softening processes, filtration and disinfection and serving a population equal to or

greater than 15,000.

(2) Water distribution system:

- (a) Class I: All distribution systems serving a population less than or equal to 1,500.
- (b) Class II: All distribution systems serving a population greater than 1,500 and less than or equal to 15,000.
- (c) Class III: All distribution systems serving a population greater than 15,000 and less than or equal to 50,000.
- (d) Class IV: All distribution systems serving a population greater than 50,000.

(3) Special designation/s may be added to any certificate when found necessary to show competency of the operator for a parameter of treatment or operation not covered by the basic requirements for the standard classifications contained herein.

**Section 9. Classification of Wastewater Treatment Plants.** (1) Wastewater treatment plants shall be classified in one (1) of four (4) classes. These classifications shall be made according to population served, type of work, character and volume of wastes to be treated, and the use and nature of the water resources receiving the plant effluent. Classifications shall be based on the population served or for which the plant is designed except that plants may be classified in a group higher than indicated at the discretion of the department by reason of the incorporation in the plant of special features of design or characteristics more difficult to operate than usual, or by reason of conditions of flow or use of the receiving water requiring an unusually high degree of plant operation control, or for combinations of such conditions or circumstances.

- (a) Class I: Plants serving a population of less than 2,000.
- (b) Class II: Plants serving a population between 2,000 and 10,000.
- (c) Class III: Plants serving a population between 10,000 and 40,000.
- (d) Class IV: Plants serving a population in excess of 40,000.

(2) Classification of any treatment plant may be changed at the discretion of the department by reason of changes in any condition or circumstance on which the original classification was predicated. Due notice of any change shall be given to the owner of the treatment plant.

(3) Special designation(s) may be added to any certificate when found necessary to show competency of the operator for a parameter of treatment or operation not covered by the basic requirements for the standard classifications contained herein.

**Section 10. Classification of Water Treatment Plant, Wastewater Treatment Plant and Water Distribution System Operators.** Four (4) classes of operators are hereby established and shall range from Class I through Class IV. Each operator classification is intended to relate directly to the corresponding classification of water treatment plant, wastewater treatment plant or water distribution system.

**Section 11. Operator Qualifications: Experience, Education and Equivalencies.** (1) Operators shall be examined by the board as to education, experience, and knowledge as related to the classification of plants or distribution systems for which examined. Applicants shall be required further to give evidence of good moral character, dependability, initiative, interest in his work, and other pertinent characteristics in relation to operation of the class water or wastewater facility for which certification is being applied. Applicants must pass the required written examination.

(2) Experience and educational requirements of operators shall be as follows:

- (a) Class I:
  1. Completion of high school or equivalent; and
  2. One (1) year of acceptable operation of

## ADMINISTRATIVE REGISTER

(9) Name of the nearest public airport or aircraft landing area.

(10) Distance and direction from the boundary of the nearest public airport or aircraft landing area.

(11) The date the proposed construction or alteration of a structure is to commence and the date that work will be completed.

(12) The over-all height in feet of the completed structure above the ground level or the mean water level.

(13) The applicant should state whether the subject structure will be marked in accordance with the applicable provisions of 602 KAR 50:100, Section 1, and whether the subject structure will be lighted in accordance with the provisions of 602 KAR 50:100, Section 1.

(14) State whether "Notice of Construction or Alteration" (Form 7460-1) has been filed with the Federal Aviation Administration for airspace clearance and the date of filing.

(15) Certification by the applicant that all statements in the application are true, complete and correct to the best of the applicant's knowledge and belief.

(16) The signature and title of the applicant authorized to make the application and certification with the date of the signing thereof.

(17) The form prepared by the administrator shall also include a space for the use of the commission which indicates whether the application was approved or disapproved, date thereof, and the signature of the chairman.

Section 3. There shall be attached to the "Application for Permit to Alter or Construct a Structure:"

(1) A 7.5 minute quadrangle topographical map prepared by the U. S. Geological Survey and the Kentucky Geological Survey with the location of the structure which is the subject of the application indicated thereon. (The 7.5 minute quadrangle may be obtained from the Kentucky Geological Survey, Department of Mines and Minerals, Lexington, Kentucky 40506.)

(2) Copies of Federal Aviation Administration Applications (FAA Form 7460-1) or any orders issued by and received from the Chief Traffic Branch, FAA area office.

(3) If the applicant has indicated on the application that the structure will not be marked or lighted in accordance with the regulations of the commission, the applicant shall attach a written [his] request for a determination by the commission that the marking and lighting is not necessary. [, and the] The applicant shall specifically state the reasons that absence of marking and lighting will not impair the safety of air navigation.

(4) If the structure to be constructed or altered is for the purpose of radio transmitting, then the applicant shall attach a true copy of the application for a license from the Federal Communications Commission.

JOHN C. ROBERTS, Chairman  
Kentucky Airport Zoning Commission  
Secretary, Department of Transportation

ADOPTED: July 9, 1975

RECEIVED BY LRC: July 15, 1975 at 3:56 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary, Department of Transportation,  
State Office Building, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Division of Aeronautics and Airport Zoning  
Kentucky Airport Zoning Commission  
(Proposed Amendment)

602 KAR 50:100. Marking and lighting obstruction standards.

RELATES TO: KRS 183.861 to 183.990

PURSUANT TO: KRS 13.082, 183.861

SUPERSEDES: KAV-17

NECESSITY AND FUNCTION: To describe the standards for the marking and lighting of obstructions as official policy of the Kentucky Airport Zoning Commission in order to provide the most effective means of indicating the presence of obstructions to pilots, in accordance with the commission's responsibility to promote the safety of air commerce.

Section 1. (1) The Advisory Circular No. 70/7460-1D [70/7460-1C] dated April 18, 1975 [December 11, 1973], Obstruction Marking and Lighting, issued by the Federal Aviation Administration, is hereby adopted and incorporated by reference except as otherwise provided in the regulations of the commission.

(2) The above mentioned material[,] has been published by Federal Aviation Administration and may be obtained from the Administrator, Kentucky Airport Zoning Commission, Frankfort, Kentucky 40601.

Section 2. Every person who is issued a permit to alter or construct a structure is required to mark and light the structure in accordance with the applicable standards described in Section 1 above, unless the commission determines that the absence of such marking and lighting will not impair the safety of air navigation.

Section 3. The determination that the absence of marking and lighting of a structure will not impair the safety of air navigation shall not be made by the commission unless the applicant for a permit to alter or construct a structure requests such a determination at the time of filing of an application. Otherwise, the marking and lighting standards described in Section 1 shall be mandatory.

JOHN C. ROBERTS, Chairman  
Kentucky Airport Zoning Commission;  
Secretary, Department of Transportation  
ADOPTED: July 9, 1975  
RECEIVED BY LRC: July 15, 1975 at 3:57 p.m.

SUBMIT COMMIT OR REQUEST FOR HEARING  
TO: Secretary, Department of Transportation,  
State Office Building, Frankfort, Kentucky 40601.

DEPARTMENT OF TRANSPORTATION  
Bureau of Highways  
(Proposed Amendment)

603 KAR 5:095. Truckway classifications.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 174.050, 189.222

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable weight and dimension limits on all highways included in the State Primary Road System. This regulation is adopted to identify those portions of the highway system affected and indicate their classification.

Section 1. The classifications for KY 18 are amended to read as follows:

KY	18	<u>AAA</u>	From: Jct. KY 20, 0.7 mile North of Belleview
		To: Jct. I-75 in Florence	
AA		From: Jct. I-75 in Florence [US 25 at Florence]	
		To: Jct. US 25 in Florence [KY 20 near Belleview]	
B		All other portions not herein classified.	

Section 2. The classifications for KY 144 are amended to read as follows:

- KY 144 AAA From: Jct. US 31W at Radcliff  
To: Jct. KY 1500 in Vine Grove  
[Jct. with US 60]
- A From: Jct. US 60, 3.0 miles east of [near] Cloverport  
To: Jct. KY 376 at Frymire in Breckinridge County [Frymire at 376]
- and From: Jct. [with] KY 376 At Payneville in Meade County  
To: Jct. KY 79, 3.1 miles S.W. of Brandenburg [Jct. with KY 448]
- and From: Jct. [with] KY 710, 1.0 mile W. of Ekron in Meade County  
To: Jct. KY 448 near Buck Grove [east of Brandenburg]
- B All other portions not herein classified.

Section 3. The classifications for KY 213 are amended to read as follows:

- KY 213 AAA From: The Mountain Parkway at Stanton  
To: Jct. with US 460 at Jeffersonville
- [AAA From: The Mountain Parkway at Stanton  
To: A point 2.5 miles north of the Parkway]
- [AA From: A point 2.5 miles north of the Mountain Parkway  
To: Jct. with US 460 at Jeffersonville]
- B All other portions not herein classified.

Section 4. The classifications for KY 1412 are as follows:

- KY 1412 AAA From: Jct. US 431, approximately 1.0 mile south of Livermore in McLean County  
To: A point 0.6 mile east of US 431
- B All other portions not herein classified.

Section 5. The classification for KY 1793 is amended to read as follows:

- KY 1793 AAA From: Jct. US 42, 1.2 miles S.W. of Goshen  
To: Jct. CR 1321 (Rose Island Road) near Harmony Village
- [A From: Jct. with US 42, 0.5 mile southwest of Goshen  
To: Belknap Beach Road (Jefferson County)]
- B All other portions not herein classified.

ADOPTED: July 2, 1975 JOHN C. ROBERTS, Secretary  
RECEIVED BY LRC: July 15, 1975 at 1:44 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Dandridge F. Walton, Deputy Secretary for Legal Affairs, Department of Transportation, Frankfort, Kentucky 40601.

(The following regulation was published originally in the September, 1974 Register [1 Ky.R. 37] and was amended by the issuing agency to meet objections of the Administrative Regulation Review Subcommittee. The regulation, as amended, was approved by the Subcommittee at its July 2, 1975 meeting and became effective on that date.)

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Administration and Finance  
As Amended

702 KAR 1:010. Facilities survey.

RELATES TO: KRS 157.420(3)  
PURSUANT TO: KRS 156.070, 156.160, and 13.082  
EFFECTIVE: July 2, 1975  
SUPERSEDES: SBE 8.305, SBE 8.310, SBE 8.315, SBE 8.320, SBE 8.325, SBE 8.330, SBE 8.335, and SBE 8.340  
NECESSITY AND FUNCTION: To provide a written plan describing construction and use of school

facilities to guide school administrators in meeting the needs of the district.

Section 1. The Superintendent of Public Instruction shall conduct or cause to be conducted a facilities survey of each school district at least every five (5) years, and shall deliver to the local board of education a report which contains an assessment of existing conditions; and a recommended facilities plan which designates an organizational pattern, classification of school centers, and a priority schedule for construction needs.

Section 2. Recommendations of a facilities survey report shall become the adopted facilities plan for the district unless an appeal is submitted to the Superintendent of Public Instruction within sixty (60) days following receipt of the facilities survey report. All appeals shall include a full facilities plan with a priority listing of construction needs.

Section 3. The Superintendent of Public Instruction shall review and report to the local board of education within a period of thirty (30) days the acceptability of the proposal contained in the appeal.

Section 4. In the event an impasse exists one hundred and twenty (120) days following the delivery of the report to the local district, the Superintendent of Public Instruction shall advise the local board of education of its right to employ at local expense, a reputable agency to conduct a facilities survey. Such alternative facilities survey shall contain a full facilities plan with priority listing for construction, and will be taken under advisement by the Superintendent of Public Instruction in determining a final plan for the district.

Section 5. Once a five-year plan has been adopted, upon receipt of written evidence that circumstances exist which necessitate temporary or permanent suspension or alteration of the adopted plan, the Superintendent of Public Instruction shall conduct a review of the district, and issue an appropriate amendment to the adopted plan. [And alteration of the adopted plan resulting from a review by the Department of Education shall be made by the issuance of an amendment to the original report.]

Section 6. The adopted plan shall be implemented by the local board of education to the extent that the financial ability of the district will permit. [Failure by a local board of education to implement an approved plan shall be cause for withholding Foundation Program Capital Outlay Funds from the district.]

LYMAN V. GINGER  
Superintendent of Public Instruction  
ADOPTED: February 11, 1975  
RECEIVED BY LRC: June 27, 1975 at 11:35 a.m.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(Proposed Amendment)

704 KAR 20:130. Guidance counselors.

RELATES TO: KRS 161.020, 161.025, 161.030  
PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160  
SUPERSEDES: SBE 42.381  
NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on

Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) An endorsement as provisional certification for the position of guidance counselor shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds certification as an elementary or secondary teacher and has completed at least one (1) year of full-time classroom teaching experience and who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The endorsement as provisional certification for the position of guidance counselor shall be valid for the same grade levels as the teaching certificate used as the base for the endorsement. Applicants using an elementary school certificate as the base shall follow the curriculum emphasis provided for the elementary level and applicants using a secondary teaching certificate as the base shall follow the curriculum emphasis provided for the secondary level as provided in the state plan.

(3) The endorsement as provisional certification for the position of guidance counselor shall have a duration period of five (5) years and may be renewed upon completion of a minimum of eight (8) semester hours of graduate credit every five (5) years selected from the program leading to the standard guidance certificate.

Section 2. (1) The standard guidance certificate shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed at least one (1) year of experience as a full-time guidance counselor with provisional certification as a guidance counselor and who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The duration period for the standard guidance certificate shall be for continuing service.

Section 3. Certification for the position of guidance counselor issued prior to September 1, 1970, and based on preparation programs described under SBE 42.380 of former regulations may be renewed under the following provisions:

(1) Provisional certification issued initially for a period of ten (10) years may be renewed for each ten (10) year period on the basis of three (3) years experience as a guidance counselor.

(2) Provisional certification issued initially for a period of ten (10) years may be renewed for the next five (5) year period on three (3) years experience as a teacher or as a guidance counselor completed during the ten (10) years of initial issuance; for each five (5) year renewal period thereafter a minimum of eight (8) semester hours graduate credit shall be required selected from a program leading to the Standard Guidance Certificate.

LYMAN V. GINGER

Superintendent of Public Instruction  
ADOPTED: June 18, 1975  
RECEIVED BY LRC: June 27, 1975 at 11:38 a.m.

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

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Instruction  
(Proposed Amendment)

704 KAR 20:205. Special education teachers.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

SUPERSEDES: SBE 42.420, 42.441, 42.444, 42.446, 42.448

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. Special education certification for teachers of exceptional children shall be identified by the designation "special education" followed by the designation of the particular category of exceptionality for which the program of preparation is designed. The separate special education categories of exceptionality for teacher certification purposes are designated as follows:

- (1) Special Education--Educable mentally retarded;
- (2) Special Education--Trainable mentally retarded;
- (3) Special Education--Orthopedically handicapped;
- (4) Special Education--Partially seeing;
- (5) Special Education--Blind;
- (6) Special Education--Hard of hearing;
- (7) Special Education--Deaf;
- (8) Special Education--Neurologically impaired;
- (9) Special Education--Emotionally disturbed;
- (10) Special Education--Speech and hearing.

Section 2. (1) The basic pattern of preparation for special education teachers of exceptional children shall be preparation for one of the designated special education categories of exceptionality listed in Section 1 and also preparation for regular classroom teaching at either the elementary, junior high, or high school level.

(2) As an alternate pattern for the category of "Special Education--Speech and Hearing" the preparation program may be made up of a four (4) year program with a Bachelor's degree which includes the General Education Component and the Component for Special Education--Speech and Hearing; however, the validity of a certificate based upon this alternate program shall be limited to teaching only in the special education assignment corresponding to the preparation and not for regular classroom teaching.

Section 3. Certification as a teacher of exceptional children shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed an approved program of preparation for either the provisional elementary certificate, the junior high school certificate, or the provisional high school certificate, and who has also completed

the corresponding approved program of preparation for a designated category of special education at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 4. The standard certificate for special education shall be issued initially for a duration period of ten (10) years and shall be extended for life upon three (3) years of successful teaching experience on a regular teaching certificate completed prior to the expiration of the certificate. If the requirements for life extension have not been completed by the end of the ten (10) year period, the certificate may be renewed at the end of each ten (10) year period upon completion of two (2) years of successful teaching experience or upon six (6) semester hours graduate credit for each of the years required experience.

Section 5. Provisional certification for special education shall be issued as an endorsement to the base classroom teaching certificate for a duration period coinciding with that of the base certificate.

Section 6. (1) Effective with the preparation programs completed after September 1, 1975, certification for teaching special education shall be valid for teaching in the grades and subjects covered by the regular classroom teacher preparation program used as the base, and for teaching the designated special education category in the same grades as the base program, that is: elementary, grades one (1) through eight (8); junior high school, grades five (5) through nine (9); and high school, grades seven (7) through twelve (12).

(2) Effective for preparation programs completed prior to September 1, 1975, certification for teaching special education shall be valid for teaching in the grades and subjects covered by the regular classroom teacher preparation program used as the base, and for teaching the designated special education category in grades one (1) through twelve (12).

(3) As an exception, certification for the category of "Special Education--Speech and Hearing" shall be valid for grades K through twelve (12) for the special education assignment.

Section 7. (1) A certificate endorsement for teaching a specific category of special education for one (1) year shall be issued to an applicant who holds a regular classroom teaching certificate and who has completed at least six (6) semester hours credit from the approved preparation program for the corresponding special education category.

(2) The endorsement shall be valid for teaching the specific special education category in the same grades covered by the certificate used as the base for the endorsement.

(3) Subsequent one (1) year endorsements shall be issued to the applicant upon completion each year of an additional six (6) semester hours credit selected from the approved preparation program for the specific special education category.

(4) As a prerequisite for issuing a one (1) year endorsement for the category "Special Education--Speech and Hearing" the application shall be accompanied by a statement from the local board of education and the superintendent of the local school district declaring that an emergency exists as described in the regulations governing emergency teacher certification.

Section 8. Persons enrolled prior to the 1976-77 school term for any of the special education preparation programs described in this regulation must complete the entire program by September 1, 1980, in order to qualify for certification. Persons intending to prepare for any professional position relating to the teaching of exceptional children and beginning the program of preparation during the 1976-77 school term or thereafter shall follow the

appropriate program of preparation as described in the regulations under the following titles: Provisional Certificate for Teachers of Exceptional Children--Learning and Behavior Disorders, Provisional Certificate for Teachers of Exceptional Children--Trainable Mentally Handicapped, Provisional Certificate for Teachers of Exceptional Children--Speech and Communication Disorders, Provisional Certificate for Teachers of Exceptional Children--Hearing Impaired, Endorsement for Teaching Visually Impaired Pupils, and Endorsement for Teaching Multiple Handicapped Pupils. Sections 1 through 8 of this regulation shall expire on September 1, 1980.

LYMAN V. GINGER  
Superintendent of Public Instruction  
ADOPTED: June 18, 1975  
RECEIVED BY LRC: June 27, 1975 at 11:39 a.m.

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

### EDUCATION AND ARTS CABINET Department of Education Bureau of Vocational Education (Proposed Amendment)

#### 705 KAR 1:010. State plan.

RELATES TO: KRS 156.100, 163.020, 163.030

PURSUANT TO: KRS 13.082[, 156.070, 156.160, 156.130]

NECESSITY AND FUNCTION: A State Plan for the Administration of Vocational Education is necessary in order to be eligible to receive federal funds under P.L. 90-576.

Section 1. *Pursuant to the authority vested in the Kentucky State Board of Education, the Kentucky State Plan for the Administration of Vocational Education shall be prepared and approved by the State Board of Education, in accordance with the appropriate federal guidelines, and submitted annually to the U.S. Commissioner of Education by June 30 for his approval. This document is incorporated by reference and hereinafter shall be referred to as the State Plan. At the time the State Plan is submitted to the U.S. Commissioner of Education, copies shall be filed with the Legislative Research Commission. Copies of the State Plan may be obtained from the Bureau of Vocational Education, State Department of Education. [Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.100, the Kentucky State Plan for the Administration of Vocational Education under the Vocational Education Amendments of 1968 (P.L. 90-576), Part F of the Higher Education Act of 1965 (P.L. 90-575), and the Education Amendments of 1972 (P.L. 92-318), for the period effective July 1, 1974, through June 30, 1975, is presented herewith for filing with Legislative Research Commission, and incorporated by reference.]*

LYMAN V. GINGER,  
Superintendent of Public Instruction  
ADOPTED: July 2, 1975

RECEIVED BY LRC: July 8, 1975 at 11:41 a.m.

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

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Rehabilitation Services  
(Proposed Amendment)

706 KAR 1:010. State plan for vocational rehabilitation.

RELATES TO: KRS 163.110, 163.120, 163.130, 163.140, 163.150, 163.160, 163.170, 163.180, 163.220, 163.230, 163.240, 42.075

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

SUPERSEDES: SBE 100

NECESSITY AND FUNCTION: Section 101, Title I, P.L. 93-112, as amended, requires the submission of an annual State Plan for Vocational Rehabilitation Services to the Secretary, Department of Health, Education, and Welfare. The plan must be approved in order for a state to be eligible for grants from the allotments of funds under Title I, P.L. 93-112, as amended. [On February 1, 1974, the Kentucky State Plan and Interim State Plan Supplement for Vocational Rehabilitation Services under Public Law 93-112 was approved by the Department of Health, Education, and Welfare.]

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 163.120 the Kentucky State Plan for Vocational Rehabilitation Services incorporated in P.L. 93-112, as amended, for the period July 1, 1975 [1974] through June 30, 1976 [1975] is presented herewith for filing with Legislative Research Commission, and incorporated by reference.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: June 17, 1975

RECEIVED BY LRC: June 27, 1975 at 11:37 a.m.

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

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor  
Occupational Safety and Health  
803 KAR 2:020  
(Proposed Amendment)

803 KAR 2:020. Adoption of 29 CFR Part 1910.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the Board. The following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry.

Section 1. The Occupational Safety and Health Board hereby adopts 29 CFR Part 1910, the Occupational Safety and Health Standards, June 27, 1974 edition, Volume 39, Number 125, Government Printing Office, Washington, D. C. 20402. These standards are hereby adopted by reference with the following additions, exceptions, and deletions:

(1) 29 CFR Part 1910.1 shall read as follows:

The provisions of this regulation adopt and extend the applicability of established federal standards contained in CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021.

(2) 29 CFR Part 1910.2 shall read as follows:

As used in this part, unless the context clearly requires otherwise:

- (a) "Act" means KRS Chapter 338.
- (b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.
- (c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.
- (d) "Employee" means any person employed except those employees excluded in KRS 338.021.
- (e) "Standard" means a standard which requires condition, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule".
- (f) "National Consensus Standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.
- (g) "Established Federal Standard" means any operative occupational safety and health standard established by any agency of the United States Government.

z (3) 29 CFR Part 1910.13 through 1910.16 relating to ship repairing, shipbuilding, shipbreaking, and longshoring; and 1910.267a relating to pesticides, as well as paragraph (a)(6) in Section 1910.267 which refers to Section 1910.267a, are excluded and deleted in their entirety.

(4) 29 CFR Part 1910.141(c)(2)(i) shall read as follows:

- (i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy.

[(5) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:]

- [(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.]

- [(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first-aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees.]

- [(c) All other employers shall maintain a self-help program, with documentation therefor, utilizing first-aid instructional material approved by the Kentucky Department of Labor. Lone workers such as salesmen, truck drivers, etc., shall be subject to the self-help program or approved first-aid training.]

- [(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.]

- [(e) This revision shall become effective January 1, 1975.]

[(6) Paragraph (e) is hereby added to 29 CFR Part 1910.93q, and shall read as follows:]

[(e) Situations where workers are exposed to levels of vinyl chloride in excess of 200 p.p.m. without proper protective equipment shall be considered to constitute an imminent danger.]

(5) [(7)] The changes which have been adopted by

the U. S. Department of Labor relating to 29 CFR 1910.211, and 1910.217, mechanical power presses, and published in the Federal Register, Volume 39, Number 233, December 3, 1974, copy of which is attached hereto, are hereby adopted by reference.

(6) The changes and additions which have been adopted by the U. S. Department of Labor relating to telecommunications which are contained in 29 CFR 1910.67, 1910.70, 1910.183, 1910.189, 1910.190, 1910.268, 1910.274 and 1910.275, published in the Federal Register, Volume 40, Number 59, March 26, 1975, a copy of which is attached hereto, are hereby adopted by reference.

(7) 29 CFR 1910.93q, the Occupational Safety and Health Standard covering vinyl chloride which was published in the Federal Register, Volume 39, Number 194, October 4, 1974, a copy of which is attached hereto, is hereby adopted by reference.

(8) 29 CFR 1910.309(c) (National Electrical Code) shall read as follows:

"(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the requirement in section 210-7 of the National Electrical Code that all 15 - and 20 - ampere receptacle outlets on single - phase circuits for construction circuit protection for personnel shall not be applicable."

(9) 29 CFR 1910.106(d)(2)(iii) of the Federal Register, Volume 39, Number 125, June 27, 1974 shall be amended by adding Table II-12 of the Federal Register, Volume 40, Number 18, page 3982, January 27, 1975, a copy of which is attached hereto, is adopted by reference.

GEORGE R. WAGONER, Commissioner of Labor  
ADOPTED: June 12, 1975  
APPROVED: ELIJAH M. HOGGE, Secretary  
RECEIVED BY LRC: June 25, 1975 at 11:14 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Coordinator, Kentucky Department of Labor, Occupational Safety and Health Program, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Labor  
Occupational Safety and Health  
803 KAR 2:030  
(Proposed Amendment)

803 KAR 2:030. Adoption of 29 CFR Part 1926.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the Board. The following regulations contain those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1926, the Occupational Safety and Health Standards, June 24, 1974 edition, Volume 39, Number 122, Government Printing Office, Washington, D.C. 20402. These standards are hereby adopted by reference with the following additions, exceptions, and deletions:

(1) 29 CFR Part 1926.1 shall read as follows:

The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1926 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021.

(2) 29 CFR 1926.100 shall read as follows:

(a) Hard hats conforming to specifications of the American National Standards Institute, safety requirements for industrial

head protection z89.1 (1971) shall be worn by all employees at all times while engaged in the type of work covered by the scope of this safety standard.

(b) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute z89.2 (1971).

(3) Paragraph (d) of 29 CFR 1926.55 is added to read as follows:

(d) Paragraphs (a) and (b) of this subsection do not apply to the exposure of employees to vinyl chloride. Whenever any employee is exposed to vinyl chloride, the requirements of 29 CFR Part 1910.93q [and 803 KAR 2:020, Section 1(6)(e),] shall apply.

(4) 29 CFR 1926.552(b)(8) of the paragraph on "Material hoists" shall read as follows: All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists, with the exception that material hoists manufactured prior to January 1, 1970, may be used with a drum pitch diameter at least eighteen (18) times the nominal rope diameter provided the hoisting wire rope is at least equal in flexibility to 6 x 37 classification wire rope.

(5) 29 CFR 1926.451(a)(4) shall read as follows: Guardrails and toe boards shall be installed on all open sides and ends of platforms more than ten (10) feet above the ground or floor, except needle beam scaffolds and floats (see paragraphs (p) and (w) of this section). Toe boards shall not be required on the loading side of platforms which are loaded by means of a high lift tractor or fork truck provided that employees are prohibited from entering the area beneath the scaffolding where they could be exposed to objects which might fall from the scaffolding. Scaffolds four (4) feet to ten (10) feet in height, having a minimum horizontal dimension in either direction of less than forty-five (45) inches, shall have standard guardrails installed on all open sides and ends of the platform.

(6) 29 CFR 1926.451(d)(10) shall read as follows: Guardrails made of lumber, not less than 2 x 4 inches (or other material providing equivalent protection), and approximately forty-two (42) inches high, with a midrail of 1 x 6 inch lumber (or other material providing equivalent protection), and toe boards, shall be installed at all open sides and ends on all scaffolds more than ten (10) feet above the ground or floor. Cross braces used on 6 foot 6 inch tubular welded frame scaffolds may be substituted for the guardrails described above when the braces are erected continuously along the working level of the scaffold. The boards shall be a minimum of four (4) inches in height. Wire mesh shall be installed in accordance with paragraph (a)(6) of this section.

(7) The changes which have been adopted by the U. S. Department of Labor relating to 29 CFR 1926.750(b)(2), flooring for skeleton structures, and published in the Federal Register, Volume 39, Number 128, July 2, 1974, copy of which is attached hereto, are hereby adopted by reference.

(8) 29 CFR 1926.400(h) shall read as follows:

(h) Notwithstanding any other provision of this part, the requirement in section 210-7 of the National Electrical Code that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites have approved general fault circuit protection for personnel shall not be applicable.

GEORGE R. WAGONER, Commissioner of Labor  
APPROVED: ELIJAH M. HOGGE, Secretary  
ADOPTED: June 12, 1975  
RECEIVED BY LRC: June 25, 1975 at 11:13 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: The Coordinator, Kentucky Department of Labor, Occupational Safety and Health Program, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET  
Workmen's Compensation Board  
(proposed amendment)

803 KAR 25:010. Procedure.

RELATES TO: KRS Chapter 342  
PURSUANT TO: KRS 342.260, 13.082  
SUPERSEDES: WCB 1-6

NECESSITY AND FUNCTION: KRS 342.260 requires the Workmen's Compensation Board to prepare such rules and regulations as it considers necessary to carry on its work and for carrying out the provisions of KRS Chapter 342. The function of these rules and regulations is the regulating of practice and procedure before the Workmen's Compensation Board.

Section 1. Definitions. (1) "Board" means the Workmen's Compensation Board.

(2) "Director" means the director appointed pursuant to KRS 342.230(2), acting director or assistant director.

(3) "Hearing officer" means a hearing officer appointed pursuant to KRS 342.230(3), and also includes the director, assistant director, an attorney employed by the board, a board member or any enforcement officer employed by the board, when acting under Section 6.

(4) The masculine gender includes the feminine and the neuter, and the singular member includes the plural.

(5) "Employer" shall mean and include individuals, partnerships, voluntary associations and corporations.

(6) "Corporate surety" shall mean a corporation duly authorized, licensed and qualified to execute bonds and other surety obligations for compensation in Kentucky.

(7) The date of filing is the date the pleading, motion or other document is received by the board at its office at Frankfort, Kentucky.

(8) "An employer who has not secured payment of compensation" means an employer, or any person who is liable for payment of compensation, who has not complied with KRS 342.340 by either insuring and keeping insured his liability for compensation in some corporation, association or organization authorized to transact the business of workmen's compensation insurance in this state or furnished to the board, in accordance with the statutes or rules and regulations of the board, satisfactory proof of his financial ability to pay directly the compensation in the amount and manner due as provided for in KRS Chapter 342. Said term shall not include those employers whose employees are exempt from coverage by KRS 342.650, unless said employer of an exempt employee has voluntarily elected to be subject to KRS Chapter 342, in accordance with KRS 342.650, and has not revoked said election. Said term also shall not include any employer whose employee is injured and who has rejected acceptance of the provisions of KRS Chapter 342, as provided for by KRS 342.395.

Section 2. Parties. (1) The parties to any original proceedings before the board shall be designated as "plaintiff" and "defendant." The party filing the original application for relief in such proceedings shall be designated as the plaintiff and the adverse party as the defendant.

(2) All parties shall join as plaintiffs in whom any right to any relief, arising out of the same transaction or occurrence, is alleged to exist. If any such person should refuse to join as a plaintiff, he shall then be joined as a defendant, and the fact of his refusal to join as a plaintiff must be pleaded.

(3) All persons shall be joined as defendants against whom the ultimate right to any relief may exist, whether jointly, severally, or in the alternative. The board at any time, upon a proper showing, may order that any additional party be joined when it deems the presence of such party necessary. The failure to timely join as defendants, including

the uninsured employers' fund, any party against whom any ultimate right to any relief which is alleged or could be alleged to exist, shall be considered as a waiver of the right to later proceed against said party and a bar to any relief therefrom.

Section 3. Pleadings. (1) All applications for adjustment of claims for compensation, answers, and other pleadings must be typewritten and the printed forms prescribed by the board must be used whenever applicable. All such forms will be furnished by the director to any person requesting same, without charge.

(2) The original application for adjustment of claim (Form 11) shall be fully completed, filed in triplicate, and need not be served by the party filing same. Any claim (Form No. 11) not fully completed shall be returned to the claimant or his attorney.

(3) All pleadings filed subsequent to the original application shall have appended thereto the certificate of the attorney filing same (or of the party, if the party is not represented by an attorney) stating the date and manner of service of a copy thereof upon the opposing party, which service shall be made in one of the manners provided by Rule 5 of the Rules of Civil Procedure.

(4) The defendant may file an answer to the plaintiff's application at least five (5) days before the date set for the hearing on the application, but no such answer is required and if none is filed all of the allegations of the application will be deemed to be traversed. If, however, an answer is filed, (other than a special answer under subsection (5) of this section) only those allegations of the application which are specifically denied by the answer shall be considered as traversed.

(5) If the defendant relies upon an affirmative special defense, he shall set forth such defense in a special answer to be filed at least five (5) days before the date set for hearing or within ten (10) days after such defense is discovered or could have been discovered in the exercise of reasonable diligence. If, in the exercise of reasonable diligence, such defense could not have been discovered until the introduction of proof, such plea must be filed to conform with the proof within ten (10) days after its introduction.

(6) Upon any motion being filed by a party, the party filing same may file a short memorandum in support thereof and the adverse party may file a short memorandum in reply thereto. No further memorandum in support of motions may be filed.

Section 4. Motions. (1) Every application for an order of the board shall be by motion, which shall be typewritten, shall be served and filed in the manner prescribed by Section 3(3), and shall have annexed thereto the certificate prescribed by said section.

(2) Every motion for the allowance of an attorney's fee shall (in addition to service upon the adverse party) also be served upon said attorney's client and the fact of such service certified in the manner prescribed by this section. Every motion for attorney's fee shall set forth the percentage and the amount of money requested and shall be accompanied by an affidavit of the attorney setting forth in detail the services rendered and the amount of time expended.

(3) Every motion, the grounds of which depend upon the existence of one or more facts not appearing in evidence at the time of the filing of the motion, shall be supported by an affidavit or affidavits evidencing such fact or facts, which affidavit or affidavits shall be served and filed with the motion. Controverting affidavits may likewise be served and filed by the opposing party.

(4) Every motion, the grounds of which depends upon the existence of one or more facts which the movant contends are shown in evidence or are admitted by the pleading of the adverse party, shall contain a reference to the hearing transcript or deposition containing such evidence and to the page

thereof, or to the pleading containing such admission.

(5) No motion will be considered at any meeting of the board unless same has been served and filed at least five (5) days prior to the date of such meeting, to which three (3) days shall be added to the service when service has been made by mail. A response to such motion will be considered if served and filed at any time prior to the day of such meeting.

Section 5. Board meetings. Regular meetings of the board will be held weekly each Monday at the offices of the board at Frankfort, unless otherwise ordered by the board. Special meetings will be held, when necessary, upon the call of the chairman of the board, at such times and places as said chairman may designate.

Section 6. Hearings. (1) Hearings of workmen's compensation cases shall be conducted by a hearing officer as defined in Section 1(3). Each hearing shall be conducted in the county where the alleged accident or exposure to occupational disease occurred. A hearing may be held in another county only by agreement of the parties and upon authorization by the board.

(2) Each case shall stand for hearing as soon as practicable after the plaintiff's application is filed. At the hearing the plaintiff shall complete his proof as far as possible but shall, upon request, be granted not more than thirty (30) days thereafter in which to conclude proof in chief by depositions, at the expiration of which time plaintiff's taking of proof will stand closed whether so announced or not. The defendant shall complete his case at the initial hearing before the hearing officer as far as possible, but shall, upon request, be granted not more than thirty (30) days after the thirty (30) day period allowed plaintiff in which to conclude his case by depositions. The plaintiff shall have five (5) days, following the conclusion of defendant's proof, in which to take depositions in rebuttal. When a party has been joined as plaintiff or defendant after the expiration of the time allotted for taking proof under the terms of this subsection, upon motion the board may allow such party time for the taking of his proof or may direct further hearing before a hearing officer. Except by agreement, no medical deposition may be taken until the case has been heard by a hearing officer unless prior approval has been granted by the board.

(3) At all hearings evidence may be introduced by oral testimony or by deposition as provided by Section 10. Unless otherwise ordered by the board or by the hearing officer conducting the hearing, the plaintiff shall complete his testimony in chief before the defendant is required to introduce testimony. The board will provide an official reporter who will stenographically report and thereafter transcribe upon the typewriter the evidence and proceedings at each hearing without cost to the parties except for any copies thereof which may be ordered by them.

(4) Rulings made by a hearing officer pursuant to KRS 342.230(3) may be reviewed by the board upon written application made by any party prior to final submission of the case, which application shall be served and filed in the manner provided by Section 4 for the service and filing of motions.

(5) Unless otherwise ordered by the board for good cause, the proof introduced at each hearing may relate to all issues in the case, and preliminary hearings upon issues such as limitations or jurisdiction will not be held without a board order.

(6) Promptly following each hearing, the hearing officer conducting same shall transmit to the board a field order reciting the appearances on behalf of the parties, the general nature of the proceedings had at the hearing, and the time given by him to each party for completion by deposition, and shall mail a copy thereof to counsel for each party and to each party who is not represented by counsel.

The field order shall be filed with the board's case record but will not be entered upon its order book.

Section 7. Stipulation of Facts and Judicial Notice. (1) Stipulations of facts which are not in issue is mandatory and the refusal without good cause to stipulate facts which are not in issue, within the sound discretion of the board, may result in assessment of the costs of the hearing before the hearing officer against the party who without good cause has refused to stipulate to routine matters not in issue. (See KRS 342.310.) The assertion of the fact that any party has not had an opportunity to consult with the party whom he represents or has not had sufficient time or opportunity to ascertain the facts will not be necessarily considered "good cause" within the meaning of this rule. Every party to a stipulation shall be considered bound to the same, however, for good cause shown, any party may be relieved of a stipulation he makes provided such motion is filed with the board prior to the time the case is submitted for opinion and judgment, and the board shall grant additional time for the opposing party or parties to complete their proof so as to prevent prejudice or surprise.

(2) The board will take judicial notice that the Act is mandatory except for those employers exempted by KRS 342.650 and those employees rejecting the Act pursuant to KRS 342.395 and 342.400.

(3) Upon the filing of a claim the director shall ascertain whether the employer, or any other person against whom a claim is filed and who is not exempt by KRS 342.650, has secured payment of compensation by either securing insurance coverage or qualifying as a self-insurer pursuant to KRS 342.340. Should the employee or any other person against whom a claim is filed not have insurance coverage or qualified as a self-insurer, the director within twenty (20) days after the filing of the claim shall notify the parties and the uninsured employers' fund that the defendant or other person against whom a claim has been filed has failed to secure payment of compensation as provided by KRS Chapter 342.

Section 8. Evidence: Rules Applicable. (1) The same rules of evidence that apply in judicial proceedings and that are governed by the common law and the statutes in effect in this Commonwealth, apply in all hearings and depositions taken to be used in cases before this board.

(2) An exception to the above rule applies in depositions taken of evaluating physicians who are non-treating physicians, and in those instances the non-treating physician is permitted to use the case history related to him by the patient and the subjective symptomatology related to him by the patient in arriving at and formulating his opinion as to causation and disability.

Section 9. Informal Conferences. At any time before hearing, the board upon its own motion or upon motion of either party, may direct the holding of an informal conference as provided by KRS 342.270(3) in an attempt to assist the parties to adjust their differences, but will not delay the granting of a hearing, over the objection of either party, for such purpose. Such informal conference shall be held at the board's offices in Frankfort or at any other place designated by the board.

Section 10. Depositions and Discovery. The parties may take depositions and obtain discovery in accordance with the provisions of Rules 26 to 37, inclusive, of the Rules of Civil Procedure, except Rules 27, 33 and 36, which are not adopted by the board and which shall not apply to practice before the board.

Section 11. Exceptions. Formal exceptions to rulings or orders of the board or of any member or hearing officer thereof are unnecessary.

- replaced;
- (c) The existing life insurance is a non-convertible term policy with five (5) years or less to expire and which cannot be renewed.

Section 2. Duties of Agent. Each life insurance agent or individual annuity agent shall:

(1) Obtain with or as a part of each application for insurance, a statement signed by the applicant as to whether such insurance will replace existing insurance;

(2) Submit to the insurer in connection with each application for insurance a statement as to whether, to the best of his knowledge, replacement is involved in the transaction; and

(3) Where a replacement is involved:

- (a) Obtain with or as a part of each application a list of all existing life insurance policies proposed to be replaced;
- (b) Present to the applicant, not later than at the time of taking the application, a completed "comparison statement" signed by the agent and a "notice to applicants regarding replacement of life insurance" in substantially the form prescribed and obtainable from the department, herein filed by reference, and leave such forms with the applicant for his records;
- (c) Submit with the application to the insurer a copy of any proposal used, and completed "comparison statement" and the name of each insurer which issued any insurance being replaced;
- (d) Have the applicant acknowledge receipt of the completed "comparison statement" and the "notice to applicants regarding replacement of life insurance."

Section 3. Duties of Insurers: (1) Each insurer shall:

- (a) Inform its field representatives of the requirements of this regulation;
- (b) Require with or as a part of each application for life insurance or an individual annuity a statement signed by the applicant as to whether such insurance will replace existing insurance;
- (c) Require in connection with each application for life insurance or an individual annuity a statement signed by the agent as to whether, to the best of his knowledge, replacement is involved in the transaction;
- (d) Where a replacement is involved:
  1. Require with or as a part of each application a list prepared by the agent representing, to the best of his knowledge, all the existing insurance policies proposed to be replaced;
  2. Obtain a copy of any proposal used, the completed "comparison statement," proof of the receipt by the applicant of the "notice to applicants regarding replacement of life insurance," and the name of each insurer whose insurance is being replaced;
  3. Immediately notify any insurer whose insurance is being replaced and upon request promptly furnish a copy of any proposal used and the completed "comparison statement";
  4. Examine any proposal used and the completed "comparison statement" and ascertain that the latter meets the requirements of the regulation;
  5. Maintain copies of any proposal used, the completed "comparison statement," proof of receipt by the applicant of the "notice to applicants regarding replacement of life insurance," and the applicant's signed statement with respect to replacement in its home office for at least three (3) years or until the conclusion of the next succeeding regular

examination by the Insurance Department of its state of domicile, whichever is later.

(2) Any insurer which receives notice that its existing insurance may be replaced shall maintain copies of such notification on its premises, indexed by insurer notifying it of such replacement, for three (3) years or until the conclusion of the next regular examination conducted by the Insurance Department of its state of domicile, whichever is later.

Section 4. Penalties: (1) Any insurer, agent, representative, officer or employee of such insurer failing to comply with the requirements of this regulation shall be subject to such penalties as may be appropriate under the insurance laws of Kentucky.

(2) Policyholders have the right to replace existing life insurance or an individual annuity after indicating in or as a part of application for new insurance that such is not their intention; however, patterns of such action by policyholders of the same agent shall be deemed prima facie evidence of the agent's knowledge that replacement was intended in connection with such transactions, and such patterns of action shall be deemed prima facie evidence of the agent's intent to violate this regulation.

Section 5. No life or health insurance agent shall advise a policyholder to lapse, surrender or terminate any life or annuity contract except as exempted by or in conformity with this regulation.

Section 6. Departmental prescribed forms entitled "Replacement of Life Insurance" and "Notice to Applicants Regarding Replacement of Life Insurance" are herein filed by reference. Copies may be obtained from the Department of Insurance, Capital Plaza Tower, Frankfort, Kentucky 40601. Substantially equivalent forms may be adopted with the prior approval of the commissioner.

HAROLD B. MCGUFFEY, Commissioner

ADOPTED: June 20, 1975

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: June 20, 1975 at 1:34 p.m.

PUBLIC PROTECTION AND REGULATION CABINET  
Department of Insurance  
As Amended

806 KAR 14:100. Certificate not to alter contract.

RELATES TO: KRS 304.14-120

PURSUANT TO: KRS 304.2-110, 13.082

EFFECTIVE: July 2, 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 requires that memoranda or certificates of insurance, as herein defined, shall not amend, extend or alter the coverage of an existing contract.

Section 1. Each certificate or memorandum of property or casualty insurance when issued to any person other than the policyholder shall contain the following or similar statement: "This certificate or memorandum of insurance neither affirmatively nor negatively amends, extends, or alters the coverage afforded by policy number \_\_\_\_\_ issued by \_\_\_\_\_."

Section 2. Prior to its use, each insurer shall file with the commissioner the form of certificate or memorandum of insurance which will be used by such company. [Each certificate or memorandum of insurance shall be filed with the commissioner prior to its use.]

HAROLD B. McGUFFEY, Commissioner  
 ADOPTED: June 20, 1975  
 APPROVED: ELIJAH M. HOGGE, Secretary  
 RECEIVED BY LRC: June 20, 1975 at 1:34 p.m.

PUBLIC PROTECTION AND REGULATION CABINET  
 Department of Insurance  
 As Amended

806 KAR 14:110. Dividend plans; filing, participation.

RELATES TO: KRS 304.24-310, 304.24-320, 304.24-330, 304.24-250, 304.13-010 to 304.13-390, 304.14-120, 304.12-010, 304.12-080 to 304.12-110  
 PURSUANT TO: KRS 304.2-110, 13.082  
 SUPERSEDES: I-14.11  
 EFFECTIVE: July 2, 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 participation by insureds in dividend premiums under "participating" policies and requires a filing of such dividend plans with the commissioner.

Section 1. It having been demonstrated that improved safety measures and improved claims handling may result in savings in expenses and in losses over and above those levels anticipated, and it having also been demonstrated that it is possible, in certain cases, for an insurer to identify and group the policyholders contributing to such savings into specific classifications; to further encourage such savings in the net cost of insurance protection, insurers authorized to transact such insurance in this state may, after complying with the following conditions, issue policies entitled to participate from time to time in the earnings of the insurer through dividends. This regulation shall not apply to dividends to shareholders in stock companies nor to general dividends to policyholders in mutual companies.

Section 2. Such insurer shall file or refile with the commissioner, in substantially the same manner as a rate filing, every proposed dividend plan and every modification thereof, including discontinuance, which it proposes to use, accompanied by the information upon which the insurer supports such filing.

(1) No such filing shall propose in this state both participating and non-participating policies for the same class of risk. Any classification of its participating policies and of risks assumed thereunder which the insurer may make shall be reasonable. In determining the proposed eligibility requirements for a dividend plan, the underlying standard shall be the demonstrated or demonstrable success in savings in expenses or in losses over and above levels anticipated in previously filed rates. Any proposed dividend plan must be made available to all insureds meeting the eligibility requirements set forth in the dividend plan. To facilitate this and to broaden the availability of such programs, agents licensed by one or more companies of a group of affiliated insurers shall also be licensed by the company within such group authorized to write such insurance policies if the company for which such agent is then licensed does not write such participating policies. Notice and details of the availability of the program in Kentucky shall be given to all of the group's licensed agents.

(2) If such filing is an initial filing or if the facts or the laws have changed since a prior filing has been used, the filing shall contain either satisfactory evidence of proper specific charter (as defined in KRS 304.3-050), authority to issue participating policies, or satisfactory evidence that unless otherwise provided by its char-

ter, the laws of its domicile provide that it may issue policies entitled to participate in the earnings of the insurer through dividends.

(3) Such filing shall also contain proposed policy provisions or proposed policy endorsement forms for the payment of dividends which shall further provide that all such dividends must be paid by the insurer directly to the insured, and that no such dividends may be assigned to associations or others, except upon assignment of the policy for value. If the provision for the payment of dividends is made by separate endorsement rather than incorporated in the policy form, such endorsement must be attached to each and every such policy issued.

Section 3. Dividends to such participating policies shall be paid only out of that part of such surplus funds which is derived from any realized net profits from the insurer's business. No such insurer or its agents shall guarantee or promise to a policyholder or prospective policyholder the amount of percentage of dividends to be paid; and no dividend, otherwise earned, shall be made contingent upon payment of renewal premium on any policy, or membership in, or affiliation with, any association. All brochures and advertising material shall affirmatively and clearly set forth that dividends are not guaranteed and that all policyholders are eligible for the dividend program whether or not they are members of, or affiliated with, any association.

HAROLD B. McGUFFEY, Commissioner  
 ADOPTED: June 20, 1975  
 APPROVED: ELIJAH M. HOGGE, Secretary  
 RECEIVED BY LRC: June 20, 1975 at 1:34 p.m.

PUBLIC PROTECTION AND REGULATION CABINET  
 Department of Insurance  
 As Amended

806 KAR 17:010. Refund of unearned premium.

RELATES TO: KRS Chapter 304, Subtitle 17, KRS 304.12-190  
 PURSUANT TO: KRS 304.2-110, 13.082  
 EFFECTIVE: July 2, 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. To ensure that there is no irregularity in dealing with insurance premiums by providing for the refund of the unearned premium of an individual health policy when no further liability can be incurred thereunder.

Section 1. Upon request and reasonable proof [a showing] of the demise of the insured, the pro rata share of any unearned premium on an individual health policy shall be paid by the insurer to the named beneficiary, if any, or otherwise to the estate of the deceased; provided the insured need not make a pro rata refund where the share is less than one dollar (\$1).

HAROLD B. McGUFFEY, Commissioner  
 ADOPTED: June 20, 1975  
 APPROVED: ELIJAH M. HOGGE, Secretary  
 RECEIVED BY LRC: June 20, 1975 at 1:35 p.m.

PUBLIC PROTECTION AND REGULATION CABINET  
 Department of Insurance  
 As Amended

806 KAR 19:060. Joint lives.

RELATES TO: KRS 304.19-020, 304.19-080  
 PURSUANT TO: KRS 304.2-110, 13.082  
 SUPERSEDES: I-19.06  
 EFFECTIVE: July 2, 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 prohibits the insuring of joint lives except in the case of the debtor's spouse who is a co-signer to the credit or finance transaction.

Section 1. No agent or insurer shall deliver or issue for delivery in this state any policy of credit life or health insurance or any certificate in the case of such a policy of group insurance, which insures the life or health of more than one (1) individual, except in the case of the debtor's spouse who is co-signer to the credit or finance transaction.

Section 2. When a husband and wife are insured under the exception provided in Section 1, above, the premium rate charged shall not exceed 150 percent of the rate permissible under KRS 304.19-080.

Section 3. Not more than one (1) individual credit life insurance policy and one (1) credit health insurance policy may be issued as security for a single indebtedness.

Section 4. This regulation shall not be construed to allow the insuring of joint lives by credit life or credit health insurance in credit transactions involving a small loan or industrial loan in violation of KRS 288.560(2) or 291.480(1)(b).

HAROLD B. MCGUFFEY, Commissioner

ADOPTED: June 20, 1975

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: June 20, 1975 at 1:35 p.m.

(The following regulation, published originally in the April issue [1 Ky.R. 880], was amended following a public hearing. The amended regulation was approved by the Administrative Regulation Review Subcommittee at its July 2, 1975 meeting and became effective on that date.)

PUBLIC PROTECTION AND REGULATION CABINET  
Public Service Commission  
As Amended

807 KAR 2:050. Electric.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 278.280(2)

SUPERSEDES: PSC:Elec-1, PSC:Appendix - A  
Electric

EFFECTIVE: July 2, 1975

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 electric utilities.

Section 1. General Requirements. Every utility shall furnish adequate service and facilities at the rates filed with the commission, and in accordance with the regulations of the commission and the rules of the utility applicable thereto. The energy shall be generated, transmitted, converted, and distributed by the utility, and utilized, whether by the utility or the customer, in such manner as to obviate undesirable effects upon the operation of standard services or equipment on the utility, its customers and other utilities.

Section 2. Acceptable Standards. Unless otherwise specified by the commission, the utility shall use the applicable provisions in the following publications as standards of accepted good engineering practice for the construction and maintenance of plant and facilities, herein incorporated by reference:

(1) National Electric Safety Code; ASA C-2. 1973 Edition;

(2) National Electrical Code; NFPA 70 or ANSI C-1. 1975 Edition;

(3) American Standard Code for Electricity Metering; ASA C-12. 1965 (R1969) Edition;

(4) American Standard Requirements, Terminology and Test Code for Instrument Transformers; ASA C57.13. 1968 Edition.

Section 3. Generating Station Meter Records. Every utility shall install such watt-hour meters as may be necessary to obtain a record of the output of its generating station or station. Every utility purchasing electrical energy shall install such meters as may be necessary to furnish a proper record of its purchases, unless such instrument or instruments are installed by the selling company.

Section 4. Maintenance or Continuity of Service.

(1) Each utility shall make all reasonable efforts to prevent interruptions of service, and when such interruptions occur shall endeavor to re-establish service with the shortest possible delay. Whenever the service is necessarily interrupted or curtailed for the purpose of working on equipment, it shall be done at a time, which if at all practicable, will cause the least inconvenience to customers, and those customers which may be seriously affected shall be notified in advance, except in cases of emergency.

(2) Each utility shall keep a record of (i) the time of starting and shutting down the principal units of its power station equipment and feeders for major divisions; (ii) the indications of sufficient switchboard instruments to show the voltage and quantity of the load; of all interruptions to service affecting the entire distribution system of any single community or an important division of a community, and include in such record the date and time of interruption, the date and time of restoring service, and when known, the cause of each interruption.

(3) When complete distribution systems or portions of communities have service furnished from unattended stations, these records shall be kept to the extent practicable. The record of unattended stations shall show interruptions which require attention to restore service, with the estimated time of interruption. Breaker or fuse operations affecting service shall also be indicated even though duration of interruption may not be known.

Section 5. Voltage and Frequency. (1) Each utility shall adopt a standard nominal voltage or standard nominal voltages, as may be required by its distribution system for its entire constant-voltage service, or for each of the several districts into which the systems may be divided, which standard voltages shall be stated in every schedule of rates of each utility or in its terms and conditions of service.

(2) The voltage at the customer's service entrance or connection shall be maintained as follows:

- (a) For service rendered primarily for lighting purposes, the variation in voltage between 5 p.m. and 11 p.m. shall not be more than five (5) percent plus or minus the nominal voltage adopted and the total variation of voltage from minimum to maximum shall not exceed six (6) percent of the nominal voltage.
- (b) 1. For service rendered primarily for power purposes, the voltage variation shall not at any time exceed ten (10) percent above or ten (10) percent below standard nominal voltage.
2. Where a limited amount of lighting is permitted under these contracts, the entire load shall be considered power as far as voltage variation is concerned.
- (c) Where the utility's distribution facilities supplying customers are reasonably adequate and of sufficient capacity to carry the actual loads normally imposed, the utility may require that equipment on

customer's premises shall be such that starting and operating characteristics will not cause an instantaneous voltage drop of more than four (4) percent of the standard voltage or cause objectionable flicker in other customer's lights.

- (d) Equipment supplying constant current circuits shall be so adjusted as to furnish as nearly as practicable the rated current of the circuit supplied, and in no case shall the current vary more than four (4) percent above or below the rating of the circuit.

(3) Each utility supplying alternating current shall adopt a standard frequency of sixty (60) cycles which shall be stated in the schedule of rates of each utility. The utility shall maintain this frequency to within three (3) percent above and three (3) percent below the standard at all times; provided, however, that momentary variations in frequency greater than three (3) percent, which are not due to lack of reasonable care on the part of the utility in the selection and operation of equipment, shall not be considered a violation of this rule.

(4) A standard clock shall be maintained to control each system frequency. The accuracy of the standard clock shall be checked each day and the frequency shall be governed within the limits given above so that the clocks on the system are correct once daily.

(5) Variations in voltage in excess of those specified, caused by the operation of power apparatus on customer's premises which necessarily required large starting currents and affecting alone the user of such apparatus, by the action of the elements and infrequent, and unavoidable fluctuations of short duration due to system operation, shall not be considered a violation of this rule.

(6) A greater variation of voltage and frequency than herein specified may be allowed when service is supplied directly from a transmission line, or in case of emergency service, or in a limited or extended area where customers are so widely scattered and/or that the business done does not justify close voltage regulation. In such cases the best voltage regulation shall be provided that is practicable under the circumstances.

Section 6. Voltage Surveys and Records. (1) Every utility shall provide itself with two (2) or more portable indicating voltmeters and one (1) or more recording or graphic voltmeters of type and capacity suited to the voltage supplied. Every

utility shall make a sufficient number of voltage surveys to indicate the service furnished from each center of distribution, and to satisfy the commission of its compliance with the voltage requirements, shall keep at least one (1) of these instruments in continuous service at some representative point on its system. All records shall be available for inspection by the utility's customers.

(2) Each graphic recording voltmeter shall be checked with a working standard indicating voltmeter when it is placed in operation and when it is removed, or periodically if the instrument is in a permanent location. Notations on each chart shall indicate when the registration began (time and date) and when the chart was removed, as well as the point where the voltage was taken, and the results of the check with indicating voltmeter.

Section 7. Servicing Utilization Control Equipment. (1) Utilities shall service and maintain any equipment they use on customer's premises and shall adjust thermostats, clocks, relays, or time switches, if such devices must be so adjusted to provide service in accordance with their rate provisions.

(2) The time switches used by the utility for controlling equipment such as water heaters and street lights shall be of such quality that the timing mechanism may be adjusted so as to be accurate within ten (10) minutes per month. Time

switches used by the utility for controlling street lighting or display lighting shall be inspected or operation observed at least once a month and if in error, adjusted, and also adjusted upon complaint if found in error or when service interruptions cause them to be in error by one-half (1/2) hour or more. Time switches and control devices used by the utility for controlling off-peak appliances shall be inspected or operation observed periodically and adjusted if in error, and also adjusted upon complaint if found in error or whenever service interruptions result in error of two (2) hours or more in supplying service to off-peak appliances during peak periods.

Section 8. Measuring Customer Service. (1) All energy sold within the State of Kentucky shall be measured by commercially acceptable measuring devices owned and maintained by the utility, except where it is impracticable to meter loads, such as multiple street lighting, temporary or special installations, in which case the consumption may be calculated. The utility shall meter electrical energy used by itself except when such service is for the purpose of emergency or incidental lighting as outdoor substations, or at remote points on its transmission or distribution lines. All other electrical quantities which the utility's tariff indicates are to be metered shall be metered by commercially acceptable instruments owned and maintained by the utility.

(2) The utility shall regard each point of delivery as an independent customer and meter the power delivered thereat. The practice of combining meter readings taken at separate points, or of measuring the energy used by more than one residence or place of business on one meter for the purpose of obtaining a lower rate, is absolutely prohibited. [More than one (1) residence or place of business may not be served from one (1) meter for the purpose of obtaining a lower rate.]

(3) Metering facilities located at any point where energy may flow in either direction and where the quantities measured are used for billing purposes shall consist of meters equipped with ratchets or other devices to prevent reverse registration and be so connected as to meter separately energy flow in each direction.

(4) Reactive meters required to meet the conditions of a given rate schedule shall be either all ratcheted or none shall be ratcheted. Reactive metering shall not be employed for determining average power factor for billing purposes where energy may flow in either direction or where a customer may generate an appreciable amount of his requirements.

(5) Meters which are not direct reading and those operating from instrument transformers shall have the multiplier plainly marked on the dial of the instrument or otherwise suitably marked and all charts taken from recording meters shall be marked with the date of the record, the meter number, customer, and chart multiplier.

(6) The register ratio shall be marked on all meter registers. Meters already in service may be so marked when they are tested.

(7) The watt-hour constant for the meter itself shall be placed on all watt-hour meters. Meters already in service shall be so marked when they come to the meter shop.

Section 9. Service Connections. (1) The utility shall pay the entire cost of a service drop or an initial connection to its line with the customer's service outlet, except the attaching of the wire support to the customer's premises. When the customer's outlet for any reason is inaccessible to the utility, or for any reason the customer desires that the service outlet on any building be at a location other than that closest to the utility's line, the cost of such special construction as may be found necessary shall be borne by the customer. The customer may require the utility to furnish at its expense an amount of wire, labor and material equivalent to that furnished for a like service connection not requiring such special

construction.

(2) Underground service requirements and regulations shall be established by each utility and be on file with the commission.

(3) All equipment and material furnished by the utility at its own expense shall remain the property of the utility and may be removed by it at any reasonable time after the discontinuance of service.

Section 10. Distribution Line Extensions. (1) Normal Extensions. An extension of 1,000 feet or less shall be made by a utility to its existing distribution line without charge for a prospective customer who shall apply for and contract to use the service for one (1) year or more and provides guarantee for such service. The "service drop" to the house from the distribution line at the last pole shall not be included in the foregoing measurements.

(2) Other Extensions:

(a) When an extension of the utility's line to serve an applicant or group of applicants amounts to more than 1,000 feet per customer, the utility may if not inconsistent with its filed tariff require the total cost of the excessive footage over 1,000 feet per customer to be deposited with the utility by the applicant or applicants, based on the average estimated cost per foot of the total extension.

(b) 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 1,000 feet of the extension in place for each additional customer connected during the year whose service line is directly 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.

(3) 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 1,000 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 the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

(5) 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.

(6) Upon complaint to and investigation by the commission, a utility may be required to construct extensions greater than 1,000 feet upon a finding by the commission that such extension is reasonable.

Section 11. Distribution Line Extensions to Mobile Homes. (1) All extensions of up to 150 feet from the nearest facility shall be made without charge.

(2) Extensions greater than 150 feet from the nearest facility and up to 300 feet shall be made provided the customer shall pay the utility a "customer advance for construction" (deposit) or fifty

dollars (\$50) in addition to any other charges required by the utility for all customers. This advance (deposit) shall be refunded at the end of one (1) year if the service to the mobile home continues for that length of time.

(3) For extensions greater than 300 feet and less than 1,000 feet from the nearest facility, the utility may charge an advance (a deposit) equal to the reasonable costs incurred by it for that portion of the service beyond 300 feet plus fifty dollars (\$50). Beyond 1,000 feet the extension policies set forth in Section 10 apply.

(a) This advance (deposit) shall be refunded to the customer over a four (4) year period in equal amounts for each year the service is continued.

(b) If the service is discontinued for a period of sixty (60) days, or should the mobile home be removed and another not take its place within sixty (60) days, or be replaced by a permanent structure, the remainder of the advance (deposit) shall be forfeited.

(c) No refunds shall be made to any customer who did not make the advance (deposit) originally.

(4) All utilities which have mobile home rules on file which differ from the provisions set out above shall within ninety (90) days after the effective date of this regulation file revised regulations complying with the above provisions.

Section 12. Testing Equipment and Standards.

(1) Each utility shall maintain sufficient laboratories, meter testing shops, standards, instruments and facilities to determine the accuracy of all types of meters and measuring devices used by the utility except as provided in 807 KAR 2:010, Section 13.

(2) The following testing equipment shall be available as minimum requirements for each utility, and/or agency making tests or checks for a utility pursuant to 807 KAR 2:010, Section 13, subsection (2).

(a) One (1) or more working rotating standards and associated devices of capacity and voltage range adequate to test all watt-hour meters used by the utility.

(b) One (1) or more rotating standards, which shall be the utilities master rotating standards, used for testing the working rotating standards of the utility. These standards shall be of an approved type, shall be well compensated for both classes of temperature errors, practically free from errors due to ordinary voltage variations, and free from erratic registration due to any cause. These master rotating standards shall be of capacity and voltage range adequate to test all working rotating standards at all loads and voltages at which they are used, and shall be kept permanently at one place and not used for routine testing.

(c) Working indicating instruments, such as ammeters, voltmeters and wattmeters, of such various types as are required to determine the quality of service to customers.

(d) A voltmeter and ammeter, which shall be master indicating instruments, and which shall be used for the testing of working indicating and recording instruments. These instruments shall be of an approved type and of accuracy class and range sufficient to determine the accuracy of working instruments to within five-tenths (0.5) percent of all ranges and scale deflections at which the working instruments are used. They shall be kept permanently at one place and not used for routine testing.

(3) The utility's master rotating standards shall not be in error by more than plus or minus three-tenths (0.3) percent at 100 percent power

factor, nor more than plus or minus five-tenths (0.5) percent at fifty (50) percent power factor at loads and voltages at which they are used, and shall not be used to check or calibrate working standards unless the master standard has been certified as to accuracy by the Public Service Commission within the preceding twelve (12) months. Each master rotating standard shall have a history card and calibration data available, and when used to calibrate working standards, correction for any error of the master standard shall be applied.

(4) All working rotating standards when regularly used shall be compared with a master standard at least once in every two (2) weeks. Working rotating standards infrequently used shall be compared with a master standard before they are used.

(5) Working rotating standards shall be adjusted, if necessary, so that their accuracy will be within plus or minus three-tenths (0.3) percent at 100 percent power factor and within plus or minus five-tenths (0.5) percent at fifty (50) percent lagging power factor at all voltages and loads at which the standard may be used. A history and calibration record shall be kept for each working rotating standard showing all pertinent data and the name of person performing tests.

(6) After having adjusted working rotating standards to the accuracy specified above, service measuring equipment shall be adjusted to within the accuracies required, assuming the working rotating standards to be 100 percent accurate.

(7) If calibration charts are attached to working rotating standards and the error indicated is applied to all tests run and the accuracy on any range has not varied more than two-tenths (0.2) percent during the past twelve (12) regular test periods, the accuracy limits may be extended to plus or minus five-tenths (0.5) percent at 100 percent power factor and plus or minus seven-tenths (0.7) percent at fifty (50) percent lagging power factor at all voltages and loads at which the standard may be used.

(8) The utility's master indicating instruments shall not be in error by more than plus or minus five-tenths (0.5) percent of indication at commonly used scale deflections and shall not be used to check or calibrate working indicating instruments unless the master instrument has been checked and adjusted, if necessary, and certified as to accuracy by the Public Service Commission within the preceding twenty-four (24) months. A calibration record shall be maintained for each instrument.

(9) All working indicating instruments shall be checked against master indicating instruments at least once in each six (6) months. If the working instrument is found appreciably in error at zero (0) or in error by more than one (1) percent of indication at commonly used scale deflections, it shall be adjusted. A calibration record shall be maintained for each instrument showing all pertinent data and the name of person performing tests.

#### Section 13. Check of Standards by Commission.

(1) Each utility, and/or agency making tests or checks for a utility, shall submit to the Public Service Commission, Meter Standards Laboratory, its master rotating standard once in each year, and its master indicating voltmeter and ammeter once in each two (2) years.

(2) At the discretion of the commission any or all of these required tests may be made at the utility's or agency's testing facility by means of portable transfer standards maintained by the commission. If the standards satisfy the requirements of the rules and regulations of the commission a Certificate of Accuracy shall be issued by the Commission's Division of Engineering.

(3) Each utility which normally checks its own master rotating standards, and master indicating instruments against primary standards such as precision wattmeters, volt boxes, resistances, standard cells, potentiometers, and timing devices, shall calibrate the master rotating standards and indicating instruments before they are submitted to the commission for test, and attach to them a record of such calibration.

Section 14. Testing of Metering Equipment. (1) The test of any unit of metering equipment shall consist of a comparison of its accuracy with a standard of known accuracy. All metering equipment shall be in good order, and shall be adjusted to as close to zero (0) error as possible.

(2) No meter or measuring device shall be deliberately set in error by any amount. Because of unavoidable irregularities of work done on a commercial scale, some accuracy tolerance must be allowed. In a properly run shop, most meters can be set within one-half (1/2) percent and virtually all can be set within one (1) percent. Further, meters with defective parts shall be repaired regardless of their accuracy.

(3) When tests will be made: Metering equipment, including instrument transformers and demand meters, shall be tested for accuracy within one (1) year prior to being placed in service, periodically in accordance with the schedule below, upon complaint, when suspected of being in error, and when removed from service for any cause.

#### Period Test Schedule

Self-Contained Meters		
Single phase		8 years
3 wire network		8 years
Polyphase		6 years
Meters used with instrument transformers		
Single phase		6 years
Polyphase		4 years
Demand Meters		
Indicated block-interval and lagged-demand meters	same as associated	
Graphic and pulse operated recording demand meters		2 years
Instrument Transformers		
Current: high burden test	same as associated	
Potential: secondary voltage test	same as associated	
Var-hour Meters	same as associated	
Direct Current Watthour Meters:		
Up to and including 6 KW		4 years
Over 6 KW thru 100 KW		2 years
Over 100 KW		1 year

(4) Where Tests will be made: Tests may be made at a meter shop, on the customer's premises, or in a mobile shop.

Section 15. Sample Testing of Single Phase Meters. A utility desiring to adopt a scientific sample meter testing plan for single phase meters rated 12 KVA and less shall submit its application to the commission for approval. Upon such approval the sample testing plan may be followed in lieu of the periodic test prescribed in subsection (3) above. The plan shall include the following:

(1) Meters shall be divided into separate groups to recognize differences in operating characteristics due to changes in design, taking into consideration date of manufacturer and serial number.

(2) The sampling procedure shall be based upon accepted statistical principles.

(3) The same sampling procedure shall be applied to each group.

(4) Each utility authorized to test meters by sample meter testing plan shall comply with the following conditions:

(a) Each year, after the sampling procedure has been applied to each group of meters and the accuracy of the groups determined, the utility shall use the following table to determine the percentage of the total meters in each group to be tested. The number of meters in the sample tested may be included in the total when determining the number of additional meters required to be tested

commission, and has given the utility not less than 120 days written notice prior to the anticipated date of completion (i.e., ready for occupancy) of the first building in the subdivision, the utility shall complete the installation thirty (30) days prior to the estimated completion date. (Subject to weather and ground conditions and availability of materials and barring extraordinary or emergency circumstances beyond the reasonable control of the utility.) However, nothing in these regulations shall be interpreted to require the utility to extend service to portions of the subdivisions not under active development.

(6) Schedule of charges:

- (a) Within sixty (60) days after the effective date of these rules, each utility shall file with the commission a statement setting forth the utility's policy with respect to electric underground extensions in residential subdivisions. Such policy shall provide for a payment to be made by the applicant for the purpose of giving effect to the difference between the cost of providing underground facilities and that of providing overhead facilities. The payment to be made by applicant shall be expressed in terms of an amount per foot of conductor or other appropriate measure.
- (b) The utility's policy as filed with the commission shall set forth an "estimated average cost differential," if any, between the average or representative cost of underground distribution systems in residential subdivisions and of equivalent overhead distribution systems within the utility's service areas. The payment to be made by the applicant as provided for in paragraph (a) above shall not be more than such estimated average cost differential and shall be non-refundable.
- (c) Detailed supporting data used to determine the estimated average cost differential shall be concurrently filed by the utility with the commission and shall be updated annually.
- (d) The applicant may be required to deposit the entire estimated cost of the extension. If this is done, the amount deposited in excess of the normal charge for underground extensions, as provided in paragraph (a) above, shall be refunded to the applicant over a ten (10) year period as provided in Section 10 of this regulation.
- (e) Upon agreement by both parties, if the applicant should choose to perform all necessary trenching and backfilling in accordance with utility specifications, the utility shall credit the applicant's cost in an amount equal to the utility's cost for trenching and backfilling.
- (f) Utility extension from the boundary of the subdivision to its existing supply facilities shall normally be made overhead; and any deposit required therefor is subject to refund under Section 10 of this regulation. Upon request, such extension may be made underground, if the applicant agrees to pay the excess cost for the underground extension, which excess cost shall be non-refundable.
- (g) Point of service shall be that point where the facilities of the utility join the customer's facilities, irrespective of the location of the meter and such point of service will normally be either at the property line or at the corner of the building nearest the point at which the underground systems enter the property to be served, depending upon whether the utility or the customer owns the

underground service lateral.

2. If established utility practice dictates service termination at the customer's property line, the utility shall credit the applicant fifty dollars (\$50) or the equivalent cost of an overhead service line to the applicant's meter base, whichever is greater.
3. Where established utility practice does not dictate service termination at the customer property line, the utility shall include in its underground plan, the furnishing, installation, ownership, and maintenance of the service lateral to the meter base providing the applicant installs in the building adequate electric service entrance capacity to the satisfaction of the utility to assure that the underground service conductors will be adequate to handle present and future load requirements of the building; and in this instance the utility will determine the size and type of the service lateral conductors and appurtenances to be used in any installation.
4. If, by mutual agreement of the parties, service terminates at some other point on the building or property, the applicant shall pay the full cost of any additional extension required in excess of that provided for in paragraph (g) 1, 2 and 3 of this subsection.
- (h) When an existing utility-owned supply circuit or service lateral required replacement or reinforcement due to added loads, etc., the utility at its expense will replace or reinforce it.
- (i) Nothing herein contained shall be construed to prevent any utility from assuming all or any part of the cost differential of providing underground distribution systems within subdivisions, provided the utility demonstrates to the satisfaction of the commission that such practice will not result in increased rates to the general body of rate payers.
- (j) The utility shall not be obligated to install any facility within a subdivision until satisfactory arrangements for the payment of charges have been completed by the applicant.
- (7) Cooperation by applicant. The charges specified in these rules are based on the premise that each applicant will cooperate with the utility in an effort to keep the cost of construction and installation of the underground electric distribution system as low as possible and make satisfactory arrangements for the payment of the above charges prior to the installation of the facilities.
- (8) Construction. All electrical facilities shall be installed and constructed to comply with applicable codes and the rules and regulations of the Public Service Commission.
- [(5) Obligations of applicant and utility:]
- [(a) The applicant shall make satisfactory contractual arrangements for the payment of charges, comply with the requirements herein and with the utility's specifications on file with the commission, and give the utility not less than 120 days written notice prior to the anticipated date of completion (i.e. ready for occupancy) of the first building or multiple-occupancy building in the subdivision.]
- [(b) After such performance by the applicant the utility shall install a distribution system within the subdivision of suitable materials and in such a manner as to insure safe and adequate service for the foreseeable future. The utility shall complete the installation thirty (30) days prior to the estimated completion date (subject to weather and ground conditions, availability of materials,

and barring extraordinary or emergency circumstances beyond the reasonable control of the utility). However, nothing in this rule shall be interpreted to require the utility to extend service to portions of subdivisions not under active development.]

[(6) Location of facilities:]

[(a) All single phase conductors installed by the utility shall be underground. Appurtenances such as transformers, pedestal-mounted terminals, switching and meter cabinets may be placed above ground.]

[(b) Three (3) phase primary mains or feeders required within the subdivision to supply local distribution, or to serve individual three (3) phase loads, may be located overhead. If underground should be required by governmental authority or should be requested by the applicant, he shall bear the differential costs of underground.]

[(7) Utility tariff:]

[(a) Within sixty (60) days after the effective date of this rule, each electric utility shall file with the commission its tariff setting forth the utility's rules and regulations and all applicable charges with respect to underground electric distribution systems for new residential subdivisions. Such rules and regulations shall provide for a payment to be made by the applicant which will represent the difference between the cost of providing overhead facilities and the cost of providing underground facilities.]

[(b) The utility's tariff as filed with the commission shall set forth an "estimated average cost differential" if any, between the average or representative cost of underground facilities in residential subdivisions and of equivalent overhead facilities within the utility's service area. This differential cost shall be stated for primary service, and for secondary service, or both may be combined into one figure, and will include conductors and all necessary appurtenances, but will exclude trenching and backfilling and rock removal if applicable.]

[(c) The tariff shall state which party, the utility or the applicant, will do the trenching and backfilling for the primary and/or secondary feeders. If the utility elects to do it, the charge therefor shall be stated. This charge may be stated as "actual cost." If the applicant elects to do it, it shall be done to the utility's specifications, and a credit to the applicant shall be applied which shall be agreed upon by the parties prior to the performance of the trenching.]

[(d) 1. The tariff shall state which party, the utility or the applicant, will own and maintain the service laterals. The point of service shall be that point where the facilities of the utility join the customers facilities, irrespective of the location of the meter, and such point of service will normally be either at the property line or at the corner of the building nearest the point at which the underground system enters the property to be served, depending upon whether the utility or the customer owns the underground service lateral. Other termination points, if desired by the applicant, shall be negotiated between the parties, and the applicant will bear any additional costs resulting therefrom.]

[2. If the utility's practice dictates service termination at the customer's

property line, the utility shall credit the applicant fifty dollars (\$50) or the equivalent cost of an overhead service line to the applicant's meter base, whichever is greater.]

[3. If the utility's practice is not to terminate at the property line, the utility shall include in its underground plan, the furnishing, installation, ownership, and maintenance of the service lateral to the meter base providing the applicant installs in the building adequate electric service entrance capacity to the satisfaction of the utility to assure that the underground service conductors will be adequate to handle present and anticipated future load requirements, and in this instance the utility will determine the size and type of service lateral conductors and appurtenances to be used in any installation. When an existing utility-owned supply circuit or service lateral requires replacement or reinforcement due to added load, etc., the utility at its expense will replace or reinforce it.]

[(e) The tariff shall state separately the charges, if any, for rock removal should rock be encountered in trenching.]

[(f) The tariff shall state the costs to the applicant for primary and/or secondary feeders as an amount per foot of conductor; for trenching and backfilling as "actual cost" or as an amount per linear foot; for rock removal as "actual cost" or as an amount per linear foot.]

[(g) Detailed supporting data used to determine the "estimated average cost differential," and for any and all other applicable costs, shall be concurrently filed by the utility with the commission along with its tariff, and shall be updated annually and the charges reflected thereby shall be revised at that time if the data so indicate.]

[(h) Nothing herein contained shall be construed as to prevent any utility from assuming all or any part of the cost differential of providing underground distribution systems within subdivisions, provided the utility demonstrates to the satisfaction of the commission that such practice will not result in increased rates to the general body of rate payers, and provided such practice is applied uniformly throughout the utilities service area in a non-discriminatory fashion.]

[(8) Extensions:]

[(a) It is anticipated that most, if not all, new residential subdivisions herein considered will require distribution line extensions which fall under the provisions of Section 10 of this regulation, and in such cases this rule shall fully apply.]

[(b) Utility extensions from the boundary of the subdivision to its existing supply facilities shall normally be made overhead. Upon request, such extensions may be made underground, if the applicant agrees to pay the excess cost for the underground extension, which excess cost shall be non-refundable.]

[(9) Construction: All electrical facilities shall be installed and constructed to comply with applicable codes and the rules and regulations of the Public Service Commission.]

[(10) Exceptions: In unusual circumstances, when the application of these rules appears impracticable or unjust to either party, or discriminatory to other customers, the utility or applicant shall refer the matter to the commission for special ruling or for the approval of special conditions which may be mutually agreed upon, prior to commencing construction.]

## ADMINISTRATIVE REGISTER

Section 20. Deviations from Rules. In special cases for good cause shown applications to and approval by, the commission may permit deviations from these rules.

ADOPTED: June 27, 1975  
 APPROVED: ELIJAH M. HOGGE, Secretary  
 RECEIVED BY LRC: July 1, 1975 at 11:28 a.m.

DEPARTMENT FOR HUMAN RESOURCES  
 Bureau for Health Services  
 Certificate of Need and Licensure Board  
 (Proposed Amendment)

902 KAR 20:020. Extended care and recuperation center facilities.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 216.425, 13.082

SUPERSEDES: HFHS 5

NECESSITY AND FUNCTION: This regulation, which relates to the construction [operations] and alteration [services] of Extended Care and Recuperation Center Facilities, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definition: Extended Care and Recuperation Center Facilities, General. Establishments with organized medical staffs; with permanent facilities that include inpatient beds; and with medical services, to provide treatment for patients who require inpatient care but are not in an acute phase of illness, who currently require primarily convalescent or restorative services, and who have a variety of medical conditions.

Section 2. Essential Characteristics for Classification. (1) The primary function of the institution is to provide treatment for patients who require inpatient care but who are not in an acute phase of illness; who currently require primarily convalescent or restorative services; and who have a variety of medical conditions.

(2) There are arrangements for transfer of patients in need of hospital care for acute phases of illness.

(3) The institution maintains inpatient beds.

(4) There is a governing authority legally responsible for the conduct of the institution.

(5) There is an administrator to whom the governing authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.

(6) There is an organized medical staff of the institution, or one that serves the institution through an affiliation, to which the governing authority delegates responsibility for maintaining proper standards of medical care.

(7) Each patient is admitted on the medical authority of, and is under the supervision of, a physician.

(8) A current and complete medical record is maintained for each patient.

(9) Registered professional nurse supervision and other nursing services are continuous.

(10) Diagnostic x-ray service and clinical laboratory service are regularly and conveniently available.

(11) There is control of the storage and dispensing of controlled substances [narcotics] and other medication.

(12) Food served to patients meets their nutritional requirements, and special diets are regularly available.

Section 3. Preparation of Plans and Specifications. (1) Before construction is begun for the

erection of new buildings or alterations to existing buildings or any change in facilities, for a nursing home, 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) inches by forty-six (46) inches when trimmed.

Section 4. Submission of Plans and Specifications. (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 1/4"=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:

- a. 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;

- b. Plan of each basement, floor and roof;
- c. Elevations of each facade;
- d. Sections through building;
- e. Required scale and full-size details;
- f. Schedule of doors, windows, and room finishes;
- g. 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;
- h. 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:
  - a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;
  - b. Dimensions of special openings,
  - c. 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 of 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:
  - a. Electrical 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;
  - b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder breakers or switches;
  - c. Light outlets, receptacles, switches, power outlets, and circuits;
  - d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;
  - e. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams;
  - f. Fire alarm system with stations, signal devices, control board, and wiring diagrams;
  - g. Emergency electrical system with outlets,

- transfer switch, sources of supply, feeders, and circuits;
- h. 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;
  - 4. General conditions, which must contain the following requirements: Access to the 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 extended care and recuperation center facilities.
- (b) Current Kentucky plumbing standards regulations applicable to extended care and recuperation center facilities.
- (c) Current Kentucky standards for air contaminants for incinerators regulations applicable to extended care and recuperation center facilities.
- (d) Current Kentucky standards for elevators regulations applicable to extended care and recuperation center facilities.

Section 6. Facility Requirements and Special Conditions. (1) This regulation, except Section 5 which may be administered independent from this regulation, apply to the construction of new facilities and facilities that are being converted to extended care and recuperation center facilities. Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with these regulations and must prove to the satisfaction of the board that there are valid, reasonable, and specific justification 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) 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.

(3) The number of beds in a nursing unit shall not exceed sixty (60) unless additional services are provided, as deemed necessary by the state agency. At least two (2) rooms per nursing unit shall be designed for single person occupancy (one (1) bed) and shall have private toilet rooms with bath. 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) residents;
- (b) Minimum room area exclusive of closet, toilet rooms, lockers, wardrobes, and vestibules: 100 square feet in one (1) bed rooms and eighty (80) square feet per bed in multibed rooms;
- (c) Multibed rooms shall be designed to

## ADMINISTRATIVE REGISTER

- 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) Window: All patient rooms must have windows opening to the outside. 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 station(s); (See Section 17(6))
  - (f) Lavatory. In single and two (2) 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 and ten (10) inches 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, for 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 room.
- (2) Patient Toilet Rooms.
- (a) A toilet room shall be directly accessible from each patient room and from each central bathing area without going through the general corridor. One (1) toilet room may serve two (2) patient rooms but not more than four (4) beds. The minimum dimensions of any room containing only a water closet shall be three (3) feet by five (5) feet; bedpan flushing devices must be provided in each toilet room.
  - (b) Water closets must be easily usable by wheelchair patients. Grab bars shall be provided at all water closets;
  - (c) At least one (1) toilet for each sex shall be provided for training purposes and access by wheelchairs. This shall be accessible from the nursing corridor and may be part of the bathing area. Minimum size, five (5) feet by six (6) feet;
  - (d) Doors to toilet rooms shall have a minimum width of two (2) feet and ten (10) inches to admit a wheelchair.
- (3) 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 shall 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) Clean workroom. For storage and assembly of supplies for nursing procedures; shall contain work counter and sinks, and small sterilizer;
  - (d) Soiled workroom. Shall contain clinical sink, work counter with two compartment sink, waste receptacles, and soiled linen receptacles; and a bedpan washing device.
  - (e) Medicine room. Adjacent to nurses' station; with sink, refrigerator, locked storage, and facilities for preparation and dispensing of medication. (May be designated area within clean workroom if a self-contained cabinet is provided.)
- Controlled substances [Narcotics] locker must be under double lock and wired to warning light at nurses station;
- (f) Clean linen storage. Enclosed storage space. (May be a designated area within the clean workroom);
  - (g) 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);
  - (h) Equipment storage room. For storage of "IV" stands, inhalators, air mattresses, walkers, and similar bulky equipment;
  - (i) Patient baths. Provide separate bathing facilities for each sex. One (1) shower stall or one (1) bathtub required for each fifteen (15) beds not individually served. There shall be at least one (1) free standing bathtub in each bathroom. Grab bars shall be provided at all bathing fixtures. Each bathtub or shower enclosure in central bathing facilities shall provide space for the private use of bathing fixture, for dressing, and for a wheelchair and attendant. Showers in central bathing facilities shall not be less than four (4) feet square, without curbs, and designed to permit use from a wheelchair. Soap dishes in showers and bathrooms shall be recessed. (See training toilet requirement below);
  - (j) Stretcher and wheelchair parking area or alcove;
  - (k) Janitor's Closet. Storage of housekeeping supplies and equipment. Floor receptor or service sink;
- (4) Special Purpose Room(s). For consultation, examination and treatment, and therapeutic and nursing procedures. May serve more than one (1) nursing unit on the same floor. Provide lavatory, storage, and space for treatment table. Minimum floor area nine (9) feet by eleven (11) feet.
- (5) Patients' dining, TV viewing and recreation areas:
- (a) The total areas set aside for these purposes shall be not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50). Additional space shall be provided for outpatients if they participate in a day care program;
  - (b) Storage shall be provided for recreational equipment and supplies. (Wall cabinets and closets.)
- Section 8. Therapy Units. (1) Physical therapy unit. Recommended if staffing available. The following shall be provided (depending on the program):
- (a) Office. (May also serve for occupational therapy office);
  - (b) Exercise and treatment areas. Provide sink or lavatory and cubicle curtains around treatment areas;
  - (c) Hydrotherapy areas. Provide cubicle curtains around treatment areas;
  - (d) Storage for supplies and equipment;
  - (e) Toilet rooms. Located for convenient access by physical therapy patients. (May also serve occupational therapy patients);
- (2) Occupational Therapy Unit. May be omitted in facilities of less than 100 beds.
- (a) Office space. (May be shared with physical therapy office);
  - (b) Therapy area. Provide sink or lavatory;
  - (c) Storage for supplies and equipment;
  - (d) Toilet room. (Not required if other toilet facilities are convenient).
- (3) Personal care room. Provide space with shampoo sink and space for barber chair.

Section 9. Dietary department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary storage, processing, and handling, otherwise the following will be provided:

- (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 a lavatory;
- (4) Potwashing facilities;
- (5) Refrigerated storage. Three (3) day supply;
- (6) Dry storage. Three (3) day supply;
- (7) Cart cleaning facilities;
- (8) Cart storage area;
- (9) Waste disposal facilities;
- (10) Canwashing facilities;
- (11) Staff dining facilities;
- (12) Patient dining facilities; (See Section 7(5))
- (13) Dietician's office. (May be omitted in facilities with less than 100 beds if desk space is provided in kitchen);
- (14) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink;
- (15) Toilet room. Conveniently accessible for dietary staff. Must have two (2) door separation from food preparation area or dining areas.

#### Section 10. Administration Department.

- (1) Business office;
- (2) Lobby and information center;
- (3) Administrator's office;
- (4) Admitting and medical records areas;
- (5) Public and staff toilet rooms;
- (6) Director of nurses' office. (May be omitted in facilities of less than 100 beds.)
- (7) Housekeeper's office or space. (Location optional and may be combined with clean linen room in nursing homes of less than 100 beds.)

Section 11. Laundry. (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. Commercial type equipment shall be sufficient to take care of seven (7) days' needs within the workweek;
- (6) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink;
- (7) Storage for laundry supplies.

Items of subsections (5), (6), and (7) need not be provided if laundry is processed outside the facility.

#### Section 12. Storage and Service Areas.

- (1) Central storage room(s). Provide at least ten (10) square feet per bed for first fifty (50) beds; and five (5) square feet per bed for all beds over fifty (50), to be concentrated in one area.
- (2) Locker rooms. Provide locker rooms with water closets, and lavatories for staff and volunteers and rest space for females.
- (3) Engineering service and equipment areas. The following shall be provided:
  - (a) Boiler room;
  - (b) Engineer's office. (May be omitted in nursing homes of less than 100 beds.);
  - (c) Mechanical and electrical equipment room(s). (Can be combined with Boiler Room);
  - (d) Maintenance shop(s). At least one (1) room shall be provided;
  - (e) Storage room for building maintenance supplies and paint storage;
  - (f) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closets or elsewhere);
  - (g) Toilet and shower rooms. (May be omitted in facilities of less than 100 beds);
  - (h) Incinerator Space. The incinerator, if

required, shall be in a separate room, or in a designated area within the boiler room, or outdoors;

- (i) Refuse room. For holding trash prior to disposal. Shall be located convenient to service entrance;
- (j) Yard equipment storage room. For yard maintenance equipment and supplies.

Section 13. Details and Finishes. A high degree of safety for the occupants in minimizing the incidence of accidents shall be provided. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:

#### (1) Details:

- (a) Exit facilities shall comply with current requirements for exit facilities as listed in "Standards of Safety" as adopted by the State Fire Marshal's Office. Required egress corridors and corridors used in transporting patients shall have a minimum width of eight (8) feet. Minimum width of doors to all rooms needing access for beds or stretchers shall be three (3) feet and eight (8) inches. 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) Handrails with ends returned to the walls shall be provided on both sides of corridors used by patients in nursing homes with a clear distance of one and one-half (1 1/2) inches between handrail and wall.
- (d) All doors to patient room toilet rooms and patient room bathrooms shall swing outward or shall be equipped with hardware which will permit access in any emergency.
- (e) 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.
- (f) No doors shall swing into the corridor except closet doors.
- (g) Thresholds and expansion joint covers, if used, shall be flush with the floor.
- (h) Grab bars and accessories in patient toilet, shower, and bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.
- (i) Lavatories intended for use by patients shall be installed to permit wheelchairs to slide under.
- (j) 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.
- (k) Mirrors shall be arranged for convenient use by patients in wheelchairs as well as by patients in standing position.
- (l) Towel dispensers shall be provided at all lavatories and sinks used for handwashing.
- (m) If linen and refuse chutes are used, they shall be designed as follows:
  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 a Class "C", three-fourths (3/4) hour fire door;
  3. Minimum diameter of gravity-type chutes

## ADMINISTRATIVE REGISTER

- shall be two (2) feet;
4. Chutes shall terminate in or discharge directly into a refuse room or linen chute room separated from the incinerator or laundry. Such rooms 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 or plastic.
  - (n) 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.
  - (o) Ceiling Heights:
    1. Boiler room. Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping with adequate headroom under piping for maintenance and access; nine (9) feet minimum;
    2. Corridors, storage rooms, patients' toilet room, and other minor rooms. Not less than seven (7) feet and six (6) inches.
    3. All other rooms. Not less than eight (8) feet.
  - (p) Boiler room, 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 F.
  - (q) Approved fire extinguishers shall be provided in recessed locations throughout the building in accordance with the State Fire Marshal's Office.
  - (r) Noise reduction criteria. The ceilings of the following areas shall be acoustically treated:
    1. Corridors in patient areas;
    2. Nurses' Stations;
    3. Utility Rooms;
    4. Floor pantries;
    5. Lobbies and recreation areas.
  - (s) Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to patient bedroom areas.
  - (2) Finishes:
    - (a) For flame spread requirements see Section 15(5).
    - (b) Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish. Carpeting is not permitted in the following areas: kitchen, dishwashing room, soiled utility room, janitor's closet, soiled linen rooms, storage room, bathrooms, public toilet rooms, patient toilet rooms, hydrotherapy rooms, treatment room, and any other room where the floor is subject to repeated wetting or soiling by urine or feces.
    - (c) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.
    - (d) 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.
    - (e) Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.
    - (f) For acoustic ceilings, see Section 13(1) (r).

Section 14. Elevators. (1) Elevators, where required. All facilities where either patient beds or inpatient facilities such as 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) elevators, one (1) of which shall be hospital-type, 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 those containing the patient beds;
  3. At least three (3) elevators, one (1) of which shall be hospital-type, 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 those containing patient beds;
  4. For facilities with more than 350 beds, the number of elevators shall be determined from a study of the facility plan and the estimated vertical transportation requirements.
- (b) Cars and platforms. Elevator cars and platforms shall be constructed of noncombustible material, except that fire-retardant-treated material may be used if all exterior surfaces of the cars are covered with metal. Cars of hospital-type elevators shall have inside dimensions that will accommodate a patient's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep; car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening or not less than three (3) feet.
- (c) Leveling. Elevators shall have automatic leveling of the two (2) 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 a two (2) 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.

Section 15. Construction Including Fire-Prevention Requirements. (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.

(2) One-Story Building. One (1) story buildings shall be of not less than one (1) hour fire-resistive construction throughout, with the following exceptions: 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.

(3) Multistory buildings.

- (a) For all buildings more than one (1) story in height, the structural framework and building elements shall be an appropri-

ately fire-resistive combination of materials using steel, concrete, or masonry. Load-bearing masonry walls may be used for buildings up to and including three (3) stories in height.

- (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) Non load-bearing corridor partitions shall be of one (1) hour fire-resistive construction.
- (d) Columns, girders, trusses, floor construction including beams, and roof 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) Non load-bearing partitions other than corridor partitions shall be of one (1) hour fire-resistive construction and may utilize fire-retarded-treated wood studs.

(4) Fire-resistive ratings shall be determined in accordance with the American Society of Testing and Materials. Standard No. E119, filed herein by reference.

(5) 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 flame spread 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 No. E84-70, filed herein by reference.

(6) 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.

Section 16. 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 of 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 regulations for incinerators and air contaminants applicable to extended care and recuperation center facilities. 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 extended care facilities.

(3) Steam and hot water systems:

- (a) Boilers. If boilers are used, a minimum of two (2) must be provided; the combined capacity of 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 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 insulated with insulation 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) Temperatures. A minimum temperature of seventy-five (75) degrees F. shall be provided for all occupied areas 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 1, Section 18, 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 exhausts 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 1, Section 18.

3. 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.

4. 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.

5. Filters. Central systems designed for recirculation of air 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. Central air systems using 100 percent outdoor air shall be provided with filters rated at eighty (80) percent efficiency. 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.

- a. 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.
- b. 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 leakage.
- 6. A manometer shall be installed across each filter bed serving central air systems.

7. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay or asbestos cement.
  8. 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).
  9. Ducts which pass through fire walls shall be provided with approved automatic fire doors on both sides of the wall except that three-eighths (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.
  10. Cold-air ducts shall be insulated wherever necessary to maintain the efficiency of the system or to minimize condensation problems.
  11. 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.
  12. 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.
  13. 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.
  14. See Section 13(1)(p) 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 extended care and recuperation center facilities.
- (a) 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 clinical sinks shall be not less than six (6) inches long.
  - (b) Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.
- (6) Water supply system:
- (a) 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.
  - (b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixtures.
  - (c) 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.
  - (d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.
  - (e) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.
  - (f) Bedpan flushing devices. (See Section 7(2)(a)).
  - (g) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.
  - (h) Plumbing fixtures which require hot water and which are intended for patient use shall be supplied with water which is controlled to provide a maximum water temperature of 110 degrees F. at the fixture.
  - (i) Piping over 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, or condensation from, necessary overhead piping systems.
- (7) Hot water heaters and tanks:
- (a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:
- |            | Use      |         |         |
|------------|----------|---------|---------|
|            | Clinical | Dietary | Laundry |
| Gal/hr/bed | 6 1/2    | 4       | 4 1/2   |
| Temp. F.   | 110      | 180     | 180     |
- (b) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have non-corrosive lining.
- (8) 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 rooms, attics accessible for storage. Storage room of less than 100 square foot area and spaces used for storage of nonhazardous materials are excluded from this requirement. Sprinkler heads shall be installed at the top and at alternate floor levels of trash and laundry chutes.
- (9) Nonflammable medical gas systems. Nonflammable medical gas system installations shall be in accordance with the requirements of NFPA Standard No. 56P, as adopted by the State Fire Marshal's Office.
- (10) Plumbing approval. Prior to final approval of the plans and specifications by the State License Agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department for Natural Resources and Environmental Protection.
- Section 17. Electrical Requirements. (1) General:
- (a) All materials 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 operated as planned or specified.

- (c) The electrical installations must conform to local codes where they exist or to the National Electrical Code (see Section 5(2)). Inspections and final approval must be obtained from the State Fire Marshal's Office.

(2) Switchboard and Power Panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboard and distribution panelboards shall be enclosed or guarded to provide a dead-front type 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. All breakers and switches are to be indexed.

(3) Distribution Panelboards. Lighting and appliance panelboards shall be provided for the circuits on each floor. All circuits are to be indexed at panelboard. This requirement does not apply to emergency system circuits.

(4) 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) inches 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 control of light in patient areas shall be of the quiet operating type.

- (c) Provisions shall be made for the night lighting of corridors. (See Section 18, Table 2 for levels of illumination for various areas.)

(5) Receptacles. (Convenience outlets):

- (a) Bedroom. Each patient bedroom shall have duplex receptacles as follows: one (1) each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between the beds); receptacles for luminaires, television and motorized beds, if used, and one (1) receptacle on another wall.

- (b) Corridors. Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors. 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.

(6) Nurses' calling system. A nurses' calling station shall be installed at each patient bed and in each patient toilet, bath, and shower room. The nurses' call in toilet, bath, or shower rooms shall be an emergency call. All calls shall register at the nurses' station and shall actuate a visible signal in the corridor at the patients' door, in the clean workroom, soiled workroom, and nourishment station of the nursing unit. Nurses' call systems which provide two (2) 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 operative.

(7) Fire alarms and fire detector system. The design and installation of these systems must be approved by the State Fire Marshal's Office.

(8) Emergency electric service:

- (a) General. To provide electricity during an interruption of the normal electric

supply that could affect the nursing 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. The emergency generator set shall be 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. Dining and recreation rooms;
- c. Nursing station and medication preparation area;
- d. Generator set location, switch-gear location, and boiler room;
- e. Elevator (if required for emergency);
- f. Night light in patient room;

2. Equipment. Essential to life safety and for protection of important or vital materials;

- a. Nurses' calling system;

- b. Alarm system including fire alarm actuated at manual stations, water flow alarm devised of sprinkler system if electrically operated, fire detecting and smoke detecting systems, paging or speaker systems if intended for issuing instructions during emergency conditions, and alarms required for non-flammable medical gas systems, if installed;

- c. Fire pump, if installed;

- d. Sewerage or sump lift pump, if installed;
- e. All required duplex receptacles in patient corridors; and at least one (1) receptacle in each patient room;

- f. One (1) elevator, where elevators are used for vertical transportation of patients. Provide manual switch-over to operate other elevators;

- g. Equipment such as burners and pumps necessary for operation of one or more boilers and their necessary auxiliaries and controls, required for heating and sterilization;

- h. Equipment necessary for maintaining telephone service.

3. Heating. Where electricity is the only source of power normally used for space heating, the emergency service shall provide for heating of patient rooms. Emergency heating of patient rooms will not be required in areas where the facility is supplied by at least two (2) utility service feeders, each supplied by separate generating sources or a network distribution system fed by two or more generators, with the facility feeders so routed, connected, and protected that a fault any place between the generators and the facility will not likely cause an interruption of more than one of the

## ADMINISTRATIVE REGISTER

- (e) nursing home service feeders. Details. The emergency 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 (1) or more primary automatic transfer switches to all emergency lighting; all alarms; nurses' call; equipment necessary for maintaining telephone service; and receptacles in patient corridors. 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 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 of required emergency electric services. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

Section 18. Tables. Table 1, Pressure Relationships and Ventilation of Certain ECF Areas; and Table 2, Lighting Levels for ECF.

Table 1. Pressure Relationships and Ventilation of Certain ECF Areas

Area Designation	Pressure Relationship to Adjacent Areas	All Supply Air from Outdoors	Minimum Air Changes of Outdoor Air Per Hour
Patient room	0	--	2
Patient area corridor	0	--	4
Treatment room	0	Yes	6
Physical therapy and hydrotherapy	-	--	6
Dining and recreation areas	0	--	4
Soiled workroom	-	--	4
Clean workroom	+	Yes	4
Toilet room	-	--	--
Bedpan room	-	--	--
Bathroom	-	--	--
Janitor's closet	-	--	--
Sterilizer equipment room	-	--	--
Linen and trash chute rooms	-	--	--
Food preparation center	0	Yes (1)	10
Dishwashing room	-	--	--
Dietary dry storage	0	--	--
Laundry general	0	Yes	10
Soiled linen sorting and storage	-	--	--
Clean linen storage	+	--	2

+ = Positive - = Negative 0 = Equal -- = Optional  
(1) Section 16(4)(b)11 for exceptions

Table 1. Continued

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Area
Patient room	2	--	--
Patient area corridor	4	--	--
Treatment room	6	Yes	No
Physical therapy and hydrotherapy	6	--	--
Dining and recreation areas	4	--	--
Soiled workroom	4	Yes	No
Clean workroom	4	--	--
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
Food preparation center	10	Yes	No
Dishwashing room	10	Yes	No
Dietary dry storage	2	--z	No
Laundry, general	10	Yes	No
Soiled linen sorting and storage	10	Yes	No
Clean linen storage	2	--	--

Table 2. Lighting Levels for ECF

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
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
Patient care unit (or room), general	10
Patient care room, reading	30
Patient care room, night light (variable)	.5 to 1.5
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20
Utility room, work counter	50

\*Minimum on task at anytime

ADOPTED: May 19, 1975 HOWARD BOST, Chairman  
APPROVED: C. LESLIE DAWSON, Secretary  
RECEIVED BY LRC: June 24, 1975 at 4:27 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Howard 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  
(Proposed Amendment)

902 KAR 20:025. Extended care and recuperation center services.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 216.425, 13.082

SUPERSEDES: HFHS 6

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Extended Care and Recuperation Center Services, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definition: Extended Care and Recuperation Center Services, General: Establishments with medical staffs; with permanent facilities that include inpatient beds; and with medical services, including physician services and continuous nursing services, to provide treatment for patients who require inpatient care but are not in an acute phase of illness, who currently require primarily convalescent or restorative services, and who have a variety of medical conditions.

Section 2. Essential Characteristics for an Extended Care and Recuperation Center Services: The essential characteristics for extended care and recuperation center services are as follows: (1) The primary function of the institution shall be to provide treatment for patients who require inpatient care but who are not in an acute phase of illness; who currently require

primarily convalescent or restorative services; and who have a variety of medical conditions.

(2) There shall be arrangements for transfer of patients in need of hospital care for acute phases of illness.

(3) The institution shall maintain inpatient beds.

(4) There shall be a governing authority legally responsible for the conduct of the institution.

(5) There shall be an administrator to whom the governing authority shall delegate the full time responsibility for the operation of the institution in accordance with established policy.

(6) There shall be medical staff of the institution, or one that serves the institution through an affiliation, to which the governing authority shall delegate responsibility for maintaining proper standards of medical care.

(7) Each patient shall be admitted on the medical authority of, and shall be under the supervision of a physician.

(8) A current and complete medical record shall be maintained for each patient.

(9) Registered professional nurse supervision and other nursing services shall be continuous.

(10) Diagnostic x-ray service and clinical laboratory service shall be regularly and conveniently available.

(11) There shall be control of the storage and dispensing of controlled substances [narcotics] and other medications.

(12) Food served to patients shall meet their nutritional requirements, and special diets shall be regularly available.

Section 3. Administrative Management: The facility shall have an effective governing body legally responsible for the conduct of the facility, which designates an administrator and establishes administrative policies. However, if the facility does not have an organized governing body, the persons legally responsible for the conduct of the facility shall carry out or have carried out the functions herein pertaining to the governing body.

(1) Governing body. There shall be a governing body which assumes full legal responsibility for the overall conduct of the facility. The ownership of the facility shall be fully disclosed to the state licensure agency. In the case of corporations, the corporate officers shall be made known. The governing body shall be responsible for compliance with the applicable laws and regulation of legally authorized agencies.

(2) Full time administrator. The governing body shall appoint a full time administrator who shall be qualified by training and experience and shall delegate to him the internal operation of the facility in accordance with established policies.

(a) The administrator shall be at least twenty one (21) years old, shall be capable of making mature judgments, and shall have no physical or mental disabilities or personality disturbances which interfere with carrying out his responsibilities.

(b) The administrator shall be licensed as a nursing home administrator as provided by KRS 216A.070.

(c) The administrator's responsibilities for procurement and direction of competent personnel shall be clearly defined.

(d) An individual competent and authorized to act in the absence of the administrator shall be designated.

(e) The administrator may be a member of the governing body.

(3) Personnel policies. There shall be written

12. Transfer agreement.

13. Utilization review.

(b) The group of professional personnel responsible for patient care policies shall include health personnel such as social workers, dietitians, pharmacists, speech pathologists and audiologists, physical and occupational therapists, and

mental health personnel. Pharmacy policies and procedures shall be developed with the advice of a subgroup of physicians and pharmacists, serving as a pharmacy and therapeutics committee.

(c) Some members of this group shall be neither owners nor employees of the facility.

(d) The group shall meet at regularly scheduled intervals and minutes of each meeting shall be recorded.

(e) The group may serve one (1) or more facilities.

(2) Responsibilities: Execution of patient care policies. The facility shall have a physician, a registered professional nurse, or a medical staff responsible for the execution of patient care policies established by the professional group referred to in this section. If the organized medical staff is responsible, an individual physician shall be designated to maintain compliance with overall patient care policies. If a registered professional nurse is responsible, the facility shall make available an advisory physician from whom she receives medical guidance.

Section 5. Physician Services: Patients in need of skilled nursing care shall be admitted only upon the recommendation of a physician; their health care shall continue under the supervision of a physician; and the facility shall have a physician available to furnish necessary medical care in case of emergency.

(1) Medical findings and physician's orders. There shall be made available to the facility, prior to or at the time of admission, patient information which includes current medical findings, diagnoses, rehabilitation potential, a summary of the course of treatment followed in the hospital, and orders from a physician for the immediate care of the patient.

(a) If the above information is not available in the facility upon admission of the patient, it shall be obtained by the facility within forty eight (48) hours after admission.

(b) If medical orders for the immediate care of a patient are unobtainable at the time of admission, the physician with responsibility for emergency care shall give temporary orders.

(c) A current hospital discharge summary, personnel policies, practices, and procedures that adequately support sound patient care. Current employee records shall be maintained and include a resume of each employee's training and experience. Files shall contain evidence of adequate health supervision such as results of pre-employment and periodic physical examination, including T.B. test, and records of all illnesses and accidents occurring on duty. Work assignments shall be consistent with qualifications.

(4) Notification of changes in patient status. There shall be appropriate written policies and procedures relating to notification of responsible persons in the event of significant changes in patient status, patient charges, billings, and other related administrative matters. Patients shall not be transferred or discharged without prior notification of next of kin or sponsor. Information describing the care and services provided by the facility shall be accurate and not misleading.

Section 4. Patient Care Policies: There shall be policies to govern the skilled nursing care and related medical or other services provided, which shall be developed with the advice of professional personnel, including one (1) or more physicians and one (1) or more registered professional nurses. A physician, a registered professional nurse, or a medical staff shall be responsible for the execution of these policies.

(1) Policies regarding nursing and medical care:

(a) The facility has written policies which shall be developed with the advice of

(and with provision for review of such policy from time to time by) a group of professional personnel, including at least one (1) or more physicians and one (1) or more registered professional nurses, to govern the skilled nursing care and related medical or other services it provides. Policies shall reflect awareness of and provision for meeting the total needs of patients. These shall be reviewed at least annually and cover at least the following:

1. Admission, transfer, and discharge policies including categories of patients accepted and not accepted by the facility.
2. Physician services.
3. Nursing services.
4. Dietary services.
5. Restorative services.
6. Pharmaceutical services.
7. Diagnostic services.
8. Dental services.
9. Social services.
10. Patient activities.
11. Clinical records.

taining the above information shall not be acceptable.

(2) Supervision by physician. The facility shall have a requirement that the health care of every patient is under the supervision of a physician who, based on an evaluation of the patient's immediate and long-term needs, prescribes a planned regimen of medical care which covers indicated medications, treatments, restorative services, diet, special procedures recommended for the health and safety of the patient, activities, plans for continuing care and discharge.

- (a) The medical evaluation of the patient shall be based on a physical examination done within forty eight (48) hours of admission unless such examination was performed within five (5) days prior to admission.
- (b) The charge nurse and other appropriate personnel involved in the care of the patient shall assist in planning his total program of care.
- (c) The patient's total program of care shall be reviewed and revised at intervals appropriate to his needs. Attention shall be given to special needs of patients such as foot, sight, speech, and hearing problems.
- (d) Orders concerning medications and treatments shall be in effect for the specified number of days indicated by the physician but in no case exceed a period of thirty (30) days unless recorded in writing by the physician.
- (e) Telephone orders shall be accepted only when necessary and only by licensed nurses. Telephone orders shall be written into the appropriate clinical record by the nurse receiving them and shall be countersigned by the physician within forty eight (48) hours.
- (f) Patients shall be seen by a physician at least once every thirty (30) days. There shall be evidence in the clinical record of the physician's visits to the patient at appropriate intervals.
- (g) There shall be evidence in the clinical record that the physician has made arrangements for the medical care of the patient in the physician's absence.
- (h) To the extent feasible, each patient or his sponsor shall designate a personal physician.

(3) Availability of physicians for emergency care. The facility shall provide for having one (1) or more physicians available to furnish necessary medical care in case of emergency if the physician responsible for the care of the patient is not immediately available. A schedule listing the names and telephone numbers of these physicians

and the specific days each shall be on call shall be posted in each nursing station. There shall be established procedures to be followed in an emergency, which cover immediate care of the patient, persons to be notified, and reports to be prepared.

Section 6. Nursing Services: The facility shall provide twenty four (24) hour nursing services which shall be sufficient to meet the nursing needs of all patients. There shall be at least one (1) registered professional nurse employed full time and responsible for the total nursing service. There shall be a registered professional nurse or practical nurse who is a graduate of a state approved school of practical nursing in charge of nursing activities during each tour of duty. The terms "licensed practical nurse(s)" and "practical nursing" as used in this section are synonymous with "licensed vocational nurse(s)" and vocational nursing.

(1) Full time nursing. There shall be at least one (1) registered professional nurse employed full time. If there is only one (1) registered professional nurse, she shall serve as director of the nursing service, shall work full time during the day, and shall devote full time to the nursing service of the facility. If the director of nursing has administrative responsibility for the facility, she shall have a professional nurse assistant so that there shall be the equivalent of a full time director of nursing service. The director of nursing shall be trained or experienced in areas such as nursing service, administration, rehabilitation nursing, psychiatric or geriatric nursing.

(2) Director of nursing service. The director of the nursing service shall be responsible for:

- (a) Developing and/or maintaining nursing service objectives, standards of nursing practice, nursing procedures manuals, and written job descriptions for each level of nursing personnel;
- (b) Recommending to the administrator the number and level of nursing personnel to be employed, participating in their recruitment and selection, and recommending termination of employment when necessary;
- (c) Assigning and supervising all levels of nursing personnel;
- (d) Participating in planning and budgeting for nursing care;
- (e) Participating in the development and implementation of patient care policies and bringing patient care problems requiring changes in policy to the attention of the professional policy advisory groups;
- (f) Coordinating nursing services with other patient care services such as physician, physical therapy, occupational therapy, and dietary;
- (g) Planning and conducting orientation programs for new nursing personnel, and continuing inservice education for all nursing personnel;
- (h) Participating in the selection of prospective patients in terms of nursing services they need and nursing competencies available;
- (i) Assuring that a nursing care plan shall be established for each patient and that his plan shall be reviewed and modified as necessary.
- (j) Assuring that registered professional nurses, licensed practical nurses, nurses' aides and orderlies are assigned duties consistent with their training and experience.

(3) Supervising nurse. Nursing care shall be provided by or under the supervision of a full time registered professional nurse currently licensed to practice in the state. The supervising nurse shall be trained or experienced in areas such as nursing administration and supervision, rehabilitation nursing, psychiatric or geriatric nursing. The

supervising nurse shall make daily rounds to all nursing units performing such functions as visiting each patient, reviewing clinical records, medication cards, patient care plans, and staff assignments, and to the greatest degree possible accompanying physicians when visiting patients.

(4) Charge nurse. There shall be at least one (1) registered professional nurse or qualified licensed practical nurse who is a graduate of a state approved school of practical nursing on duty at all times and in charge of the nursing activities during each tour of duty.

- (a) A state approved school of practical nursing shall be one whose standards of education meet those set by the appropriate state nurse licensing authority.
- (b) It shall be desirable that the nurse in charge of each tour of duty be trained or experienced in areas such as nursing administration and supervision, rehabilitation nursing, psychiatric or geriatric nursing.
- (c) The charge nurse shall have the ability to recognize significant changes in the condition of patients and to take necessary action.
- (d) The charge nurse shall be responsible for the total nursing care of patients during her tour of duty.

(5) Twenty four hour nursing service. There shall be twenty four (24) hour nursing service with a sufficient number of nursing personnel on duty at all times to meet the total needs of patients. Nursing personnel shall include registered professional nurses, licensed practical nurses, aides and orderlies. The amount of nursing time available for patient care shall be exclusive of nonnursing duties. Sufficient nursing time shall be available to assure that each patient:

- (a) Shall receive treatments, medications and diets as prescribed;
- (b) Shall receive proper care to prevent decubiti and shall be kept comfortable, clean and well-groomed;
- (c) Shall be protected from accident and injury by the adoption of indicated safety measures;
- (d) Shall be treated with kindness and respect.

[Licensed practical nurses, nurse's aids, and orderlies shall be assigned duties consistent with their training and experience.]

(6) Restorative nursing care. There shall be an active program of restorative nursing care directed toward assisting each patient to achieve and maintain his highest level of self care and independence.

- (a) Restorative nursing care initiated in the hospital shall be continued immediately upon admission to the extended care facility.
- (b) Nursing personnel shall be taught restorative nursing measures and shall practice them in their daily care of patients. These measures shall include:
  1. Maintaining good body alignment and proper positioning of bedfast patients;
  2. Encouraging and assisting bedfast patients to change positions at least every two (2) hours, day and night to stimulate circulation and prevent decubiti and deformities;
  3. Making every effort to keep patients active and out of bed for reasonable periods of time, except when contraindicated by physician's orders, and encouraging patients to achieve independence in activities of daily living by teaching self care, transfer and ambulation activities;
  4. Assisting patients to adjust to their disabilities, to use their prosthetic devices, and to redirect their interests if necessary;
  5. Assisting patients to carry out prescribed physical therapy exercises

between visits of the physical therapist.

(c) Consultation and instruction in restorative nursing available from state or local agencies shall be utilized.

(7) Dietary supervision. Nursing personnel shall be aware of the dietary needs and food and fluid intake of patients. Nursing personnel shall observe that patients are served diets as prescribed. Patients needing help in eating shall be assigned promptly upon receipt of meals. Adaptive self help devices shall be provided to contribute to the patient's independence in eating. Food and fluid intake of patients shall be observed and deviations from normal shall be reported to the charge nurse. Persistent unresolved problems shall be reported to the physician.

(8) Nursing care plan. There shall be written nursing care plans for each patient based on the nature of illness, treatment prescribed, long and short term goals and other pertinent information.

- (a) The nursing care plan shall be a personalized, daily plan for individual patients. It shall indicate what nursing care is needed, how it can best be accomplished for each patient, how the patient likes things done, what methods and approaches are most successful, and what modifications are necessary to insure best results.
- (b) Nursing care plans shall be available for use by all nursing personnel.
- (c) Nursing care plans shall be reviewed and revised as needed.
- (d) Relevant nursing information from the nursing care plan shall be included with other medical information when patients are transferred.

(9) Inservice educational program. There shall be a continuing education program in effect for all nursing personnel in addition to a thorough job orientation for new personnel. Skill training for nonprofessional nursing personnel shall begin during the orientation period. Planned inservice programs shall be conducted at regular intervals for all nursing personnel. All patient care personnel shall be instructed and supervised in the care of emotionally disturbed and confused patients, and shall be helped to understanding the social aspects of patient care. Skill training shall include demonstration, practice, and supervision of simple nursing procedures applicable in the individual facility. It shall also include simple restorative nursing procedures. Orientation of new personnel shall include a review of the procedures to be followed in emergencies. Opportunities shall be provided for nursing personnel to attend training courses in restorative nursing and other educational programs related to the care of long term patients.

Section 7. Dietary services: The dietary service shall be directed by a qualified individual and shall meet the daily dietary needs of patients. A facility which has a contract with an outside food management company may be found to meet this requirement provided the company has a dietician who serves, as required by the scope and complexity of the service, on a full time, part time or consultant basis to the facility, and provided the company maintains regulations as listed herein and shall provide for continuing liaison with the medical and nursing staff of the facility for recommendations on dietetic policies affecting patient care.

(1) Dietary supervision. A person designated by the administrator shall be responsible for the total food service of the facility. If this person is not a professional dietician, regularly scheduled consultation from a professional dietician or other person with suitable training shall be obtained. A professional dietician shall meet the American Dietetic Association's qualification standards. Other persons with suitable training shall be graduates of baccalaureate degree programs with major studies in food and nutrition. The person in charge of the dietary service shall participate in

regular conferences with the administrator and other supervisors of patient services. This person shall make recommendations concerning the quantity, quality and variety of food purchased. This person shall be responsible for the orientation, training and supervision of food service employees, and shall participate in their selection and in the formulation of pertinent personnel policies. Consultation obtained from self-employed dietitians or dietitians employed in voluntary or official agencies shall be acceptable if provided on a frequent and regularly scheduled basis.

(2) Adequacy of diet staff. A sufficient number of food service personnel shall be employed and their working hours shall be scheduled to meet the dietary needs of the patients. There shall be food service employees on duty over a period of twelve (12) or more hours. Food service employees shall be trained to perform assigned duties and shall participate in selected inservice education programs. In the event food service employees are assigned duties outside the dietary department, these duties shall not interfere with the sanitation, safety, or time required for dietary work assignments. Work assignments and duty schedules shall be posted.

(3) Hygiene of diet staff. Food service personnel shall be in good health and practice hygienic food handling techniques. Food service personnel shall wear clean washable garments, hairnets, or clean caps, and shall keep their hands and fingernails clean at all times. Routine health examinations at least meet local and state codes for food health service personnel. Where food handler's permits are required, they shall be current. Personnel having symptoms of communicable diseases or open infected wounds shall not be permitted to work.

(4) Adequacy of diet. The food and nutritional needs of patients shall be met in accordance with physician's orders, and, to the extent medically possible, shall meet the dietary allowances of the Food and Nutrition Board of the National Research Council adjusted for age, sex, and activity. A daily food guide for adults may be based on the following allowances:

- (a) Milk: Two (2) or more cups;
- (b) Meat group: Two (2) or more servings of beef, veal, port, lamb, poultry, fish, eggs. Occasionally dry beans, nuts, or dry peas may be served as alternates.
- (c) Vegetable and fruit group: Four (4) or more servings. A citrus fruit or other fruit and vegetable important for Vitamin C; a dark green or deep yellow vegetable for Vitamin A, at least every other day; other fruits and vegetables including potatoes.
- (d) Bread and cereal group: Four (4) or more servings of whole grain, enriched or restored.
- (e) Other foods to round out meals and snacks, to satisfy individual appetites and provide additional calories.

(5) Therapeutic diets. Therapeutic diets shall be prepared and served as prescribed by the attending physician. Therapeutic diet orders shall be planned, prepared, and served with supervision or consultation from a qualified dietitian. A current diet manual recommended by the state licensure agency shall be readily available to food service personnel and supervisors of nursing service. Persons responsible for therapeutic diets shall have sufficient knowledge of food values to make appropriate substitutions when necessary.

(6) Quality of food. At least three (3) meals or their equivalent shall be served daily, at regular times, with not more than a fourteen (14) hour span between a substantial evening meal and breakfast. Between meal or bedtime snacks of nourishing quality shall be offered. If the "four (4) or five (5) meal a day" plan is in effect, meals and snacks shall provide nutritional value equivalent to the daily food guide previously described.

(7) Planning of menus. Menus shall be planned in advance and food sufficient to meet the nutri-

tion needs of patients shall be prepared as planned for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value. Menus shall be written at least one (1) week in advance. The current week's menu shall be in one or more accessible places in the dietary department for easy use by workers purchasing, preparing, and serving foods. Menus shall provide a sufficient variety of foods served in adequate amounts at each meal. Menus shall be different for the same days of each week and shall be adjusted for seasonal changes. Records of menus served shall be filed and maintained for thirty (30) days. Supplies of staple foods for a minimum of a one (1) week period and of perishable foods for a minimum of a two (2) day period shall be maintained on the premises. Records of food purchased for preparation shall be on file.

(8) Preparation of food. Food shall be prepared by methods that conserve nutritive value, flavor, and appearance, and shall be attractively served at the proper temperatures and in a form to meet individual needs. A file of tested recipes, adjusted to appropriate yield, shall be maintained. Food shall be cut, chopped or ground to meet individual needs. If a patient refuses food served, substitutes shall be offered. Effective equipment shall be provided and procedures established to maintain food at proper temperature during serving. Table service shall be provided for all who can and will eat at a table including wheelchair patients. Trays provided bedfast patients shall rest on firm supports such as overbed tables. Study tray stands of proper height shall be provided patients able to be out of bed.

(9) Maintenance of sanitary conditions. Sanitary conditions shall be maintained in the storage, preparation and distribution of food. Effective procedures for cleaning all equipment and work areas shall be followed consistently. Dishwashing procedures and techniques shall be well developed, understood and carried out in compliance with state and local health codes. Written reports of inspections by state or local health authorities shall be on file at the facility with notation made of action taken by the facility to comply with any recommendations. Waste which is not disposed of by mechanical means shall be kept in leak proof nonabsorbent containers with close fitting covers and shall be disposed of daily in a manner that will prevent transmission of disease, a nuisance, a breeding place for flies, or a feeding place for rodents. Containers shall be thoroughly cleaned inside and out each time emptied. Dry or staple food items shall be stored off the floor in a ventilated room not subject to sewage or waste water backflow, or contamination by condensation, leakage, rodents, or vermin. Handwashing facilities including hot and cold water, soap, individual towels, preferably paper towels, shall be provided in kitchen areas.

Section 8. Restorative Services: Restorative services shall be provided upon written order of the physician. (1) Medical director. Restorative services shall be provided only upon written order by the physician, who shall indicate anticipated goals and shall be responsible for general medical direction of such services as part of the total care of the patient. The physician shall prescribe specific modalities to be used and frequency of physical and occupational therapy services.

(2) Maintenance of patient's functions. At a minimum, restorative nursing care designed to maintain function or improve the patient's ability to carry out the activities of daily living shall be provided by the facility.

(3) Therapy services. If restorative services beyond restorative nursing care are offered, whether directly or through cooperative arrangements with appropriate agencies such as hospitals, rehabilitation centers, state or local health departments, or independently practicing therapists, these services shall be given or supervised by therapists, meeting the qualification set out below. When supervision is less than full

time, it shall be provided on a planned basis and shall be frequent enough, in relation to the staff therapist's training and experience to assure sufficient review of individual treatment plans and progress.

- (a) Physical therapy shall be given or supervised by a therapist who is licensed in the Commonwealth of Kentucky.
- (b) Physical therapy shall include such services as:
  1. Assisting the physician in his evaluation of patients by applying muscle, nerve, joint, and functional ability tests;
  2. Treating patients to relieve pain, develop or restore functions, and maintain maximum performance, using physical means such as exercise, massage, heat, water, light, and electricity.
- (c) Speech therapy shall be given or supervised by a therapist who meet one (1) of the following requirements:
  1. Has been granted a certificate of clinical competence in the appropriate area (Speech Pathology or Audiology) by the American Speech and Hearing Association; or
  2. Meets the equivalent educational requirements and work experience necessary for such certificate; or
  3. Has completed the academic and practicum requirements for certification and shall be in the process of accumulating the necessary supervised work experience required for certification; or
  4. Has a basic certificate or provisional basic certification and is in the process of acquiring four (4) years of sponsored professional experience.
- (d) Speech therapy shall be service in speech, pathology or audiology, and may include:
  1. Cooperation in the evaluation of patients with speech, hearing, or language disorders;
  2. Determination and recommendation of appropriate speech and hearing services;
  3. Provision of necessary rehabilitative services for patients with speech, hearing, and language disabilities.
- (e) Occupational therapy shall be given or supervised by a therapist who is registered by the American Occupational Therapy Association or is a graduate of a program approved by the Council on Medical Education of the American Medical Association in collaboration with the American Occupational Therapy Association and is in the process of accumulating supervised clinical experience required for registration.
- (f) Occupational therapy shall include duties such as:
  1. Assisting the physician in his evaluation of the patients level of function by applying diagnostic and prognostic tests.
  2. Guiding the patient in his use of therapeutic creative and self care activities for improving function.
- (g) Other personnel providing restorative services shall be trained and work under professional supervision in accordance with accepted professional practices. For example, an occupational therapy assistant shall have successfully completed a training course approved by the American Occupational Therapy Association, shall be certified by that body as a certified occupational therapy assistant, and shall receive supervision from a qualified occupational therapist.
- (h) In a facility with an organized rehabilitation service using a multi-disciplinary team approach to all the needs of the patient, and where all therapists' services are administered under the direct supervision of a physician quali-

fied in physical medicine who will determine the goals and limits of the therapists' work, and prescribes modalities and frequency of therapy, persons with qualifications other than those described in subsection (3)(a), (c) and (e) of this section could be assigned duties appropriate to their training and experience.

- (i) Therapists shall collaborate with the facility's medical and nursing staff in developing the patient's total plan of care.
- (j) Therapists shall participate in the facility's inservice education programs.

(4) Ambulation and therapeutic equipment. Commonly used ambulation and therapeutic equipment necessary for services offered shall be available for use in the facility. Recommended ambulation equipment includes such items as parallel bars, hand rails, wheelchairs, walkers, walkerettes, crutches and canes. The therapists shall advise the administrator concerning the purchase, rental, storage and maintenance of equipment and supplies.

Section 9. Pharmaceutical Services: Whether drugs are generally procured from community or institutional pharmacists or stocked by the facility, the facility shall have methods for its pharmaceutical services that are in accordance with accepted professional practices.

(1) Procedures for administration of pharmaceutical services. The facility shall provide appropriate methods and procedures for the obtaining, dispensing and administering of drugs and biologicals, developed with the advice of a staff pharmacist, a consultant pharmacist, or a pharmaceutical advisory committee which includes one or more licensed pharmacists.

- (a) If the facility has a pharmacy department, a licensed pharmacist shall be employed to administer the pharmacy department.
- (b) If the facility does not have a pharmacy department, it shall have provisions for promptly and conveniently obtaining prescribed drugs and biologicals from community or institutional pharmacists.
- (c) If the facility does not have a pharmacy department, but does maintain a supply of drugs:
  1. The consultant pharmacist shall be responsible for the control of all bulk drugs and maintains records of their receipt and disposition.
  2. The consultant pharmacist shall dispense drugs from the drug supply, properly label them and makes them available to appropriate licensed nursing personnel. Wherever possible, the pharmacist in dispensing drugs shall work from the prescriber's original order or direct copy.
  3. Provisions shall be made for emergency withdrawal of medications from the drug supply.
- (d) An emergency medication kit approved by the facility's group of professional personnel shall be kept readily available.
- (e) The facility shall have written policies covering pharmaceutical services which shall be developed with the advice of a group of professional personnel and which shall be reviewed at least annually. Pharmacy policies and procedures shall be preferably developed with the advice of a subgroup of physicians and pharmacists serving as a pharmacy and therapeutic's committee.

(2) Conformance with physician's orders. All medications administered to patients shall be ordered in writing by the patient's physician. Oral orders shall be given only to a licensed nurse, immediately reduced to writing, signed by the nurse and countersigned by the physician within

forty eight (48) hours. Medications not specifically limited as to time or number of doses, when ordered, shall be automatically stopped in accordance with written policy approved by the physician or physician's responsible for advising the facility on its medical administrative policies. The charge nurse and the prescribing physician together shall review monthly each patient's medications. The patient's attending physician shall be notified of stop order policies and contacted promptly for renewal of such orders so that continuity of the patient's therapeutic regimen is not interrupted. Medications are released to patients on discharge only on the written authorization of the physician.

(3) Administration of medications. All medications shall be administered by licensed medical or nursing personnel in accordance with the Medical Practice Act (KRS 311.530 to 311.620) and the Nurse Practice Act (KRS Chapter 314). Each dose administered shall be recorded in the clinical record.

- (a) The nursing station shall have readily available items necessary for the proper administration of medications.
- (b) In administering medications, medication cards or other state approved systems, shall be used and checked against the physician's orders.
- (c) Medications prescribed for one patient shall not be administered to any other patient.
- (d) Self administration of medications by patients shall not be permitted except for emergency drugs on special order of the patient's physician or in a predischARGE program under the supervision of a licensed nurse.
- (e) Medication errors and drug reactions shall be immediately reported to the patient's physician and an entry thereof made in the patient's clinical record as well as on an incident report.
- (f) Up to date medication reference texts and sources of information shall be provided, such as the American Hospital Formulary Service of the American Society of Hospital Pharmacists or other suitable references.

(4) Labeling and storing medications. Patient's medications shall be properly labeled and stored in a locked cabinet at the nurse's station.

- (a) The label of each patient's individual medication container clearly indicates the patient's full name, physician's name, prescription number, name and strength of drug, date of issue, expiration date of all time dated drugs and name and address and telephone number of pharmacy issuing the drug. It is advisable that the manufacturer's name and the lot or control number of the medication also appear on the label.
- (b) Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist or pharmacy for relabeling or disposal. Containers having no labels shall be destroyed in accordance with state and federal laws.
- (c) The medications of each patient shall be kept and stored in their originally received containers and transferring between containers shall be forbidden.
- (d) Separately locked, securely fastened boxes (or drawers) within the medicine cabinet shall be provided for storage of controlled substances [narcotics], barbiturates, amphetamines and other dangerous drugs subject to the Controlled Substances Act (KRS Chapter 218A).
- (e) Cabinets shall be well lighted and of sufficient size to permit storage without crowding.
- (f) Medications requiring refrigeration shall be kept in a separate locked box within a refrigerator at or near the nursing station.

- (g) Poisons and medications for "external use only" shall be kept in a locked cabinet and separate from other medications.
- (h) Medications no longer in use shall be disposed of or destroyed in accordance with federal and state laws and regulations.
- (i) Medications having an expiration date shall be removed from usage and properly disposed of after such date.

(5) Control of controlled substances [narcotics], etc. The facility complies with all federal and state laws and regulations relating to the procurement, storage, dispensing, administration and disposal of controlled substances [narcotics], those drugs subject to the federal and state Controlled Substances Acts, and other legend drugs (KRS Chapter 218A). A controlled substances [narcotic] record shall be maintained which lists on separate sheets for each type and strength of controlled substances [narcotic] the following information: date, time administered, name of patient, dose, physician's name, signature of person administering dose and balance.

Section 10. Diagnostic Services: The facility shall have provisions for obtaining required clinical laboratory, x-ray and other diagnostic services. Provisions for diagnostic services: The facility shall have provisions for promptly and conveniently obtaining required clinical laboratory, x-ray and other diagnostic services. Such services may be obtained from a physician's office, a laboratory which is part of a licensed hospital or a laboratory which is approved to provide these services as an independent laboratory. If the facility provides its own diagnostic services, these shall meet the applicable laws and regulations. All diagnostic services shall be provided only on the request of a physician. The physician shall be notified promptly of the test results. Arrangements shall be made for the transportation of patients, if necessary, to and from the source of service. Simple tests, such as those customarily done by nursing personnel for diabetic patients may be done in the facility. All reports shall be included in the clinical record.

Section 11. Dental Services: The facility shall assist patients to obtain regular and emergency dental care. Provision for dental care: Patients shall be assisted to obtain regular and emergency dental care. An advisory dentist shall provide consultation, participate in inservice education, recommend policies concerning oral hygiene, and shall be available in case of emergency. The facility, when necessary, shall arrange for the patient to be transported to the dentist's office. Nursing personnel shall assist the patient to carry out the dentist's recommendation.

Section 12. Social Services: (1) Provision for medically related social needs. The medically related social needs of the patient shall be identified, and services provided to meet them, in admission of the patient, during his treatment and care in the facility, and in planning for his discharge.

- (a) As a part of the process of evaluating a patient's need for services in a facility and whether the facility can offer appropriate care, emotional and social factors shall be considered in relation to medical and nursing requirements.
- (b) As soon as possible after admission, there shall be evaluation, based on medical, nursing and social factors, of the probable duration of the patient's need for care and a plan shall be formulated and recorded for providing such care.
- (c) Where there are indications that financial help will be needed, arrangements shall be made promptly for referral to an appropriate agency.
- (d) Social and emotional factors related to the patient's illness, to his response to treatment and to his adjustment to care

in the facility shall be recognized and appropriate action shall be taken when necessary to obtain casework services to assist in resolving problems in these areas.

- (e) Knowledge of the patient's home situation, financial resources, community resources available to assist him, and pertinent information related to his medical and nursing requirements shall be used in making decisions regarding his discharge for the facility.

(2) Staff members responsible for social services. There shall be a designated member of the staff of the facility who will take responsibility, when medically related social problems shall be recognized for action necessary to solve them. There shall be a full time or part time social worker employed by the facility, or there shall be a person on the staff who is suited by training and/or experience in related fields to find community resources to deal with the social problems. The staff member responsible for this area of service shall have information promptly available on health and welfare resources in the community. If the facility does not have a qualified social worker on its staff, there shall be an effective arrangement with a public or private agency, which may include the local welfare department, to provide social service consultation. A qualified social worker shall be a graduate of a school of social work accredited by the Council on Social Work Education.

(3) Social services training of staff. There shall be provisions for orientation and inservice training of staff directed toward understanding emotional problems and social needs of sick and infirm aged persons and recognition of social problems of patients and the means of taking appropriate action in relation to them. Either a qualified social worker on the staff, or one from outside the facility, shall participate in training programs, case conferences, and arrangements for staff orientation to community services and patient needs.

(4) Confidentiality of social data. Pertinent social data, and information about personal and family problems related to the patient's illness and care shall be made available only to the attending physician, appropriate members of the nursing staff, and other key personnel who are directly involved in the patient's care, or to recognized health or welfare agencies. There shall be appropriate policies and procedures for assuring the confidentiality of such information.

- (a) The staff member responsible for social services shall participate in clinical staff conferences and/or confers with the attending physician prior to admission of the patient, at intervals during the patient's stay in the facility, and prior to discharge of the patient, and there shall be evidence in the record of such conferences.
- (b) The staff member and nurses responsible for the patient's care confer frequently and there shall be evidence of effective working relationships between them.
- (c) Records of pertinent social information and of action taken to meet social needs shall be maintained for each patient; signed social service summaries shall be entered promptly in the patient's clinical record for the benefit of all staff involved in the care of the patient.

Section 13. Patient Activities: Activities suited to the needs and interests of patients shall be provided as an important adjunct to the active treatment program and to encourage restoration to self care and resumption of normal activities. Provision for patient activity: Provisions shall be made for purposeful activities which are suited to the needs and interests of patients.

- (1) An individual shall be designated as being

in charge of patient activities. This individual shall have experience and/or training in directing group activities [activity leader shall be available].

(2) The activity leader shall use, to the fullest possible extent, community, social and recreational opportunities.

(3) Patients shall be encouraged but not forced to participate in such activities. Suitable activities are provided for patients unable to leave their rooms.

(4) Patients who are able and who wish to do so are assisted to attend religious services.

(5) Patient's request to see their clergymen shall be honored and space shall be provided for privacy during visits.

(6) Visiting hours shall be flexible and posted to permit and encourage visiting friends and relatives.

(7) The facility shall make available a variety of supplies and equipment adequate to satisfy the individual interests of patients. Examples of such supplies and equipment are: books and magazines, daily newspapers, games, stationery, radio and television and the like.

Section 14. Clinical Records: A clinical record shall be maintained for each patient admitted, in accordance with accepted professional principles.

(1) Maintenance of clinical records. The facility shall maintain a separate clinical record for each patient admitted with all entries kept current, dated and signed.

- (a) Identification and summary sheet(s) including patient's name, social security number, marital status, age, sex, home address, and religion; names, addresses, and telephone numbers of referral agency (including hospital from which admitted), personal physician, dentist, and next of kin or other responsible person; admitting diagnosis, final diagnosis, condition on discharge and disposition and any other information needed to meet state requirements;
- (b) Initial medical evaluation including medical history, physical examination, diagnosis, and estimation of restorative potential;
- (c) Authentication of hospital diagnoses, in the form of a hospital summary discharge sheet or a report from the physician who attended the patient in the hospital or a transfer form used under a transfer agreement;
- (d) Physician's orders, including all medications, treatment, diet, restorative and special medical procedures required for the safety and well being of the patient;
- (e) Physician's progress notes describing significant changes in the patient's condition, written at the time of each visit;
- (f) Nurse's notes containing observations made by the nursing personnel;
- (g) Medication and treatment record including all medications, treatments, and special procedures performed for the safety and well being of the patient;
- (h) Laboratory and x ray reports;
- (i) Consultation reports;
- (j) Dental report;
- (k) Social service notes;
- (l) Patient care referral reports.

(2) Retention of records. All clinical records of discharged patients shall be completed promptly and filed and retained and such additional information as is deemed necessary by the governing body of the facility for five years. The facility shall have policies providing for the retention and safekeeping of patient's clinical records by the governing body for the required period of time in the event that the facility discontinues operation. If the patient is transferred to another health care facility, a copy of the patient's clinical record

or an abstract thereof shall accompany the patient.

(3) Confidentiality of records. All information contained in the clinical records shall be treated as confidential and shall be disclosed only to authorized persons.

(4) Staff responsibility for records. If the facility does not have a full or part time medical record librarian, an employee of the facility shall be assigned the responsibility for assuring that records are maintained, completed and preserved. The designated individual shall be trained by, and shall receive regular consultation from a person skilled in record maintenance and preservation.

Section 15. Transfer Agreement: The facility shall have in effect a transfer agreement.

(1) Patient transfer. The transfer agreement shall provide reasonable assurance that transfer of patients will be effected between the hospital and the facility whenever such transfer is medically appropriate as designated by the attending physician. The agreement shall be with a hospital close enough to the facility to make the transfer of patients feasible. The transfer agreement facilitates continuity of patient care and expedites appropriate care for the patient. The agreement shall be made on a one to one basis or on a community wide basis. The latter arrangement could provide for a master agreement to be signed by each hospital and facility. When the transfer agreement is on a community wide basis, it shall reflect the mutual planning and agreement of hospitals, facilities and other related agencies. The institutions shall provide to each other information about their resources sufficient to determine whether the care needed by a patient is available. Where the transfer agreement specifies restrictions with respect to the types of services available in the hospital or the facility and/or the types of patients or health conditions that will not be accepted by the hospital or the facility, or shall include any other criteria relating to the transfer of patients (such as priorities for persons on waiting lists), such restrictions or criteria shall be the same as those applied by the hospital or facility to all potential inpatients of the hospital or facility. When a transfer agreement has been in effect over a period of time, a sufficient number of patient transfers between the two (2) institutions shall have occurred to indicate that the transfer agreement is effective.

(2) Interchanges of information. The transfer agreement shall provide reasonable assurance that there will be interchange of medical and other information necessary or useful in the care and treatment of individuals transferred between the institutions, or in determining whether such individuals can be adequately cared for otherwise than in either of such institutions.

(a) The agreement shall establish responsibility for the prompt exchange of patient information to enable each institution to determine whether it can adequately care for the patient and to assure continuity of patient care.

(b) Medical information transferred shall include current medical findings, diagnosis, rehabilitation potential, a brief summary of the course of treatment followed in the hospital or facility, nursing and dietary information useful in the care of the patient, ambulation status, and pertinent administrative and social information.

(c) The agreement shall provide for the transfer of personal effects, particularly money and valuables, and for the transfer of information related to these items.

(3) Execution of agreement. The transfer agreement shall be in writing and signed by the individuals authorized to execute such agreement on behalf of the institutions, or, in case the two (2) institutions are under common control, there shall be a written policy or order signed by the person or body which controls them. When the hospital and

facility are not under common control, the terms of the transfer agreement shall be established jointly by both institutions. Each institution participating in the agreement shall maintain a copy of the agreement.

(4) Specification of responsibilities. The transfer agreement shall specify the responsibilities each institution assumes in the transfer of patients and information between the hospital and the facility. The agreement establishes responsibility for notifying the other institution promptly or the impending transfer of a patient; arranging for appropriate and safe transportation; and arranging for the care of patients during transfer.

(5) Presumed agreement where necessary for provision of services. A facility which does not have a transfer agreement in effect but which is found by the state licensing agency to have attempted in good faith to enter into a transfer agreement with a hospital sufficiently close to the facility to make feasible the transfer between them of patients and medical and other information, shall be considered to have such an agreement in effect if an for so long as it is also found that to do so is in the public interest and essential to assuring extended care services for patients in the community eligible for benefits.

(a) If there is only one (1) hospital in the community, the facility shall have attempted in good faith to enter into a transfer agreement with that hospital.

(b) If there are several hospitals in the community, the facility shall have exhausted all reasonable possibilities of entering into a transfer agreement with these hospitals.

(c) The facility shall have copies of letters, records of conferences, and other evidence to support its claim that it has attempted in good faith to enter into a transfer agreement.

(d) The state agency shall have found that hospitals in the community have, in fact, refused to enter into a transfer agreement with the facility in question.

(e) The state agency shall take into consideration the availability of facilities in the community and the expected need of such services.

Section 16. Housekeeping Services: The facility shall provide the housekeeping and maintenance services necessary to maintain a sanitary and comfortable environment. (1) Housekeeping services. The facility shall provide sufficient housekeeping and maintenance personnel to maintain the interior and exterior of the facility in a safe, clean, orderly, and attractive manner. Nursing personnel shall not be assigned housekeeping duties.

(a) Housekeeping personnel, using accepted practices and procedures shall keep the facility free from offensive odors, accumulations of dirt, rubbish, dust, and safety hazards.

(b) Floors shall be cleaned regularly. Polishes on floors shall provide a nonslip finish; throw or scatter rugs shall not be used except for nonslip entrance mats.

(c) Walls and ceilings shall be maintained free from cracks and falling plaster, and shall be cleaned and painted regularly.

(d) Deodorizers shall not be used to cover up odors caused by unsanitary conditions or poor housekeeping practices.

(e) Storage areas, attics, and cellars shall be kept free and safe from accumulations of extraneous materials such as refuse, discarded furniture and old newspapers. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.

(f) The grounds shall be kept free from refuse and litter. Areas around buildings, sidewalks, gardens and patios shall be kept clear of dense undergrowth.

(2) Pest control. The facility shall be maintained free from insects and rodents. A pest control program shall be in operation in the facility. Pest control services shall be provided by maintenance personnel of the facility or by contract with a pest control company. Care shall be taken to use the least toxic and least flammable effective insecticides and rodenticides. These compounds shall be stored in nonpatient areas and in nonfood preparation and storage areas. Poisons shall be under lock. Windows and doors shall be appropriately screened during the insect breeding season. Harborages and entrances for insects and rodents shall be eliminated. Garbage and trash shall be stored in areas separate from those used for the preparation and storage of food and shall be removed from the premises in conformity with state and local practices. Containers shall be cleaned regularly.

(3) Linen. The facility shall have available at all times a quantity of linen essential for the proper care and comfort of patients. Linens shall be handled, stored, and processed so as to control the spread of infection. The linen supply shall be at least three (3) times the usual occupancy. Clean linen and clothing shall be stored in clean, dry, dust free areas easily accessible to the nurse's station. Soiled linen shall be stored in separate well ventilated areas, and is not permitted to accumulate in the facility. Soiled lined and clothing shall be stored separately in suitable bags or containers. Soiled linen shall not be sorted, laundered, rinsed, or stored in bathrooms, patient rooms, kitchens, or food storage areas.

Section 17. Disaster Plan: The facility shall have written procedures to be followed in case of fire or other disaster. Disaster plan: The facility shall have a written procedure to be followed in case of fire, explosion or other emergency. It specifies persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating helpless patients, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift. The plan shall be developed with the assistance of qualified fire and safety experts. All personnel shall be trained to perform assigned tasks. Simulated drills testing the effectiveness of the plan shall be conducted on each shift at least three times a year. The plan shall be posted throughout the facility.

Section 18. Utilization Review: The facility shall have in effect a plan for utilization review which applies to the services furnished to inpatients. An acceptable utilization review plan shall provide for the review, on a sample or other basis, of admissions, duration of stays, and professional services furnished; and a review of each case of continuous extended duration. (Extended duration stay to be defined by each facility.)

(1) Approval and operation of plan. The operation of the utilization review plan is a responsibility of the medical profession. The plan in the facility shall have the approval of the medical staff as well as that of the governing body.

(2) Written description of plan. Such description shall include:

- (a) The organization and composition of the committee(s) which will be responsible for the utilization review function;
- (b) Frequency of meetings (at least monthly);
- (c) The type of records to be kept;
- (d) The method to be used in selecting cases on a sample or other basis;
- (e) The definition of what constitutes the period or periods of extended duration;
- (f) Arrangements for committee reports and their dissemination;
- (g) Responsibilities of the facility's administrative staff.

(3) Conduct of function by committees. The utilization review function shall be conducted by one or a combination of the following:

- (a) 1. By a staff committee or committees of

the facility, each of which is composed of three (3) or more physicians, with or without the inclusion of other professional personnel; or

2. By a committee(s) or group(s) outside the facility composed as in subparagraph 1. above which is established by the local medical society and some or all of the facilities in the locality; or
3. Where a committee(s) or group(s) as described in subparagraphs 1. or 2. above has not been established to carry out all the utilization review functions by a committee(s) or group(s) composed as in subsection (1) above, and sponsored and organized in such manner as approved by the licensing board.
- (b) 1. The medical care appraisal and educational aspects of review on a sample or other basis, and the review of long stay cases need not be done by the same committee or group.
2. Existing staff committees may assume the review responsibility stipulated in the plan. In smaller facilities, all of these functions may be carried out by a committee of the whole or a medical care appraisal committee.
3. The committee(s) shall be broadly representative of the medical staff and no member shall have a direct financial interest in the institution.

(4) Reviews:

- (a) Reviews shall be made, on a sample or other basis, of admissions, duration of stays, and professional services furnished, with respect to the medical necessity of the services and for the purpose of promoting the most efficient use of available health facilities and services. Such reviews emphasize identification and analysis of patterns of patient care in order to maintain consistent high quality. The review shall be accomplished by considering data obtained by any one or any combination of the following:

1. By use of services and facilities of external organizations which compile statistics, design profiles, and produce other comparative data; or
2. By internal studies of medical records.
- (b) 1. Review of cases may be based on diagnostic categories.
2. These review functions are carried out on a continuing basis.

(5) Extended duration cases. Reviews shall be made of each case of continuous extended duration. The utilization review plan shall specify the number of continuous days of inpatient stay following which a review is made to determine whether further inpatient services are medically necessary. The plan may specify a different number of days for different classes of cases. Reviews for such purpose shall be made no later than the seventh day following the last day of the period of extended duration specified in the plan. No physician shall have review responsibility for any extended stay cases in which he was professionally involved. If physician members of the committee decide, after opportunity for consultation is given the attending physician by the committee, and considering the availability of appropriateness of out of facilities and services, that further inpatient stay is not medically necessary, there shall be notification in writing within forty eight (48) hours to the institution, the attending physician and the patient or his representative. If transfer to another level of care is recommended, the medical information assuring continuity of care shall accompany the patient at the time of transfer. Because there are significant divergences in opinion among individual physicians in respect to evaluation of medical necessity for inpatient facility services, the judgment of the attending physician in an extended stay case shall be given

great weight, and is not rejected except under unusual circumstances.

(6) Records. Records shall be kept of the activities of the committee, and reports are regularly made by the committee to the executive committee of the medical staff and relevant information and recommendations are reported through usual channels to the entire medical staff and the governing body of the facility.

- (a) The facility administration shall study and act upon administrative recommendations made by the committee.
- (b) A summary of the number and types of cases reviewed, and the findings shall be part of the records.
- (c) Minutes of each committee meeting shall be maintained.
- (d) Committee action in extended stay cases shall be recorded, with cases identified only by case number.

(7) Administrative staff responsibilities. The committee(s) having responsibility for utilization review functions shall have the support and assistance of the facility's administrative staff in assembling information, facilitating chart reviews, conducting studies, exploring ways to improve procedures, maintaining committee records, and promoting the most efficient use of available health services and facilities.

- (a) With respect to each of these activities, an individual or department shall be designated as being responsible for the particular service.
- (b) In order to encourage the most efficient use of available health services and facilities, assistance to the physician in timely planning for postextended care shall be initiated as promptly as possible, either by facility staff, or by arrangement with other agencies. For this purpose, the facility shall make available to the attending physician current information on resources available for continued noninstitutional care of patients and shall arrange for prompt transfer of appropriate medical and nursing information in order to assure continuity of care upon discharge of a patient.

HOWARD L. BOST, Chairman

Certificate of Need and Licensure Board

ADOPTED: May 19, 1975

APPROVED:

C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: June 24, 1975 at 4:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Howard Bost, Ph.D., Chairman, Kentucky  
Health Facilities and Health Services Certificate  
of Need and Licensure Board, 275 East Main  
Street, Frankfort, Kentucky 40601.

## Proposed Regulations

### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

#### 11 KAR 1:015. Program name.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation sets forth the name of the program and repeals existing regulations.

Section 1. The grant program administered under the provisions of these rules and regulations shall be known as the "State Student Incentive Grant Program."

Section 2. 11 KAR 1:010 is repealed.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:07 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

#### 11 KAR 1:020. Definitions.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation defines acronyms, words and phrases appearing in Title 11, Chapter 1 of the Kentucky Administrative Regulations.

Section 1. Definitions. (1) "Academic year" is a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two (2) semesters, two (2) trimesters, three (3) quarters or 900 clock hours of instruction.

(2) "Accredited" is interpreted by the authority to mean fully accredited pursuant to KRS 164.740(3), (4), (5), or (6). The authority, therefore, does not recognize as fully accredited those institutions classified as "correspondent" or "recognized candidate for accreditation" or institutions having "three-letter" accreditation.

(3) "Agreement" is the document titled "Certifications and Declarations to Participate in the State Student Incentive Grant Program" executed by the educational institution and the "Authority Declaration of Eligibility to Participate in the State Student Incentive Grant Program" executed by the authority pursuant to KRS 164.740(13) and 164.785(5), and 11 KAR 1:025.

(4) "Authority" is the Board of Directors of the

Kentucky Higher Education Assistance Authority.

(5) "Clock hour" is a period of time which is the equivalent of a fifty (50) to sixty (60) minute class, lecture or recitation, or a fifty (50) to sixty (60) minute period of faculty-supervised laboratory, shop training or internship.

(6) "Eligible course of study" is a program of training, offered by an eligible institution, which: is of at least two (2) academic years duration; enrolls as regular students only those persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate; and, leads to a certificate, diploma or degree in a field other than theology, divinity or religious education.

(7) "Eligible institution" is, pursuant to KRS 164.740(13) an educational institution in Kentucky which (a) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (b) is legally authorized by Kentucky to provide a program of education beyond secondary education, (c) provides an educational program for which it awards a bachelor's degree or provides not less than a two (2) year program which is acceptable for full credit toward such a degree, (d) is a public or other nonprofit institution, and (e) is accredited, pursuant to KRS 164.740(3), (4), (5) or (6) and if required by 45 CFR 192.2, is also accredited by a nationally recognized accrediting agency or association. Such term also includes any school which provides a program of training of at least two (2) academic years duration, to prepare students for gainful employment in a recognized occupation and which meets the provisions of (a), (b), (d), and (e) of this subsection unless the school is a public institution in which case it may also be accredited by the Department of Education, and any proprietary institution of higher education which has an agreement with the United States Commissioner of Education containing such terms and conditions as the commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(8) "Full-time student" is a student who is carrying a full-time academic work load, other than by correspondence, measured in terms of (a) course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems, or which consists of a program requiring a minimum of twenty-five (25) clock hours per week for those institutions that do not utilize such systems, and (b) the tuition and fees customarily charged for full-time study by the institution.

(9) "Proprietary institution of higher education" means a school (a) which provides a program of training of at least two (2) academic years duration to prepare students for gainful employment in a recognized occupation, (b) which admits as regular students only persons having a certificate of graduation from a school providing secondary education

or the recognized equivalent of such a certificate, (c) which is legally authorized under the provisions of the Proprietary School Act of 1972 and under the provisions of KRS Chapter 331 to provide a program of education beyond secondary education, (d) which, pursuant to KRS 164.740(6), is accredited by the Association of Independent Colleges and Schools, Accreditation Commission, which is successor to the Commission for Business Schools, (e) which is not a public or other nonprofit institution, and (f) which has been in existence for at least two (2) years.

(10) "Resident of Kentucky" is a person who, pursuant to KRS 164.749(1)(a), is classified as an in-state student in accordance with the "Policy on Classification of Students for Fee Assessment Purposes at State-Supported Institutions of Higher Education" as adopted by the Council on Public Higher Education.

(11) "SSIG" is the State Student Incentive Grant Program as administered by the authority under these rules and regulations.

(12) "Student eligibility index" or "SEI" is the expected family contribution computed by the United States Office of Education, or its contractor, from data on the application for a Basic Educational Opportunity Grant.

(13) "Undergraduate student" is, pursuant to 45 CFR 192.2 and KRS 164.748(14), a student who (a) is in attendance at an institution of higher education and (b) has not earned his first baccalaureate or professional degree. A student who has not earned his first baccalaureate or professional degree and who is enrolled in a program of study at the postsecondary level which is designed to extend for more than four (4) academic years shall not be considered an undergraduate student in that portion of the program that involves study beyond the fourth academic year unless that program leads to a first degree and is designed to extend for a period of five (5) academic years.

(14) "Kentucky Tuition Grant Program" is the grant program administered by the authority pursuant to KRS 164.780 to 164.785.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:07 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

#### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 1:025. Eligibility of institutions for participation.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation prescribes the manner by which an institution establishes eligibility to participate in the SSIG program.

Section 1. Agreement. Pursuant to KRS 164.740(13) and 164.748(5), the authority requires that any institution desiring to establish its eligibility to participate in the SSIG

Program certify and/or declare to the authority that the institution:

(a) Is an eligible institution of higher education under the provisions of Title IV, Part A, Subpart 3 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070c-1070c-3);

(b) Is an eligible institution as defined in 11 KAR 1:020(7);

(c) Will abide by these regulations and any amendments thereto;

(d) Will appoint a full-time administrative official of the institution as the authority's grant program officer who shall be the authority's on-campus agent to certify all institutional transactions and activities with respect to the state student incentive grant program; and

(e) Will comply with Title VI of the Civil Rights Act of 1964 (PL 88-352) and Title IX of the Education Amendments of 1974 (PL 92-318).

Section 2. Verification. The authority will rely upon the institution's certifications and such other information as is available to the authority from the U. S. Commissioner of Education and the accrediting agencies, recognized pursuant to KRS 164.740(3), (4), (5) and (6), to determine whether the institution does qualify as an eligible institution of higher education under the provisions of 11 KAR 1:020(7). In the absence of information contrary to that provided by the institution, the authority will declare the institution to be eligible pursuant to KRS 164.740(13) and 164.748(5) to participate in the SSIG Program. In the event the authority, by relying on information contrary to that provided by the institution, declares that the institution is not an eligible institution of higher education under the provisions of 11 KAR 1:020(7), the authority will advise the institution by registered mail of the information upon which the declaration is based and will set forth the place and manner in which the institution may request a hearing.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:07 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

#### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 1:030. Institutions must provide records and reports.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation requires that eligible institutions provide records and reports to the authority.

Section 1. Records and Reports. Pursuant to KRS 164.748(5) and (11) any institution which has been declared an eligible institution of higher education under the provisions of 11 KAR 1:020(7) shall, upon written request by the authority, make available to the authority:

(1) All records relied upon by that institution to certify to the authority that any recipient of funds under this program is an eligible student pursuing an eligible course of study; and

(2) Such other reports and information as are necessary to determine that the institution has complied with these regulations and with the certifications and declarations contained in the agreement.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:08 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

#### 11 KAR 1:035. Student eligibility.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation prescribes student eligibility requirements and places limitations on semesters of eligibility.

Section 1. Student Eligibility Requirements. In order to receive a SSIG a student must:

(1) Be a national of the United States or be in the United States for other than a temporary purpose and intend to become a permanent resident thereof;

(2) Be a resident of Kentucky;

(3) Be a full-time student;

(4) Be enrolled in an eligible institution;

(5) Be enrolled in an eligible course of study;

(6) Be an undergraduate student; and,

(7) Have submitted an application for a Basic Educational Opportunity Grant for the year during which the SSIG will be used and, on the basis of the application data, must have been determined to have a student eligibility index which when ranked against the student eligibility indices of all other applicants entitles the student to an award pursuant to KRS 164.749(6)(b).

Section 2. Limitation of semesters of eligibility. A student enrolled in an associate degree program shall be limited to four (4) semesters of SSIG eligibility. A student enrolled in a bachelor's degree program shall be limited to eight (8) semesters of SSIG eligibility, unless the bachelor's program leads to a first degree and is designed to be completed in a ten (10) semester time period, in which case the eligibility of students enrolled in such programs may be extended to ten (10) semesters at the discretion of the authority.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:08 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

#### 11 KAR 1:040. Method of financial need analysis.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation prescribes the method of financial need analysis approved by the authority for determining student eligibility for a SSIG.

Section 1. Financial Needs Analysis. Pursuant to KRS 164.749(1)(d) and 45 CFR 192.8(c)(2) the method of calculating an expected family contribution used in the Basic Educational Opportunity Grant Program is the only need analysis system presently approved by the authority for purposes of determining eligibility for a SSIG.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:08 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

#### 11 KAR 1:045. Ranking of applicants.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation provides for the ranking of applicants in SEI sequence.

Section 1. Ranking of Applicants. The United States Office of Education periodically provides to the authority the names, addresses, Social Security numbers, student eligibility indices and preliminary institution selections of all applicants who report a Kentucky address on their basic educational opportunity grant application. The authority will periodically rank, in SEI sequence, all applicants enrolled in or planning to enroll in an eligible institution and, pursuant to KRS 164.749(6)(b), SSIG grants will be offered first to those applicants who have the lowest SEI values. If in any ranking period funds are insufficient to offer awards to all applicants having the lowest SEI level, awards shall first be offered to those applicants who received an SSIG award prior to July 1 of the previous year. Cumulative rankings of all applicants will be maintained by the authority to assure that all applicants will be considered for awards in accordance with their SEI level.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:09 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

#### 11 KAR 1:050. Award determination table.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation provides that the authority shall establish a table of SSIG awards based on the relationship between the applicant's SEI and tuition and fee charges at eligible institutions.

Section 1. Grant Award Determination Table. The authority shall annually, or more often if it deems necessary, establish a "Grant Award Determination Table" which shall specify the relationships between the SEI and the tuition and fee charges of eligible institutions, and the amount of the resultant SSIG award. The "Grant Award Determination Table" currently in effect, and filed herein by reference, may be obtained from the Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601. The minimum and maximum awards established pursuant to KRS 164.749(6) are the minimum and maximum awards appearing in the grant award determination table currently in effect.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:09 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

#### 11 KAR 1:055. Notification of awards.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation prescribes the manner in which students and institutions shall receive notifications of awards; and, provide certification to the authority.

Section 1. Notification of Awards. (1) Students will receive an original and one (1) copy of the authority's award notification letter (ANL) with instructions to retain the original and present the copy to the institution at the time of registration.

(2) Institutions will receive a copy of the ANL mailed by the authority directly to the institution concurrent with the authority's mailing of the ANL to the student. Prior to the

institution registration period a "Certification Roster" including each student's Social Security number, name, SEI and SSIG award will be forwarded to the institution. The roster will provide space for the institutional certifications pursuant to 11 KAR 1:035 (1), (2), (3), (5) and (6). The student will sign the roster to certify that the funds will be used for educational expenses.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:09 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

#### 11 KAR 1:060. Payment of awards.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3)

requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation prescribes the manner by which SSIG awards shall be paid to recipients.

Section 1. Disbursement of Awards. (1) Amount of payment. If an award is made for a full academic year, the award will be advanced in two (2) equal installments. The first installment will be advanced when the student first registers for an academic period which begins on or after August 1. The second installment will be advanced when the student registers for an academic period which begins on or after January 1. Failure of the student to register for the first academic period beginning after August 1 will result in cancellation of the entire award. A student whose award had been cancelled under this provision may by making prior arrangements with the authority retain eligibility for a part of the SSIG award. Failure to register for the first academic period beginning after January 1 will result in cancellation of the second installment of the award. If an award is made for less than a full academic year the full amount of the award will be advanced when the student registers for the academic period for which the award was approved. Institutions which have academic calendars which are incompatible with this payment schedule may request alternative schedules by contacting the Kentucky Higher Education Assistance Authority's Director of Grant Programs.

(2) Method of payment. Individual checks payable to award recipients will be forwarded to the SSIG program officer designated on the agreement. The checks will be accompanied by an original and one (1) copy of a certification roster. The copy is to be retained by the institution. The original is to be completed and returned to the authority in accordance with the instructions, attached thereto, which will specify:

(a) The conditions under which a check must be presented to the recipient;

(b) The conditions under which a check must be returned to the authority;

(c) The date when the roster and undisbursed checks

must be returned to the authority; and  
(d) The method to be used to complete the roster.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:10 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

#### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

##### 11 KAR 1:065. Endorsing checks; prohibitions.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation prohibits endorsing of checks or execution of certifications by anyone other than the SSIG recipient.

Section 1. Power of Attorney Endorsement or Certification Prohibited. A power of attorney or other agency relationship to which the authority is not a party does not qualify any individual to act in the grant recipient's behalf for the purpose of endorsing checks issued by the authority to the grant recipient or for the purpose of executing certifications which require the grant recipient's signature.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:11 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

#### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

##### 11 KAR 1:070. Refund policy.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation establishes a refund policy for the SSIG program.

Section 1. Refund Policy. The refund policy established for the "Basic Educational Opportunity Grant Program" is the refund policy which will be used by the authority for the SSIG Program. SSIG program officers must contact the authority for computation of the SSIG refund for any student who receives an overpayment of a BEOG award.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:11 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

#### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

##### 11 KAR 1:075. Programs mutually exclusive.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Kentucky Higher Education Assistance Authority to adopt rules and regulations governing the awarding of grants under the provisions of KRS 164.740 to 164.764. This regulation prescribes the sequence in which applicants shall be considered for awards from grant programs operated by the authority and prohibits assistance from more than one grant program operated by the authority.

Section 1. The State Student Incentive Grant and the Kentucky Tuition Grant Program are mutually exclusive. A student shall be first considered for a grant from the program for which complete application credentials are first available to the authority. If on the basis of those credentials the student is denied assistance from that grant program, then the authority shall consider credentials for an award from the other grant program. If, however, the student does receive an award in any amount as a result of the first complete set of application credentials available to the authority, then that student shall not receive an award from the other grant program.

PAUL P. BORDEN, Executive Director

ADOPTED: July 10, 1975

RECEIVED BY LRC: July 15, 1975 at 4:12 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

#### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

##### 11 KAR 3:010. Loan program name; federal laws and regulations cited.

RELATES TO: KRS 164.740 to 164.764

PURSUANT TO: KRS 13.082, 164.748(3)

NECESSITY AND FUNCTION: KRS 164.748(3) requires the Higher Education Assistance Authority to adopt rules and regulations governing the awarding of loans under the provisions of KRS 164.740 to 164.764. This regulation names the program and cites relevant federal laws and regulations.

Section 1. Name of Program. The loan program administered under the provisions of Title 11, Chapter 2 of these regulations, shall be known as the Kentucky Higher Education Assistance Authority Student Loan Program and may be cited as the KHEAA-SLP.

Section 2. Federal Laws and Regulations. Pursuant to KRS 164.749(2)(a) the Authority, on July 15, 1974, qualified for Federal Loan Insurance under the provisions of Title IV, Part B, of the Higher Education Act of 1965, as

amended. The Contract of Insurance executed between the Department of Health, Education and Welfare, Office of Education, Office of Guaranteed Student Loans, and the Authority incorporates by reference Part 177, Section 177.1 et seq. of Title 45 of the Code of Federal Regulations which are issued under authority of 20 USC 1071-1087. The above cited Acts and regulations are available to the public at any federal depository library. A list of such libraries is available free upon request by writing to the Library, Public Documents Department, Government Printing Office, Washington, D. C. 20402.

Section 3. State Law and Regulations. The Kentucky Higher Education Student Loan Program is operated under the provisions of KRS 164.740 to 164.764 and administrative regulations published under Title 11, Chapter 2, of the "Administrative Register" of Kentucky.

PAUL P. BORDEN, Executive Director

ADOPTED: November 14, 1974

RECEIVED BY LRC: June 23, 1975 at 3:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

#### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

##### 11 KAR 4:010. Board meetings.

RELATES TO: KRS 164.746(5)

PURSUANT TO: KRS 13.082, 164.748(6)

NECESSITY AND FUNCTION: To provide for the holding of regular quarterly meetings and special meetings of the Authority Board.

Section 1. Regular Quarterly Meetings. The board shall hold regular quarterly meetings the second Thursday of January, April, July and October. The time and location of each meeting shall be transmitted, with the approval of the chairman, by the executive director to each board member and to other individuals, agencies and organizations in accordance with the provisions of KRS Chapter 61 at least ten (10) days in advance of the meeting date.

Section 2. Special Meetings. The chairman may call special meetings for the transaction of any business of the board. The date, time and place of any special meeting shall be transmitted by the executive director to each board member and to other individuals, agencies and organizations in accordance with KRS Chapter 61 at least ten (10) days in advance of the meeting date. A special meeting, if held within sixty (60) days immediately preceding the next scheduled regular quarterly meeting, may, unless objected to by one or more board members, be substituted for the next scheduled regular quarterly board meeting.

PAUL P. BORDEN, Executive Director

ADOPTED: November 14, 1974

RECEIVED BY LRC: June 23, 1975 at 3:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Executive Director, Kentucky Higher Education Assistance Authority, 120 Mero Street, Frankfort, Kentucky 40601.

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

##### 200 KAR 2:075. Recruiting expenses; limitations.

RELATES TO: KRS Chapters 12, 18, 45

PURSUANT TO: KRS Chapters 13, 45

SUPERSEDES: Finance-2

NECESSITY AND FUNCTION: In order to attract the most able and competent personnel to fill certain positions in state government, this regulation provides for the reimbursement for actual and necessary expenses of certain persons being recruited and establishes the procedure for obtaining such reimbursement.

Section 1. Reimbursement for the actual and necessary expenses of certain persons being recruited for employment by agencies, departments, boards and commissions of this Commonwealth may be allowed as hereinafter exclusively provided.

Section 2. The reimbursement of the actual and necessary expenses of persons being recruited for employment by and with the Commonwealth of Kentucky and its several agencies, departments, boards and commissions shall be authorized only for specialized technical and professional positions requiring graduate and postgraduate academic degrees or the equivalent thereof and/or substantial expertise or experience in technical and professional positions with a rating of Grade 15 or higher in the classified service as defined in the regulations of the Department of Personnel, or the equivalent ranks in the exempt categories of state employment as defined in KRS Chapter 18. All such expenses shall be reimbursed subject to and within the monetary limits specified in the state's standard travel regulations.

Section 3. Reimbursement of such expenses shall be authorized only when: (1) The normal recruitment processes within the Department of Personnel has failed to produce applicants willing to defray their own expenses in reporting for an interview with the employing agency.

(2) The position cannot adequately and properly be filled without payment of such expenses by the Commonwealth.

(3) No appropriate register of eligible applicants has been or could feasibly be established for the particular position pursuant to regulations of the Department of Personnel.

Section 4. (1) Authorization for the reimbursement of recruiting expenses as provided herein must be obtained from the Commissioners of the Department of Personnel and Executive Department for Finance and Administration prior to the incurrence of such expenses. Request for such authorization shall be in letter form from the administrative head of the employing agency addressed jointly to the commissioners, but directed to the Commissioner of the Department of Personnel first. The request shall include a detailed description of the position to be filled, the title, the names and addresses of the person or persons being recruited and such other information as may be deemed necessary to justify the request. The request must be submitted to the Commissioner of the Department of Personnel at least five (5) working days prior to the date of the recruitment interview and the incurrence of any expenses by the person or persons being recruited.

(2) The Commissioner of the Department of Personnel shall approve or disapprove the request prior to the interview date. The Commissioner's decision shall be communicated to the employing agency in writing with the reasons for disapproving such requests stated; approval of such request shall state that the conditions for reimbursement stated in Section 3 are applicable to the request. The commissioner shall transmit the agency request and a copy of this decision approving the request to the Commissioner of the Executive Department for Finance and Administration, Attention: Division of Accounts, for filing.

Section 5. (1) Reimbursement of expenses incurred by recruits shall be itemized and documented in the manner of employee travel expenses and submitted with a special voucher (Form P-81) for payment together with a copy of the agency request and the Commissioner of the Department of Personnel's approval. The special voucher shall bear the following certificate: "I certify that these expenses were incurred by me as a result of my being interviewed for employment by the Commonwealth of Kentucky."

(2) The voucher shall be signed by the recruit and approved by the head of the employing agency.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 20, 1975

RECEIVED BY LRC: June 25, 1975 at 11:21 a.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 3:050. Monthly meal charges at mansions.

RELATES TO: KRS 43.035, 56.325

PURSUANT TO: KRS 43.035, 56.325

SUPERSEDES: KFinR-Serv-2

NECESSITY AND FUNCTION: KRS 42.035 and 42.037 direct that reasonable amounts shall be deducted from the salary or other allowance, of the Governor and Lieutenant Governor for the consumption of food by them and their families. This regulation sets forth the maintenance charges to be paid by the Governor and Lieutenant Governor relative to members of their families living at the respective mansions and maintenance charges to be paid by other state employees required by their regular duties to receive meals at the respective mansions.

Section 1. Monthly maintenance charges shall be required relative to all personnel receiving meals on a regular basis in the Executive Mansion and the Lieutenant Governor's Mansion. Payment may be made either by means of a deduction from the salary paid on the regular payroll, or by check payable directly to the Treasurer, Commonwealth of Kentucky; provided, however that direct payment by check shall be in advance on a monthly basis.

Section 2. The monthly maintenance charges to be paid by the Governor and Lieutenant Governor relative to the members of their respective families living at the respective mansions shall be as follows:

(1) The Governor, Lieutenant Governor, and adult members of their respective families thirty-five dollars

(\$35) each.

(2) Children over twelve (12) years of age, twenty dollars (\$20) each.

(3) Children under twelve (12) years of age, fifteen dollars (\$15) each.

Section 3. The monthly maintenance charges to be paid by all other state employees, required by their regular duties to receive meals at the respective mansions, shall be as follows:

(1) Ten dollars (\$10) for one (1) meal.

(2) Sixteen dollars (\$16) for two (2) meals.

(3) Twenty dollars (\$20) for three (3) meals.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 20, 1975

RECEIVED BY LRC: June 25, 1975 at 11:20 a.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 5:010. State vehicles.

RELATES TO: KRS Chapters 42, 44, 45

PURSUANT TO: KRS Chapters 44, 45

SUPERSEDES: FIN-PUR 31

NECESSITY AND FUNCTION: In order to assure the most effective utilization of state vehicles this regulation establishes rules governing the purchase, licensure, use, lease, maintenance, and disposal of state vehicles.

Section 1. Generally. (1) Application: This regulation shall be applicable to all agencies of state government in regard to the purchase, lease, use, maintenance, and disposal of all motor vehicles; provided, however, that Sections 2, 3, 4, 5, 6, and 7 hereinafter are applicable only to passenger motor vehicles.

(2) Definitions:

(a) "Motor vehicle" means any vehicle which would otherwise be required by the provisions of KRS Chapter 186 to be licensed.

(b) "Passenger motor vehicle" means any motor vehicle primarily designed for carrying not more than nine (9) passengers.

(c) "Non-passenger motor vehicle" means any motor vehicle other than a passenger motor vehicle.

(d) "Division of Purchases" means the Division of Purchases, Executive Department for Finance and Administration.

(e) "Agency" includes all departments, boards, and commissions and institutions thereof and other bodies of the Commonwealth, and all state universities and colleges and branches and other subdivisions thereof.

Section 2. Non-passenger motor vehicles: (1) Purchase: The Division of Purchases shall purchase all non-passenger motor vehicles necessary for use by all state agencies. Any agency desiring such a vehicle shall submit its request on the form and in the manner prescribed by the Division of Purchases.

(2) Use: Non-passenger motor vehicles shall be used only in the performance of the official functions of the

Commonwealth, and for no other purposes. Non-passenger motor vehicles, such as for example trucks, shall be identified and otherwise marked in accordance with the provisions of Section 5(4) hereinafter, it being the intent of this regulation in its implementation of KRS Chapter 44, that all motor vehicles adaptable to such identification and marking shall be so identified and marked.

(3) Licensure: All non-passenger motor vehicles which are required by KRS Chapter 186 to bear license tags shall be licensed in accordance with the provisions of Section 4 hereinafter.

(4) Maintenance: Maintenance of all non-passenger motor vehicles shall be the responsibility of the agency charged with their custody. They shall be maintained in accordance with the manufacturer's instructions.

(5) Disposal: All surplus non-passenger motor vehicles shall be disposed of by the Division of Purchases in accordance with its prescribed procedures. The proceeds from sales of such surplus vehicles shall be deposited in accordance with the provisions of Section 9 hereinafter.

Section 3. Governor and Lieutenant Governor: The Division of Purchases shall, upon request, purchase passenger motor vehicles for the use of the Governor and the Lieutenant Governor. Such vehicles are not required to bear the seal or any lettering pertaining to identification and use. The official license plate for a passenger motor vehicle purchased for the use of the Governor shall bear the numeral one (1), and the plate for a vehicle for the Lieutenant Governor shall bear the numeral two (2).

Section 4. Purchase of Passenger Motor Vehicles: (1) The Division of Purchases shall purchase all passenger motor vehicles necessary for use by all state agencies.

(2) Any agency of state government desiring to purchase passenger motor vehicles necessary for the performance of its official duties shall furnish to the Commissioner of the Executive Department for Finance and Administration the following information on the form which shall be prescribed by the Executive Department for Finance and Administration:

- (a) Name of agency.
- (b) Division of agency to which the vehicle will be assigned.
- (c) Classification of employees who will be operating vehicles.
- (d) Specific location to which the vehicle will be assigned (city, county, work station).
- (e) Whether it is a replacement vehicle.
- (f) Necessity for purchase (including an explanation of principal use).
- (g) Estimated time and mileage (daily and weekly) that each passenger vehicle requested would be used.
- (h) Estimated savings in time and money expected if purchase is approved.
- (i) Place where vehicle would be parked when not in use (day and night).
- (j) Specifications covering the type of vehicle requested including any extra or optional equipment and accessories. (See subsection (5)(a) this section.)

(3) The Executive Department for Finance and Administration shall consider for replacement only those passenger motor vehicles which are five (5) years old or which have been driven 60,000 miles, whichever comes first, or those vehicles which are inoperable, or those vehicles which are in need of substantial repair, the cost of which repair would not be economically feasible; provided, however, that

the Division of Purchases may prescribe a different replacement schedule regarding the fleet or motor pool vehicles of those agencies which must operate fleets or motor pools of passenger motor vehicles, when such a different replacement schedule is determined to be in the best interest of the Commonwealth. The prescribed form on which the replacement or other purchase request is made must be reviewed by the Budget Division, Executive Department for Finance and Administration, and approved by the Commissioner of the Executive Department for Finance and Administration. If the request is approved, the purchase request form shall be returned to the requesting agency. Said agency shall then submit the necessary purchasing requisition, attaching it to the approved purchase request form, to the Division of Purchases, in accordance with the purchasing schedule.

(4) The purchase of all passenger motor vehicles shall be made in accordance with the standard specifications for passenger motor vehicles, which said standard specifications shall be revised annually and furnished to all agencies by the Division of Purchases. Only those vehicles coming under Class I of the standard specifications shall be approved for purchase for agency general use, except as provided hereafter in this section. Vehicles coming under Class II of the standard specifications may be approved for purchase for use by agency heads, such use being subject to the provisions of Section 5 hereinafter. Requests for purchases for agency special use of vehicles coming under Class II may be submitted in writing by the head of the agency involved to the Commissioner of the Executive Department for Finance and Administration. Such a request shall set out in detail the reasons why the purchase is considered necessary. The Commissioner of the Executive Department for Finance and Administration may approve the purchase if he finds that it is necessary and in the best interests of the Commonwealth.

(5) (a) All state-owned passenger motor vehicles shall be equipped with a fresh-air intake type heater and defroster; safety equipment such as a left-handed, outside, rear-view mirror; directional signals; hazard (disability) switches; dual windshield wipers; windshield washers; seat belts; and convenience equipment such as dual arm rests, dual sun visors, cigarette lighters, and ash receivers.

(b) Radios, automatic transmissions, power steering, and power brakes may be requested for purchase in regard to standard specification vehicles.

(c) Approval for the purchase of other optional equipment and accessories may be given only after carefully considering the purpose for which the vehicle is intended.

(6) All passenger motor vehicles purchased by the Division of Purchases shall be delivered to a central location in Frankfort where the licensing, identification, and other marking required by the provisions of Section 5(4) hereinafter shall be accomplished.

Section 5. Use of Passenger Motor Vehicles: (1) Passenger motor vehicles shall be used only in the performance of the official business of the Commonwealth. Examples of purposes for which such vehicles may not be used would include: Commuting to and from work (i.e., traveling to and from the employee's residence to his duty station); commuting to restaurants, clubs, social engagements; accomplishing personal business; etc. It shall be the responsibility of each agency head to ascertain that such vehicles are used only for official purposes; he shall insure that the use of such vehicles is not abused.

(2) There shall be no assignment of passenger motor vehicles to specific officials except where, in the judgment of the Commissioner of the Executive Department for

Finance and Administration, such exclusive use by a specific individual is not only in the best interests of the Commonwealth, but is necessary. An exclusive assignment to a specific individual may be made only after approval by the Commissioner of the Executive Department for Finance and Administration of a written request to make such assignment by the head of the agency involved. The request shall set forth the reasons why such an assignment is necessary and in the best interests of the Commonwealth.

(3) Employees who are assigned the exclusive use of passenger motor vehicles, and those using state owned vehicles on a per-trip basis who must use such vehicles for official travel either prior or subsequent to regular office hours, will be permitted to park such vehicles at their residences, except on weekends. On weekends, such vehicles shall be returned to the state garages or to their assigned parking places on state property. Any request for a deviation from the provisions of this section shall be submitted in writing by the agency head involved to the Commissioner of the Executive Department for Finance and Administration. The Commissioner of the Executive Department for Finance and Administration may approve such a deviation if he finds that it is necessary and would be in the best interests of the Commonwealth.

(4) Before a passenger motor vehicle may be used by a state agency, it must bear on the outside front door on each side of the vehicle a decal specified by the Division of Purchases and bearing the Great Seal of the Commonwealth conforming as nearly as practicable to that prescribed by KRS 2.020. In addition, there shall appear, on the outside front door on each side of the vehicle, in letters at least one (1) inch in height, the name of the agency and the words "For Official Use Only." (The Division of Purchases may prescribe a different height for good reason shown by an agency desiring a variance.) This section applies to all passenger motor vehicles except those vehicles used for investigatory purposes only in accordance with the provisions of Section 6 (2) hereinafter.

#### Section 6. Licensure of Passenger Motor Vehicles:

(1) All state owned passenger motor vehicles shall bear official license tags of the Commonwealth in accordance with the provisions of KRS Chapter 186 except those vehicles, as provided in subsection (2) of this section, which are used for investigatory purposes only.

(2) Private license plates may, upon approval of the Commissioner of the Executive Department for Finance and Administration, be authorized for vehicles of the Department of Revenue, Department of Justice, and Office of the Attorney General when such vehicles are to be used for investigatory purposes only. A request for such license plates shall be submitted to the Commissioner of the Executive Department for Finance and Administration by the head of the agency involved, and shall set forth the investigatory purposes for which the vehicle is to be used. Upon a determination by the Commissioner of the Executive Department for Finance and Administration that such a license is necessary and in the best interest of the Commonwealth, the vehicle may be licensed in the county requested by the agency. It shall be the responsibility of the agency head to ascertain that such vehicles are used only for investigatory purposes; he shall insure that the use of such vehicles is not abused.

(3) Official license plates attached to passenger motor vehicles which are being replaced shall be turned in to the Division of Purchases before permission will be given for the disposal of the vehicle in accordance with the provisions of

Section 9 hereinafter.

Section 7. Lease of Passenger Motor Vehicles: (1) The Bureau of Highways of the Department of Transportation may request the purchase of passenger vehicles for use within the department, and for lease to other state agencies on a per-trip basis only. Lease vehicles shall be subject to the use requirements prescribed by the provisions of Section 6 hereinbefore.

(2) Requests to use passenger motor vehicles available in the Department of Transportation's Motor Pool shall be submitted to that department on the forms and in the manner prescribed by said department. The prescribed request form must be signed on behalf of the requesting agency before a vehicle may be released from the motor pool. A duplicate copy of this form shall be attached to inter-account billing forms prepared by the Department of Transportation for transmittal to state agencies that have used the motor pool. The Department of Transportation may adopt such regulations and prescribe such procedures as it deems necessary to implement this regulation, and otherwise to govern the operation of its motor pool and the vehicles thereof.

(3) Exclusive-use lease agreements with the Bureau of Highways of the Department of Transportation are prohibited.

(4) Agencies are prohibited from leasing passenger motor vehicles from private individuals or concerns except on an occasional basis necessitated by circumstances under which a state-owned vehicle would not be available for use.

#### Section 8. Maintenance of Passenger Motor Vehicles:

(1) It shall be the responsibility of the agency for which a passenger motor vehicle was purchased, or to which a vehicle has been assigned, to maintain it properly in accordance with the manufacturer's instructions.

(2) Passenger motor vehicles located in Franklin County should be to the extent permitted by circumstances, maintained by the Department of Transportation Garage situated in Frankfort.

(3) A record of all maintenance costs for each passenger motor vehicle shall be kept by each agency and submitted, as may be required, to the Executive Department for Finance and Administration.

Section 9. Disposal of Passenger Motor Vehicle: (1) An agency shall advise the Division of Purchases of its desire to dispose of passenger motor vehicles which are five (5) years old, or have been driven 60,000 miles; are not operable, or are in need of substantial repair; or which may be disposed of in accordance with some other replacement schedule prescribed by the Division of Purchases pursuant to the provisions of Section 4(3) hereinbefore. The Division of Purchases shall dispose of such vehicles, after the receipt of the applicable official license plates, in the manner prescribed by KRS Chapter 45 and implementing regulations. The official license plates taken off motor vehicles which are being disposed of shall be delivered to the Department of Revenue.

(2) All proceeds from the sale of surplus passenger motor vehicles shall be deposited into the General Fund except where federal law or regulations, or state law or regulations, preclude such deposit. Funds from the disposal of Department of Transportation passenger motor vehicles shall be deposited in the Road Fund, or in such other special account permitted by law and designed by the Commissioner of the Bureau of Highways and Secretary of the Department of

Transportation.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 19, 1975

RECEIVED BY LRC: June 25, 1975 at 11:22 a.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 5:015. Legal documents.

RELATES TO: KRS Chapters 42, 45, 56, 57

PURSUANT TO: KRS Chapter 45

SUPERSEDES: FIN-PUR-27

NECESSITY AND FUNCTION: In order to assure uniformity among state agencies using legal documents in transactions over which the Executive Department for Finance and Administration by law exercises administrative supervision or jurisdiction, the Executive Department for Finance and Administration may prescribe standard forms to be used by such agencies containing provisions considered by the commissioner to be in the best interest of the Commonwealth.

Section 1. The Executive Department for Finance and Administration may prescribe standard forms to be used by agencies relative to transactions essentially legal in nature and over which said department by reason of law exercises any nature of administration or other jurisdiction. For example, standard forms may be prescribed for, but not limited to, leases, notices of extension of lease, land contracts, personal services contracts, and notices of extension of personal service contract. Such forms shall be designed with an end toward facilitating state purchases or disposals of services and real and personal property in an expeditious and economical manner, and shall include such provisions as the Commissioner of the Executive Department for Finance and Administration, upon proper legal advice; deems necessary to protect the interests of the Commonwealth.

Section 2. Agencies shall make every effort to utilize standard forms prescribed or adopted by the Executive Department for Finance and Administration. However, in any instance requiring a document essentially legal in nature but for which no prescribed form exists or is suitable, the particular agency concerned may submit an instrument serving the desired purpose, approximating any comparable prescribed form as much as possible, to the Executive Department for Finance and Administration for approval. No such instrument shall be accepted which fails to contain a certification, signed by an attorney officially representing the agency or by the Assistant Attorney General assigned to the agency, that he has examined and approved said instrument as to form and legality. Unless waived for satisfactory reason explained in writing by the head of the agency involved and acceptable to the Commissioner of the Executive Department for Finance and Administration, it shall be required that any such instrument involving an expenditure of state funds shall be confined in time of effect to the fiscal year in which it falls, and shall reserve to the agency the right to terminate upon

ninety (90) days or less notice to the other party. In no event shall any such instrument be effective beyond the current biennium.

WILLIAM E. SCENT, Commissioner

ADOPTED: July 1, 1975.

RECEIVED BY LRC: July 3, 1975 at 12:57 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 5:050. Central purchasing for political subdivisions.

RELATES TO: KRS Chapter 45

PURSUANT TO: KRS 45.365

SUPERSEDES: FIN-PUR 32

NECESSITY AND FUNCTION: KRS 45.365 provides for central purchasing for political subdivisions. This regulation establishes the guidelines to be followed by political subdivisions in order to utilize price contracts negotiated by the Commonwealth.

Section 1. General: The Division of Purchases shall include in all price contracts for the purchase of materials or supplies made and entered into on and after June 18, 1970, a provision that, as approved by the Commissioner of the Executive Department for Finance and Administration, any political subdivision of this Commonwealth, including cities of all classes, counties, school districts or special districts, may participate in such contracts to the same extent as the agencies, boards and commissions of state government. Where political subdivisions are required by law to purchase materials or supplies by competitive bidding, such subdivisions must comply with the applicable statute before participating in the state's price contract unless such contract has been let by competitive bidding.

Section 2. Award of Price Contract: (1) Invitations to bid for and the award of price contracts shall be made by the Division of Purchases in accordance with the division's established practices and procedures pursuant to the authority of KRS 45.360, 45.370, and 45.390.

(2) Standards and specifications used in establishing price contracts shall be those promulgated or adopted by the Division of Purchases for use by all state agencies.

(3) The prices established for a price contract are firm for the duration of that contract; negotiation or bargaining by governmental units using the established prices as a base is prohibited.

Section 3. Administration: (1) Each political subdivision desiring to participate in and use the Commonwealth's price contracts for the purchase of materials or supplies shall file written notice of such desire with the Manager, Division of Purchases.

(2) The Division of Purchases will perform no administrative services for any participating political subdivision except as provided herein. Each such subdivision shall issue its own purchase orders, accept its own deliveries, and make its own payments for goods received and accepted. Any circumstances requiring that the Division of Purchases

assume some administrative responsibility relative to a purchase by a political subdivision shall be done only by prior agreement between or among the parties and administrative costs incurred by the division will be charged against the political subdivision involved.

(3) In the event of a dispute between any participating political subdivision and a vendor under any price contract which cannot be satisfactorily resolved between the parties to the dispute, the matter shall be referred to the Manager, Division of Purchases for mediation.

(4) Any participating political subdivision which fails to promptly pay for materials or supplies received and accepted shall be barred from further participation in that price contract for the duration of its existence.

(5) In the exercise of his sound discretion and for good cause, the Commissioner of the Executive Department for Finance and Administration may revoke his approval for participation in the Commonwealth's price contracts by any political subdivision.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 20, 1975

RECEIVED BY LRC: June 25, 1975 at 11:20 a.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 6:010. Personal property inventories.

RELATES TO: KRS Chapter 45

PURSUANT TO: KRS 13.082

SUPERSEDES: FIN-PROP 7

NECESSITY AND FUNCTION: KRS 45.360 requires inventories to be taken. This regulation provides for the taking of inventories of personal property and requires such inventories to be submitted to the Executive Department for Finance and Administration no later than September 30 of each year by agency inventory officers.

Section 1. General. (1) The objective of inventory control is to produce the maximum utilization of materials and equipment. It provides a system for determination of accountability and use.

(2) Because of the importance of sound inventory controls, the Division of Properties, Executive Department for Finance and Administration was established and given the responsibility to formulate a system of inventory controls for use by the various state agencies.

(3) Agencies who are now reporting their annual inventories on data processing equipment will continue to do so. Agencies who are reporting manually are to submit their reports on Form PR-1, "Inventory of Supplies and Equipment" provided by the Division of Properties. No other forms are to be used.

(4) Agencies are directed to initiate the preparation of adequate inventory records as provided herein.

Section 2. Property to be inventoried. (1) Non-expendable. All items having a value of twenty dollars (\$20) or more and that are not consumed or expendable. Property that is similar (chairs, desks and file cabinets) will be grouped by building and listed with total value. All

machines (typewriters, calculators and adding machines) will be itemized showing make, model number, serial number and cost.

(2) Expendable. A perpetual record will be kept on expendables. This record will be kept in such a manner to indicate annual usage of each item.

Section 3. Responsibility for equipment. The department head will be responsible for the custody and safekeeping of all equipment assigned to his agency. An individual shall be assigned the responsibility for maintaining inventory records and hereafter referred to as the inventory officer.

Section 4. Assigning value of equipment. The cost price is used when the purchase price is known. If cost is unknown, the value will be appraised, based on current replacement cost. Round cost to the nearest dollar.

Section 5. Property identification tags. Property identification tags will be affixed by inventory personnel of each agency. Tags will be placed uniformly for easy location. The tags should be placed on the left side of the equipment as you face the equipment in the normal operating condition.

Section 6. Inventory report. Each agency will submit an annual inventory listing as of June 30, by building, to the Division of Properties, Executive Department for Finance and Administration by September 30.

Section 7. Trade-in of equipment. The property number of property being traded must be listed on the purchasing document. The inventory officer will delete the item from the agency's inventory records.

Section 8. Supplies with large monetary value. When agency maintains an inventory of expendable supplies that have a value over \$100, the agency will submit a statement to the inventory officer. This information is needed for insurance purposes and must be included on the annual inventory report to the Division of Properties.

Section 9. Stolen property. A letter requesting deletion from the inventory records for stolen property will be forwarded for approval, by the Division of Properties. Attach a copy of the report of investigation to the letter.

Section 10. Vehicle inventory. (1) Each agency will report all licensed vehicles separately from all other personal property as of June 30, each year to arrive at the Division of Properties prior to September 30th.

(2) A copy of the purchase order for all new vehicles, with the license number indicated thereon, will be provided to the Division of Properties for updating the inventory records. Each agency likewise must do the same.

(3) Transfer of vehicles between agencies is permitted. The inter-account bill for these transactions must be routed to the Division of Properties for approval and updating inventory records prior to receipt by the Division of Accounts.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 20, 1975

RECEIVED BY LRC: June 25, 1975 at 11:21 a.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 6:020. Relocation compensation allowance.**

RELATES TO: KRS Chapter 56  
PURSUANT TO: KRS 56.610 et seq.  
SUPERSEDES: FIN-PROP-12

**NECESSITY AND FUNCTION:** KRS 56.610 et seq. provides for the compensation of certain persons and businesses whose property is taken by a state agency or local land acquisition programs. This regulation sets forth uniform guidelines providing for the compensation of certain persons and businesses required to relocate due to the fact that their property has or will be acquired by the Commonwealth.

Section 1. Any person, business, non-profit organization, or farm operation displaced as a result of the acquisition of real property by a state agency, county, or a unit of local government shall be entitled to relocation payments and services as hereinafter provided for which federal or state funds are utilized. Such payments shall be made and services shall be provided in the instances and upon the conditions set forth by federal law.

Section 2. A relocation agent shall assist the relocatee by providing services including but not limited to the following: finding adequate replacement housing, contacting funding agencies regarding the availability of loan funds, contacting approved moving firms, processing claims, and attempting to minimize the disruption of family and business routine. Advisory services are available to all persons affected by land acquisition regardless of whether they are displaced.

Section 3. (1) Any person, business, non-profit organization, or farm operation shall be entitled to the reimbursement of reasonable moving expenses for a distance of not more than fifty (50) miles, unless there is no available housing within a fifty (50) mile limit in which event this limitation will not apply.

(2) The displaced occupant of a dwelling, including mobile homes, is entitled to reimbursement for actual expenses incurred or he may elect to receive a moving allowance determined according to a fixed-rate schedule.

Section 4. The owner of a displaced business is entitled to receive payment for actual reasonable moving expenses to include, but not limited to, moving personal property, equipment, disassembly, reinstallation, and actual expenses incurred in searching for a replacement business. Instead of receiving moving expenses, the owner of a discontinued or relocated business may be eligible to receive a payment equal to the average annual net earnings of the business; the minimum payment will be \$2,500 and the maximum payment will be \$10,000.

Section 5. The owner of a dwelling who has occupied said dwelling for not less than 180 days prior to the initiation of negotiations for the property may receive payments the total of which may not exceed \$15,000. A displaced tenant occupant, or an owner occupant of more than ninety (90) days, under certain circumstances, may be entitled to a replacement housing payment in an amount not to exceed \$4,000, to either rent or purchase adequate

replacement housing. There are many differing sets of circumstances under which a relocatee may be entitled to a replacement housing payment. The relocation agent will evaluate the options available with the displaced person.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 25, 1975.

RECEIVED BY LRC: July 3, 1975 at 12:57 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 7:010. Substitution of securities for retainage.**

RELATES TO: KRS Chapters 45 and 56  
PURSUANT TO: KRS Chapters 45 and 56  
SUPERSEDES: FIN-ENG: 1

**NECESSITY AND FUNCTION:** In order to allow contractors holding contracts with the state, administered by the Division of Engineering, Executive Department for Finance and Administration, to substitute securities for retainage, this regulation establishes guide lines for such substitution, provided the market value or par value is equal to or exceeds the amount of retainage to be withdrawn.

Section 1. General: Contractors holding contracts with the Commonwealth of Kentucky and administered by the Executive Department for Finance and Administration, Division of Engineering, for the construction, renovation, repair or improvement of any building or other facility owned, controlled or maintained by the Commonwealth, may withdraw the whole or any portion of any percentage of the contract price or fixed sum withheld from each periodic payment made to such contractor and retained by the Commonwealth pursuant to the terms of their contracts.

Section 2. Definitions: As used in this regulation and where the context so admits the following terms shall have the meaning assigned:

(1) Commissioner: The Commissioner of the Executive Department for Finance and Administration;

(2) Contractor: Any person, firm, partnership, or corporation holding a contract with the Commonwealth of Kentucky, and administered by the Executive Department for Finance and Administration, Division of Engineering, for the construction, renovation, repair or improvement of any building, structure or other facility owned, controlled or maintained by the Commonwealth of Kentucky;

(3) Custodian: Any trust company or banking firm having a trust department in this state approved by the commissioner to receive payments as an escrow agent under this regulation;

(4) Department: The Executive Department for Finance and Administration;

(5) Manager: The Manager, Division of Engineering in the Executive Department for Finance and Administration;

(6) Division: The Division of Engineering in the Executive Department for Finance and Administration;

(7) Retainage: The percentage or fixed sum withheld from each periodic estimate paid under a contract and retained by the department until completion of a con-

tractor's performance and acceptance of the work;

(8) Surety: The corporate surety under a contractor's performance and payment bond.

### Section 3. Contractor's Election to Withdraw Retainage:

(1) Any contractor desiring to withdraw the retainage under his contract with the Commonwealth shall elect to do so in writing on a form prescribed by the department and filed with the manager. No such election shall be given effect until and unless approved by an authorized officer or agent of the contractor's surety. The manager, or his authorized representative, shall acknowledge the contractor's election by indorsement thereon and the election, when approved by the contractor's surety, shall be incorporated with and become a part of the contract between the contractor and the Commonwealth. The contractor shall designate a custodian from a list of approved custodians to be furnished by the manager.

(2) The contractor may elect to withdraw retainage under future payments at any time during the continuation of the contractor's performance of the contract; provided, however, that no such election will be accepted during the period between the date the next to last periodic estimate is paid and the date the final estimate is submitted for payment; and, provided further, that such election shall apply only as to payments coming due on and after the date of such election.

(3) The surety's approval as to the contractor's election shall be indicated on the face of the contractor's performance and payment bond with respect to contracts awarded, or by indorsement on a letter submitted with the contractor's election under contracts in effect on that date.

Section 4. Surety for Retainage: (1) Each contractor electing to withdraw the retainage under his contract as provided in Section 3, shall as soon as practicable after his election has been filed with the manager, deposit in escrow subject to the terms hereinafter set forth, governmental securities having a market value at the time of deposit, or par value, whichever is less, equal to or greater than the amount of retainage to be withdrawn. Such securities may be one or more of the following kinds:

(a) United States Treasury Bonds, notes, treasury bills or certificates of indebtedness;

(b) General obligation or revenue bonds issued by the Commonwealth of Kentucky or its agencies;

(c) Subject to the commissioner's approval, general obligation bonds issued by any political subdivision of the Commonwealth.

(2) In the event that a contractor does not have sufficient capital readily available for the purchase of such securities for deposit, such contractor may, subject to the manager's approval, enter into an agreement with the custodian providing, in addition to such other terms and conditions as any party may consider necessary and desirable, that upon receipt of a check drawn on the State Treasury and payable to the custodian for the contractor's account, the custodian shall purchase for the contractor's account securities of one or more of the kinds specified above to be held by the custodian in escrow for the Commonwealth's benefit.

(3) The terms under which the custodian shall hold the securities shall be subject in each instance to the manager's approval and shall provide, in addition to any other terms considered necessary or desirable under the circumstances, for the Commonwealth's unlimited and irrevocable right to demand delivery of and to sell the securities in the event of

a default in the contractor's performance of his contract as determined by the manager with reference to the relevant provisions of such contract and no claim or assertion by the contractor disputing such determination shall disrupt or displace the Commonwealth's entitlement thereto.

(4) The custodian shall execute a certificate to the contractor, with a copy to the manager, verifying that it has possession of and the value of the securities deposited.

(5) As an alternative to the deposit of securities with the custodian as provided above, contractors may request that the retainage under their contracts be transferred to an approved custodian for investment in a fund to be established by the custodian and to be designated in the records of each custodian establishing such a fund as the Commonwealth of Kentucky, Executive Department for Finance and Administration Retainage Participation Fund. The investment of such funds by the custodian shall be limited to securities of the kinds authorized by this section.

(6) Each contractor electing to participate in the retainage participation fund shall be credited by the custodian with shares in the fund to the extent of the funds transferred to the fund and invested for his benefit and be credited with and receive all interest and increments to said fund based on his pro rata interest therein. Provided, however, that in the event that any contractor sharing in the fund is declared to be in default in the performance of his contract by the manager such contractor's shares in the fund shall, upon receipt of notice of the declaration of default by the custodian, be transferred on the custodian's books to the Commonwealth's credit and the custodian shall thereafter on demand by the commissioner deliver the value of such shares to the State Treasury.

(7) No contractor sharing in the retainage participation fund shall withdraw or attempt to withdraw the principal amount of his interest therein until the Commonwealth's security interest in such shares has been released as provided in this regulation.

Section 5. Contractor's Right to Interest: Contractors depositing securities or participating in the retainage participation fund as provided in Section 4 of this regulation shall be entitled to receive all interest income accruing thereon from the date of deposit or commencement of their participation in the fund to the date that demand is served on the custodian by the department for delivery of the securities or the contractor's shares in the fund; thereafter, all interest income so accruing shall be the property of the Commonwealth. To this end, and so long as it may have possession of such securities, or shares are maintained in the retainage participation fund, the custodian shall, on a regular basis collect and pay over the income accruing thereon to the party then entitled to the same.

Section 6. Commonwealth's Entitlement to Delivery of Securities: The Commonwealth shall be absolutely entitled to demand and receive delivery of the securities deposited as provided in Section 4 of this regulation in the event of a default in the contractor's performance of his contract as determined by the manager, and such entitlement shall in no way be displaced or disrupted by a claim or assertion from the contractor to the custodian disputing such determination. Delivery of the securities to the Commonwealth's control shall be effected by the custodian within thirty (30) days from the date that a written demand therefor has been served upon the custodian; service of the demand to the custodian shall be made either by hand or

by certified mail addressed to the custodian's principal office and place of business. Such demand, when signed by the Commissioner of the Executive Department for Finance and Administration shall, when acted upon by the custodian, relieve the custodian from any further liability to the contractor therefor. The Commonwealth shall designate in its demand to the custodian the method of delivery of the securities, whether by actual physical transfer of the securities to the custody of the State Treasury, or by constructive delivery evidenced by the custodian's certificate of safe keeping issued to the Commonwealth with a copy thereof furnished the contractor.

**Section 7. Custodian's Fee:** Each custodian designated and approved for the keeping of securities shall be entitled to be paid a reasonable fee to be deducted from the income accruing to the account for the performance of all services actually rendered, the amount of such fee, whether based on a flat rate charge or a percentage of the value of the securities held, or a combination of a flat rate and percentage, shall be stated in the escrow agreement between the custodian and the contractor and the amount and/or the rate thereof shall not be changed thereafter except with the approval of the Commissioner of the Executive Department for Finance and Administration. The contractor shall be liable for the payment of the custodian's fee and to secure the payment thereof the custodian shall have a lien on the securities held, secondary to the right and entitlement to the Commonwealth thereto. The Commonwealth shall be liable for the payment of the custodian's fee for any period for which such fee may be payable after delivery of the securities to the Commonwealth's control as provided in Section 6 of this regulation; the Commonwealth shall have no liability for the payment of the custodian's fee for any period prior to the date of delivery of the securities to the Commonwealth's possession, actual or constructive.

**Section 8. Release of Securities:** Upon completion of the contractor's performance under the contract and final acceptance of the work thereunder by the Commonwealth, the manager shall advise the custodian in writing and the custodian shall thereupon be released and exonerated from any further liability for the delivery to the Commonwealth of the securities or shares in the retainage participation fund held in escrow by the custodian; a copy of the release shall be furnished the contractor. Likewise, from time to time during the prosecution of the contract, the manager, in the exercise of his discretion, may authorize the discharge from escrow of a percentage or a lump sum amount of the securities deposited with the custodian and such authorization shall release the custodian from further liability for the delivery to the Commonwealth of the securities so discharged.

**Section 9. Accounting by Custodian:** The custodian shall, upon request therefor by the contractor, from time to time render to the contractor, with information copies to the division, detailed statements of account for all securities or shares in the retainage participation fund held by the custodian for the contractor's account pursuant to Section 4 of this regulation and the escrow agreement between the custodian and the contractor. Such statements shall reflect all interest income accruing to the contractor's account and the disbursements thereof made by the custodian together with such other information as may be considered necessary or desirable according to standard accounting pro-

cedures to describe the transactions affecting the account during the period involved. Provided, however, that the custodian shall furnish such statements without necessity of a request by the contractor upon the happening of one or more of the following occurrences:

- (1) As of the end of each calendar year or any period during any calendar year in which such securities are held;
- (2) As of the end of any month that such securities are released by the Commonwealth as provided in Section 8 of this regulation;
- (3) As of the end of any month that such securities are delivered to the Commonwealth as provided in Section 6 of this regulation.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 20, 1975

RECEIVED: June 25, 1975 at 11:19 a.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 11:010. General criteria.

RELATES TO: KRS Chapter 64

PURSUANT TO: KRS 64.140(1)

SUPERSEDES: FIN-ADV SHER-1

NECESSITY AND FUNCTION: KRS 64.140 provides for advancements to sheriffs to defray official expenses. This regulation provides for advancement to sheriffs of counties with a population of less than 75,000.

Section 1. Sheriffs of counties containing a population of less than 75,000 may be advanced monies from the State Treasury, provided they make application therefor. These advancements are for the purpose of providing the sheriffs with funds to operate their offices during those periods of the year when the fees of the office are inadequate to provide operational expenses. Receipt of the advancement is conditioned upon compliance with these regulations.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 19, 1975 at 1:02 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 11:020. Application form; information required.

RELATES TO: KRS Chapter 64

PURSUANT TO: KRS 64.140(1)

SUPERSEDES: FIN-ADV SHER-2

NECESSITY AND FUNCTION: This regulation sets forth the requirements for implementing the advancement procedure to be followed by a sheriff when requesting funds to defray expenses together with a list of documents to accompany the application.

Section 1. A sheriff desiring to receive advancements of funds from the State Treasury to defray the costs of operating his office will make application therefore in the form of a letter addressed to the Commissioner of the Executive Department for Finance and Administration, Attention: Supervisor of County Audit, Division of Accounts, Executive Department for Finance and Administration. The letter of application shall state:

(1) That the fees received by the sheriff are insufficient to provide the necessary funds for the operation of the office.

(2) That the sheriff desires to receive advancements of funds from the State Treasury for the purpose of defraying the said office expenses.

(3) That the sheriff agrees to comply with the regulations of the department relating to sheriff's advancements in the event that he is granted an advance of monies for operating his office.

(4) That the documents filed with the application are true and correct statements of fact.

Section 2. The letter of application shall be signed by the sheriff, and his signature shall be notarized by a notary public in and for the Commonwealth of Kentucky.

Section 3. The following documents shall accompany the letter of application:

(1) A copy of the sheriff's settlement with the fiscal court of his county for the year immediately preceding the year in which the advance is made, certified as true and correct by the county court clerk. If the sheriff's settlement with the fiscal court has not been filed, the sheriff may substitute an affidavit setting out the actual fees of the office for the immediate preceding year.

(2) A copy of the last quietus from the state, certified by an authorized representative of the Department of Revenue, Commonwealth of Kentucky.

(3) A detailed statement of the sheriff's personal assets and liabilities.

(4) A detailed budget for the sheriff's office for the year in which the advancements are to be made. (This budget statement shall contain detailed breakdowns of monthly expenditures.)

(5) A detailed statement of the amount to be advanced in each month. (This statement must be approved by the fiscal court.)

(6) If a sheriff first requests an advance in a month other than January, he shall, in addition to the documents set out above, file an affidavit setting out his receipts for the year up to and including the last day of the previous month and his actual expenses to the last day of the same month.

(7) A bond in favor of the Commonwealth for an amount not to exceed the total advance requested for the year. The said bond shall be conditioned upon the full repayment by the sheriff of all monies advanced to him by the Commonwealth. This bond shall be in addition to the other bonds required by statute and if the bond is executed with a corporate surety, the premium thereon shall be an expense of the office. The bond shall be approved by the county court and prepared in duplicate, one (1) copy to be filed with the department and one copy with the county court clerk of the sheriff's county. No other official shall be a surety for a sheriff on his bond.

(8) Any other document, report, or information deemed necessary by the commissioner to enable the department to

adequately evaluate the advisability of making an advancement.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 19, 1975 at 1:03 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 11:030. Initial advancement; procedure.

RELATES TO: KRS Chapter 64

PURSUANT TO: KRS 64.140

SUPERSEDES: FIN-ADV SHER-3

NECESSITY AND FUNCTION: The advance of funds procedure available to sheriffs is established by KRS 64.140. This regulation sets forth the considerations to be viewed by the Supervisor of County Audit before making his recommendations to the Commissioner of the Executive Department for Finance and Administration.

Section 1. Upon receipt of a letter of application for an advancement to a sheriff, the Supervisor of County Audit shall examine the application and satisfy himself that the application and its supporting documents are in order. If he finds that the requests and supporting documents are in proper order, he will recommend to the Commissioner of the Executive Department for Finance and Administration that an advance be made. This recommendation will include a suggested amount to be advanced. In making his recommendation to the commissioner the Supervisor of County Audit will be guided by the following considerations:

(1) If the first advance is requested for the month of January, the County Audit Supervisor will recommend that the department issue a warrant for the lesser of: (i) the sheriff's request, or (ii) the estimated expenditures for the month of January as set out in the sheriff's budget; provided, however, that the monthly advance may not exceed the lesser of \$30,000 or one-twelfth (1/12) of the sheriff's receipts for the previous year.

(2) If the first advance requested is for a month other than the month of January, the County Audit Supervisor will add the expenses of the sheriff for the months of the year preceding the application as set out in the affidavit to the estimated expenses for the month the advance is requested, subtract the receipts of the office and recommend that a warrant be issued for the lesser of: (i) the figure representing the difference between the sum of the aforementioned actual expenses and the estimated expenses for the month of the advance and the receipts of the office, or (ii) the amount requested; provided, however, that in no event shall the said recommendation exceed \$30,000 or one-twelfth (1/12) of the sheriff's receipts of the previous year whichever is the lesser.

Section 2. If the commissioner approves the recommendation of the County Audit Supervisor, he will cause a Commissioner's Order to be issued directing that the advancement be made, whereupon the department will

issue its warrant in the amount specified in the Commissioner's Order.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 19, 1975 at 1:03 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 11:040. Subsequent advancements.

RELATES TO: KRS Chapter 64

PURSUANT TO: KRS 64.140(1)

SUPERSEDES: FIN-ADV SHER-4

NECESSITY AND FUNCTION: KRS 64.140 provides for advancement to sheriffs. This regulation provides for subsequent advancements after the initial advancement and the amount a sheriff is entitled to.

Section 1. Having been granted an initial advancement, a sheriff may receive subsequent advancements upon filing with the department a request for the said advancement accompanied by an affidavit setting out the receipts and expenditures of the sheriff's office through the previous month.

Section 2. Upon receipt of the request, the County Audit Supervisor will add the actual expenditures to date to the estimated expenditures for the current month, subtract the actual receipts of the office, and cause a warrant to be issued for the lesser of: (i) the difference, or (ii) the amount requested; provided however, that in no event shall the said warrant exceed the lesser of \$30,000 or one-twelfth (1/12) of the sheriff's receipts for the previous year.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 19, 1975 at 1:02 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 11:050. Refunding procedure.

RELATES TO: KRS Chapter 64

PURSUANT TO: KRS 64.140

SUPERSEDES: FIN-ADV SHER-5

NECESSITY AND FUNCTION: The authority for advancements to sheriffs is KRS 64.140. This regulation sets forth the requirements a sheriff must follow after having received an advancement; reparations to Commonwealth.

Section 1. Each sheriff receiving advancements shall on or before the tenth day of November, December, and January, file with the Executive Department for Finance and Administration an affidavit showing the actual receipts

and expenditures of his office for the preceding month. The affidavit shall be accompanied by a check made payable to the Treasurer of the Commonwealth of Kentucky in the amount that the receipts exceed the expenditures for the previous month; provided, however, that the total amount of money thus payable to the Commonwealth shall not exceed the total of the advancements made to the sheriff during the preceding year.

Section 2. In the event that the payments provided in Section 1 are not equal to the amounts advanced to the sheriff by the Commonwealth during the preceding year, the sheriff shall on or before January 15 of the year following the year in which the advancements were made forward a check made payable to the Treasurer of the Commonwealth of Kentucky in the amount of the unpaid balance.

Section 3. On or before January 15 of any year following a year in which advancements are made to a sheriff, he shall file with the department an affidavit setting out the total receipts and expenditures of his office for the previous year along with a statement of the total advancements made to him in that year.

Section 4. No advancements may be made to a sheriff unless the total amount advanced in the previous year has been refunded to the Commonwealth.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 19, 1975 at 1:02 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 12:010. Computing back pay after re-instatement.

RELATES TO: KRS Chapter 18

PURSUANT TO: KRS Chapter 18

SUPERSEDES: FIN-PERS.-1

NECESSITY AND FUNCTION: This regulation establishes the procedure for computing back pay due employees of state government after unjustified personnel actions.

Section 1. General: When the Personnel Board has ordered an employee reinstated to his former or a like position without loss of pay, the appointing authority shall within a reasonable time thereafter cause the amount of back pay to which such employee is entitled for the period of the unjustified personnel action to be calculated as hereinafter provided.

Section 2. Definitions: The following terms will have the meaning assigned herein, unless the context indicates otherwise:

(1) Appointing authority: officers, employees, boards or commissions authorized by law to make appointments to the classified service of this state.

(2) Back pay: the amount of cash payment due the employee because of the penalization. Back pay is derived from the gross pay less all set-off income plus all add-on

income as provided in this regulation.

(3) Corrective dates; corrective period: synonymous terms for the period between the date of an employee's dismissal, suspension or demotion without justifiable cause or for political, religious or ethnic reasons and the date of his reinstatement to his former or a position of like status and pay as provided by KRS 18.270.

(4) Employee: a person regularly appointed to a position in the classified service for which he is compensated on a full-time or part-time basis and who has completed his probationary period and attained status under the merit system.

(5) Gross pay: the gross amount of pay which an employee would have earned during the period of the personnel action had such action not been taken.

(6) Net pay: is the gross pay less all set-off income.

(7) Net-net pay: is the net pay plus all add-on income items.

(8) Penalty; penalized, unjustified personnel action: synonymous terms for the action taken by the appointing authority against an employee including dismissal, suspension, and demotion and for which the employee after appeal is ordered by the Personnel Board to be reinstated to his former or like position without loss of pay.

**Section 3. Calculation of Gross Pay:** Calculation of gross pay will be limited to the amount of gross salary or wages which would have been earned by a penalized employee during the corrective period. If the penalized employee died or became permanently and totally disabled for the performance of his duties of the position to which he is entitled to be reinstated before his reinstatement, the date of death or the date he became disabled shall be deemed to be the last date to which such employee shall be entitled to be paid. In the case of permanently and totally disabled employee, the last date may be extended by the number of days of sick and/or annual leave days accrued and to which he is entitled as provided in Section 6 of this regulation.

(1) Full-time employees: gross pay for a full-time employee shall be based on the grade classification and monthly pay rate at the time of the unjustified personnel action, plus:

(a) Changes in classification in his position or the pay rate by reason of wage surveys, administrative action, law, etc.;

(b) Allowable increments or step increases for which the employee could have been considered eligible by the appointing authority during the corrective period;

(c) Any other changes which would affect the amount of compensation which the employee would otherwise have received if the unjustified personnel action had not been taken.

(2) Part-time employees: part-time employees shall be entitled to all pay increases applicable to full-time employees as set out in subsection (1)(a), (b) and (c) of this section, if such employee would have otherwise been eligible to receive them during the corrective period under rules of the Department of Personnel. Gross pay for a part-time employee shall be determined by one (1) of the following methods:

(a) Averaging the number of hours worked by other employees of the agency in the same locality under the same type of appointment, performing the same kind of work that the penalized employee would have performed during the corrective dates;

(b) Averaging the hours per week the penalized

employee worked during the calendar year preceding the unjustified personnel action.

**Section 4. Set-off Income:** (1) Except as provided herein, a penalized employee's gross earnings, including the value of goods and services furnished by his employer as a part of his compensation, from other employment sources during the corrective period shall be set-off against his gross pay to the extent that such monies were earned in a number of hours comparable to the hours he would have worked in his position in the state classified service. (For purposes of this regulation, 40 hours per week is considered as the normal work week.)

(2) The employee shall furnish the appointing authority with a verified statement (on a form to be provided by the appointing authority) of the amounts and sources of all his income during the corrective period.

(3) The total amount of income received by the employee during the corrective period will be subtracted from the calculated gross pay by the appointing authority. This difference is the employee's net pay and can be a negative value. Certain of these income items will be added on to his net pay, as hereinafter provided in Section 5, to produce the net-net pay.

(4) The income, property or assets of the spouse of a penalized employee shall not be considered in determining the amount of the employee's income to be set-off against the employee's gross pay.

**Section 5. Add-on Income:** The income items listed below shall be added on to the difference between a penalized employee's gross pay less the amount of his income from all sources (net pay) during the corrective dates in order to establish the employee's net-net pay.

(1) Salaries or wages earned for work performed in excess of forty (40) hours per week whether at straight pay or overtime rates. In the case of fixed salaries earned during payroll periods of more than forty (40) hours per week, the amount to be added on will be determined by dividing the weekly salary earned by the average number of hours worked to obtain the employee's calculated hourly pay rate. The calculated hourly pay rate will be multiplied by the number of hours worked in excess of forty (40) hours per week and the product added on;

(2) Shift differential premiums;

(3) The value of goods or services furnished an employee by his employer (maintenance compensation) as part of his compensation, including but not limited to: the use of an automobile, living quarters, uniforms, clothing allowance, clothes cleaning allowance, etc.;

(4) Salaries or wages earned from a second job, either part-time or full-time, provided that in cases where an employee simultaneously held two (2) (or more) jobs during the corrective period the income from the lesser paying of the jobs held will be the amount added on. If, at the time the unjustified personnel action was taken by the appointing authority, the employee held a part-time job and began full-time employment with the same employer after the date of such action, the difference between the amount of the employee's part-time and his full-time employment wages will be subject to set-off against his gross pay entitlement;

(5) Unemployment insurance compensation, retirement and/or social security and veterans benefits, welfare assistance, aid to dependent children and sick pay (as defined in the federal internal revenue code and regulations);

(6) Military pay and allowances received by an employee while serving on active duty for training as a member of the active reserve forces of the United States or the Kentucky National Guard for not more than ten (10) working days during any calendar year, and pay received for attending weekly or monthly drill or reserve meeting of the reserve forces of the United States or the Kentucky National Guard or Air Guard;

(7) Accumulated annual leave for which the employee was paid at the time of the unjustified personnel action, provided that the employee actively sought other employment during the corrective period. If it is determined that the employee did not seek employment during the corrective period, the gross amount paid for accumulated annual leave shall be set-off against such employee's gross pay on a day-for-day basis;

(8) The amount of expenses incurred and paid by the penalized employee in earning self-employment income which were, or may be, deducted from the employee's income tax liability as a business expense;

(9) Income derived from savings accounts, stocks, bonds, rentals, and other investments.

Section 6. Annual and Sick Leave: (1) The appointing authority will calculate the number of days of annual and sick leave that the penalized employee would have accumulated during the corrective period.

(2) An employee demoted in grade because of the unjustified personnel action and ordered reinstated in his former position or a position of like status and pay pursuant to KRS 18.270, shall be eligible to be paid the difference in pay between the rate payable for his former grade and pay rate and the grade to which he was wrongfully demoted for all annual leave and sick days taken during the period of his demotion the same as for the time worked in the lower grade and pay rate.

(3) In the case of an employee who has been ordered reinstated to his former or like position, all annual leave and sick leave and compensatory time accrued and for which he was not paid at the time of his dismissal, shall be reinstated.

(4) An employee who does not desire to be reinstated in the classified service of the state may be compensated for annual leave time which would have accrued to him during the corrective period based on personnel rules governing the accumulation of annual leave time in effect during the corrective period and the length of his service in state employment.

(5) No employee shall be compensated for more than fifty-two (52) weeks, or twenty-four (24) semi-monthly pay periods, for any calendar year during the corrective period except that employees who do not elect to return to state employment after being ordered reinstated may be compensated for annual leave time accrued and for which they were not paid at the time of their dismissal.

Section 7. Retirement Calculations: (1) Employer and employee contributions to the Kentucky Employees' Retirement System will be calculated on the basis of the penalized employee's gross pay. Adjustments in the amount due the retirement system will be made if a portion of these costs were paid during the corrective period (as in the case of a demoted employee).

(2) An employee ordered reinstated by the Personnel Board and who has previously withdrawn his contributions to the retirement system, may elect after reinstatement, to repay the amount withdrawn by deduction from his back

pay; or if no back pay is due after set-offs, by check. The appointing authority shall in any event pay the employer's share of contributions to the retirement system plus interest at the current legal rate on the employer-employee contributions, provided that the employer's share had not previously been paid to the retirement system during the corrective period. (The Kentucky Employee's Retirement System shall furnish the appointing authority complete information of the amount of contributions and interest due.) The employee shall be responsible for reimbursing the retirement system for his withdrawn contributions if he wishes to receive retirement credit for the corrective period.

Section 8. Deductions Required by Law: The appointing authority shall make the deductions for federal and state income and social security taxes required by federal and state laws and the applicable regulations of the federal Internal Revenue Service, the Kentucky Department of Revenue, and Social Security Administration. The Income Tax Division in the Department of Revenue and the Division for Resources Management and Services, Bureau for Social Insurance in the Department for Human Resources shall be consulted for assistance in computing the amounts to be deducted. The employee shall be responsible for reporting and paying any local payroll or occupational license taxes which may be payable upon his back pay.

WILLIAM E. SCENT, Commissioner

ADOPTED: June 20, 1975

RECEIVED BY LRC: June 25, 1975 at 11:20 a.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 12:020. Unemployment insurance payments.

RELATES TO: KRS Chapter 341

PURSUANT TO: KRS Chapters 13, 42, 45, 341

SUPERSEDES: Fin-3

NECESSITY AND FUNCTION: KRS 341.050 defines "covered employment." This regulation provides that agencies employing persons in positions of "covered employment" are to draw from funds available amounts sufficient to make unemployment insurance payments for each such employee.

Section 1. All agencies of this state employing persons in positions of "covered employment" as defined in KRS 341.050, may draw from such funds as are properly available for the operation of each such agency an amount or amounts sufficient to make unemployment insurance payments for each employee engaged in such "covered employment." Such amounts shall be paid over to the Unemployment Insurance Commission in the Department for Human Resources by interaccount transfer between funds upon receipt of appropriate billing as contemplated by KRS 341.282, and Bureau of Social Insurance regulation 904 KAR 5:210

WILLIAM E. SCENT, Commissioner

ADOPTED: June 19, 1975

RECEIVED BY LRC: June 25, 1975 at 11:21 a.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  
Kentucky Horse Council**

**200 KAR 25:010. Meetings.**

RELATES TO: KRS 230.510, 154.410

PURSUANT TO: KRS 13.082, 230.510, 154.410

**NECESSITY AND FUNCTION:** To regulate conditions under which the Kentucky Horse Council operates. The function of this regulation is to establish the policy regarding meetings of the council.

**Section 1. Meetings.** (1) Regular quarterly meetings of the council shall be held in July, October, January, and April.

(2) Special meetings of the council, in addition to regular quarterly meetings, may be called by the chairman at any time or by request of a majority of the council members.

(3) Regular quarterly meetings of the council shall be held at the general office unless otherwise indicated.

(4) Special meetings of the council shall be held at such locations as the convenience of the council requires.

(5) Notice of meetings of the council shall be made to all who request it.

(6) Any person who attends any meeting of the council may request time from the chairman to present or discuss any item to which the council may properly address itself.

BEN P. WALDEN, Chairman

ADOPTED: May 23, 1975

APPROVED: WILLIAM E. SCENT, Secretary

RECEIVED BY LRC: July 1, 1975 at 10:39 a.m.

**SUBMIT COMMENT OR REQUEST FOR HEARING**  
TO: Jane Atkinson, Executive Director, Kentucky Horse Council, P. O. Box 11992, Lexington, Kentucky 40511.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Hairdressers and Cosmetologists**

**201 KAR 12:105. School districts.**

RELATES TO: KRS 317A.060

PURSUANT TO: KRS 317A.050

SUPERSEDES: KBHC: Sch:Dist-1

**NECESSITY AND FUNCTION:** The seven Congressional Districts provide an equal division for the location of beauty schools. The number of eight (8) per Congressional District would allow all districts to have an equal number of schools.

**Section 1.** To protect the public and implement the provisions of KRS Chapter 317A, the state is hereby divided into seven (7) districts the same as the United States Congressional Districts and shall change when the Congressional Districts are properly changed. At all times these districts shall remain in conformity with these Congressional Districts:

(1) District 1. Fulton, Hickman, Carlisle, Ballard, Mc-

Cracken, Graves, Marshall, Calloway, Livingston, Crittenden, Lyon, Trigg, Caldwell, Union, Webster, Hopkins, Christian, Henderson, McLean, Muhlenberg, Todd, Logan, Butler and that portion of Ohio not in District 2.

(2) District 2. Daviess, Warren, Simpson, Allen, Barren, Edmonson, Hart, Grayson, Hancock, Breckinridge, Meade, Hardin, Larue, Marion, Washington, Nelson, Bullitt, Spencer, Anderson, and that portion of Ohio not in District 1.

(3) District 3. Louisville, and Jefferson County precincts presently constituting United States Third Congressional District of Kentucky.

(4) District 4. Jefferson County exclusive of District 3, Oldham, Trimble, Carroll, Gallatin, Boone, Kenton, exclusive of that portion in District 6., Campbell, exclusive of that portion in District 6.

(5) District 5. Taylor, Greene, Metcalfe, Monroe, Adair, Cumberland, Casey, Russell, Clinton, Lincoln, Pulaski, Wayne, Rockcastle, McCreary, Estill, Lee, Jackson, Laurel, Whitley, Owsley, Clay, Knox, Bell, Leslie, Harlan, Garrard, Madison, and that portion of Jessamine not in District 6.

(6) District 6. Henry, Shelby, Owen, Franklin, Scott, Woodford, Mercer, Boyle, Harrison, Bourbon, Fayette, Jessamine, Clark, Grant, Pendleton, Kenton, and Campbell.

(7) District 7. Fleming, Bath, Menifee, Wolfe, Lewis, Rowan, Morgan, Breathitt, Perry, Greenup, Carter, Elliott, Magoffin, Knott, Letcher, Boyd, Lawrence, Johnson, Floyd, Martin, Pike, Bracken, Mason, Robertson, Nicholas, Montgomery, Powell.

**Section 2.** For the protection of the public good and welfare, for the public's protection against misrepresentation, deceit or fraud in the teaching of beauty culture, no new license for a school of cosmetology shall be issued which would cause any district, as defined in Section 1, to have more than eight (8) such schools of cosmetology.

**Section 3.** (1) No school of cosmetology presently existing and licensed or hereafter licensed, shall be permitted to move or transfer from one district to another district, as defined in Section 1, without application being made to, and approval received from the board.

(2) No school of cosmetology presently existing and licensed, or hereafter licensed, shall be permitted to move or transfer from one district to another district, as defined in Section 1, if such move or transfer would cause such district to have more than eight (8) such schools of cosmetology as provided in Section 2.

**Section 4.** Nothing in the above sections shall be construed to prevent the issuance or the re-issuance of license to an existing beauty school.

**Section 5.** This regulation controls the location of private schools only.

CARROLL ROBERTS, Administrator

ADOPTED: June 4, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 20, 1975 at 1:25 p.m.

**SUBMIT COMMENT OR REQUEST FOR HEARING**  
TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Hairdressers and Cosmetologists**

**201 KAR 12:110. School license.**

RELATES TO: KRS 317A.090  
PURSUANT TO: KRS 317A.050  
SUPERSEDES: KBHC: Sch.Lic.:1-2

**NECESSITY AND FUNCTION:** Each school owner must submit an application to operate a school of cosmetology, furnish proof of financial responsibility, meet all city, county, and state zoning, building, and plumbing codes.

Section 1. Each person, firm or corporation applying for a license to operate a school of cosmetology must submit an application provided by the board.

Section 2. Each person as an individual owner or all members of the firm or corporation must submit proof of bond in the amount of \$10,000 for thirty (30) students to be enrolled and \$20,000 for more than thirty-one (31) students to be enrolled.

Section 3. A person having any interest in operating a school must submit a minimum of two (2) character references, proposed copy of student contract indicating all financial charges to enrolling students, and term of lease for location, if applicable.

Section 4. Application for license to operate a school of cosmetology must be accompanied by an architect's or draftsman's plan of proposed premises drawn to scale, showing the arrangements of the classroom, clinic area, mannequin area, dispensary, reception area, shampoo area, office and any other area of the school, entrance and exits, placements of equipment, and location of gas and electric outlets.

Section 5. A license to operate a cosmetology school carries the approval of this board and is valid only for the location and person, firm, or corporation named on application and license issued by this board. A school of cosmetology license is never transferable from one location to another or from one person, firm or corporation to another.

Section 6. The owners, firm or corporation operating a school of cosmetology must notify the board in writing twenty (20) days prior to selling, transferring, or changing of ownership and management of a school. Prospective ownership must meet all qualifications of owning a school and have the approval of the board.

Section 7. Following approval of the application to operate a school of cosmetology by the board, the site shall be inspected by a quorum of the board or by at least one (1) member of the board and the board administrator. A final inspection of the premises shall be conducted by the members of the board prior to issuing of license. All schools must comply with city, county, and state zoning laws, plumbing and building codes.

Section 8. Any cosmetology school owner, manager, or instructor who misrepresents facts to the board, to the students, or to the general public concerning any informa-

tion regarding the school or any student enrolled therein, or in any way violates regulations adopted by this board, will be served notice to show cause before this board, why the school's license and the instructor's license should not be revoked.

Section 9. Any person, establishment, firm or corporation which accepts, directly or indirectly, compensation for teaching persons any branch or subjects of cosmetology as defined in KRS 317.010 shall be classified as a school and will be required to comply with all the provisions of law and the rules and regulations of this board.

Section 10. The board will not license a correspondence school, nor will the board license any school of cosmetology in an establishment that teaches any other trade, profession or business, excluding vocational training schools.

Section 11. No person who is an owner, partner, stockholder, corporate officer or who has any financial or other interest in the management and control of the school, shall be enrolled in said school as a student.

Section 12. No school of cosmetology shall permit or require students to be in attendance at school more than forty (40) hours in any one (1) week.

Section 13. Any school of cosmetology desiring night classes must, by proper application, be granted permission from the board to operate such classes. Under no condition shall the school operate past 10 p.m. local time.

CARROLL ROBERTS, Administrator

ADOPTED: June 4, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 20, 1975 at 1:24 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carroll Roberts, Administrator, State Board of Hairdressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Hairdressers and Cosmetologists**

**201 KAR 12:120. School faculty.**

RELATES TO: KRS 317A.010  
PURSUANT TO: KRS 317A.050, 317A.090  
SUPERSEDES: KBHC: Sch:Fac.2-1

**NECESSITY AND FUNCTION:** All instructors and apprentice instructors must hold the appropriate license and provide adequate supervision and instruction to students.

Section 1. Any person employed by a school for the purpose of managing, teaching and instruction, must be licensed as a cosmetologist instructor. Each licensed instructor or apprentice instructor must keep their photograph posted with their license.

Section 2. All students must be under the immediate supervision of a licensed instructor during all classes and study hours and practical student work.

Section 3. No licensed cosmetologist shall render services

Section 2. All schools not submitting a price list in compliance with this regulation shall be governed by the most recent price list supplied to all schools by this board. The board's list shall be the maximum price that may be charged for the services so indicated.

Section 3. A copy of such prices must be posted on a card in each room of the school where work is done on the public. Price list must be printed in type large enough to be read at a distance of ten (10) feet.

Section 4. Schools shall not be permitted to charge students additional fees for demonstrations, nor shall any supply house or manufacturer be permitted to charge students fees for such demonstrations.

ADOPTED: June 4, 1975  
 APPROVED: WILLIAM E. SCENT, Commissioner  
 RECEIVED BY LRC: June 20, 1975 at 1:29 p.m.  
 SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Carroll Roberts, Administrator, State Board of Hair-  
 dressers and Cosmetologists, 304 West Liberty, Suite 300,  
 Louisville, Kentucky 40202.

# EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Board of Hairdressers and Cosmetologists

201 KAR 12:140. School equipment.

RELATES TO: KRS 317A.050  
 PURSUANT TO: KRS 317A.090, 317A.060  
 SUPERSEDES: KBHC: Sch. Equip. 1-1

NECESSITY AND FUNCTION: Sufficient implements, equipment, supplies, and space for instruction is necessary to assure proper teaching and training for students.

Section 1. No school of cosmetology will be licensed by this board having less than the following equipment: Shampoo bowls, facial chairs, dryers, manicure tables, styling chairs, curling irons, facial supplies, covered containers for hairpins, clips and rollers, covered waste containers, sufficient mannequins for use in practicing iron curling, fingernailing, and other related subjects, equipment and supplies for sanitation and sterilization; necessary supplies, including, but not limited to: shampoos, color preparations, permanent waves, cosmetics, and manicuring equipment. All equipment and supplies must be available for student use and practice.

Section 2. Schools must be located as to be entirely separated and have no connection with any beauty salon or barber shop, or any other place of business.

Section 3. No school will be approved, nor after approval, will be permitted to operate by this board if it:

- (1) Has space of less than thirty-six (36) square feet in the clinical area for each student involved on the floor of said clinical area at any one time;
- (2) Has a space less than eighteen (18) square feet in the mannequin area for each student involved on the floor of said mannequin area at any one time;
- (3) And does not have a reasonable amount of area allotted for training of students in all areas other than those previously mentioned.

in a school. Instructors and apprentice instructors shall render services only incidental to and for the purpose of instruction.

Section 4. Every instructor and apprentice instructor employed in a school of cosmetology shall devote their entire time during the school hours to that of instructing the students and shall not apply his or her time to that of private or public practice for compensation during school hours or permit students to instruct or teach other students in the absence of a teacher.

Section 5. Teaching by demonstrators is strictly forbidden, except properly qualified licensed operators may demonstrate to the students new processes, new preparations, and new appliances in the presence of licensed teachers. Such a demonstration may only take place in a licensed school. Schools shall not permit more than one (1) demonstration in any calendar month.

Section 6. All services rendered in a school on patrons must be done by students only. Instructors shall be allowed to teach and aid the students in performing the various services.

Section 7. Instructors and apprentice instructors in attendance must, at all times, wear a clean, washable uniform, and an insignia or badge indicating they are an instructor or apprentice instructor in the school.

Section 8. Only one (1) apprentice instructor shall be enrolled in any school of cosmetology during a six (6) month period.

Section 9. Each school of cosmetology shall, within five (5) days after the termination, employment or other change in faculty personnel, notify the board of such change.

CARROLL ROBERTS, Administrator  
 ADOPTED: June 4, 1975  
 APPROVED: WILLIAM E. SCENT, Commissioner  
 RECEIVED BY LRC: June 20, 1975 at 1:29 p.m.  
 SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Carroll Roberts, Administrator, State Board of Hair-  
 dressers and Cosmetologists, 304 West Liberty, Suite 300,  
 Louisville, Kentucky 40202.

# EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Board of Hairdressers and Cosmetologists

201 KAR 12:130. School fees for services.

RELATES TO: KRS 317A.060  
 PURSUANT TO: KRS 317A.050  
 SUPERSEDES: KBHC: Sch. Fees 1-1

NECESSITY AND FUNCTION: Schools are considered establishments of teaching and learning and should not operate as a beauty salon or charge the public or students enrolled additional fees.

Section 1. A school is not permitted to operate as a beauty salon. Prices for service rendered the public shall cover operational costs only. A price list may be submitted to the board for approval. The board reserves the right to approve the said price list.

work and work performed on clinic patrons. Said records must be available to the employees of the state board or to the members of the state board at all times.

Section 3. A detailed record shall be kept of all enrollments, withdrawals and dismissals.

Section 4. All records must be kept in a lockable fireproof file on the premises of the school and must be available for inspection by the state board or its employees during hours of operation.

Section 5. Notice of student withdrawals and dismissals shall be forwarded to the office of the board along with the students permits and certification of hours within ten (10) working days of date of withdrawal or dismissal.

Section 6. Cosmetology schools will be held fully responsible for the completeness, accuracy, and mailing or delivery to the state board office no later than the 10th of each month on forms supplied by the board showing the total hours obtained for the previous month and the total hours recorded shall be submitted each month and such report shall not be amended without satisfactory proof of error.

CARROLL ROBERTS, Administrator  
ADOPTED: June 4, 1975  
APPROVED: WILLIAM E. SCENT, Commissioner  
RECEIVED BY LRC: June 20, 1975 at 1:30 p.m.  
SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carroll Roberts, Administrator, State Board of Hair-dressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Board of Physical Therapy

201 KAR 22:010. Definitions.

RELATES TO: KRS 327.010  
PURSUANT TO: KRS 327.040

NECESSITY AND FUNCTION: The practice of physical therapy is rapidly evolving and changing in purpose and scope. The purpose of this regulation is to clearly define the desired goals of physical therapy and the permissible means of achieving these goals. In this manner, standards of physical therapy practice are clearly established and may be used to evaluate particular treatments which have been used or which may later evolve.

Section 1. Goals of the patient-physical therapy unit include maintaining health, preserving functional capacity, and in the presence of impairment, developing or re-establishing function through carefully planned and implemented programs. In order to reach these objectives, the physical therapist evaluates patients, identifies problems, plans programs, and provides direct treatment.

Section 2. Patient management. Adequate, effective, and efficient patient care is the ultimate goal of physical therapy. The physical therapist evaluates each patient, and determines those ways in which he can contribute to total health management. With consent from the referring

Section 4. All schools licensed by this board shall have a separate room to be used for demonstration and study, said room to have necessary charts and equipment to carry out the curriculum. This room must also contain a blackboard, charts relating to the curriculum, classroom chairs with armrests, or desks for students use.

Section 5. Every school is required to maintain a separate lavatory and toilet for male and female students.

Section 6. Lockers must be provided by the schools for student use.

Section 7. Booths or partitions in the work department shall be sufficiently low to permit observation of students while they are working.

Section 8. Every school is required to have a reference library composed of, but not limited to, the books recommended and set forth in the regulations as well as any other literature and materials pertinent to the teaching and study of cosmetology, including the informational copy of the Kentucky State Board of Hairdressers and Cosmetologists statutes and regulations.

Section 9. Each school of cosmetology is required to furnish a supply or dispensing room in which each student shall obtain actual experience for a period of time as indicated by the course of instruction. Said room shall contain: Supply of clean towels or linens, lavatory, or sink, bottles and containers distinctly and correctly labeled, large wet sterilizer, large dry sterilizer, soap, covered waste containers, closed storage space for supply of clean towels or linens, covered containers for used towels or linens, stove, pressing combs, irons, all other solutions, and preparations used.

CARROLL ROBERTS, Administrator  
ADOPTED: June 4, 1975  
APPROVED: WILLIAM E. SCENT, Commissioner  
RECEIVED BY LRC: June 20, 1975 at 1:27 p.m.  
SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Carroll Roberts, Administrator, State Board of Hair-dressers and Cosmetologists, 304 West Liberty, Suite 300, Louisville, Kentucky 40202.

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Board of Hairdressers and Cosmetologists

201 KAR 12:150. School records.

RELATES TO: KRS 317A.090

PURSUANT TO: KRS 317A.050

SUPERSEDES: KBHCL:Sch:Rec.1-1

NECESSITY AND FUNCTION: Schools must keep records of students' attendance and progress.

Section 1. A daily record of the attendance of the apprentice instructors must be kept by the schools in such a manner as to be available to the employees of the state board or to the members of the state board at all times.

Section 2. Schools are required to keep daily records, approved and signed by the instructor, showing practical

physician or dentist he then plans and implements a treatment program, re-evaluating and making modifications as necessary.

JOSEPH K. DRAKE, Chairman

ADOPTED: May 12, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 19, 1975 at 2:13 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Lawrence E. Wheeler, Executive Secretary, 2370 Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Physical Therapy**

**201 KAR 22:020. Application for licensure.**

RELATES TO: KRS 327.050

PURSUANT TO: KRS 327.040

SUPERSEDES: PTB-Rg-1-1

NECESSITY AND FUNCTION: Describes the criteria for eligibility, methods, and procedures of applying for a license to practice physical therapy in Kentucky.

Section 1. To be eligible for licensure examination, the applicant must have successfully completed the academic and clinical requirements of the curriculum and have been granted certification of completion. All physical therapy schools and colleges approved by the American Physical Therapy Association and the Council on Medical Education of the American Medical Association are periodically reviewed and updated for approval by the Kentucky State Board of Physical Therapy.

Section 2. A person desiring to practice as a physical therapist in Kentucky must apply to the Kentucky State Board of Physical Therapy. An application form will be sent to the applicant by the secretary of the board. When the applicant shall return the completed form accompanied by a money order or certified check for sixty-five dollars (\$65) made payable to the Kentucky State Treasurer, he becomes an official candidate for licensure. At the request of the applicant, the board shall determine the necessity of conducting a hearing regarding licensure qualifications of said applicant.

Section 3. Four (4) types of candidates will be accepted for licensure:

- (1) Examination,
- (2) Reciprocity,
- (3) Endorsement, and
- (4) Reinstatement.

JOSEPH K. DRAKE, Chairman

ADOPTED: May 12, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 19, 1975 at 2:13 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Lawrence E. Wheeler, Executive Secretary, 2370 Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Physical Therapy**

**201 KAR 22:030. Licensing procedure.**

RELATES TO: KRS 327.050, 327.060, 327.080

PURSUANT TO: KRS 327.040

SUPERSEDES: PTB-Rg-2-1

NECESSITY AND FUNCTION: The purpose of this regulation is to clearly define the procedure for issuing licenses. This regulation standardizes the administrative procedures involved in granting a physical therapy license through the various means of qualifying.

Section 1. Upon approval as a candidate by the board the candidate for examination will be notified of the date, place and time of the examination by the board. Examination will be held at a time and location set by the board. The board will administer the Professional Examination Service examination and/or other examinations as determined by the board to those qualified candidates permitted to sit for the examination.

Section 2. Candidates examined by other boards of states and territories who have registered their PES scores with the Interstate Reporting Service may have their scores submitted to this board for consideration of licensure.

Section 3. A permanent license will be issued by the board as soon as it receives notice from the Professional Examination Service or the Interstate Reporting Service that the candidate has received a passing grade which shall be based on -1.5 standard deviation on each part of the examination.

Section 4. If the first date of employment is after the last day of the month preceding the date that the next examination is to be held and credentials of the applicant are in order, then a temporary license shall be issued to be enforced until the examination held six (6) months later.

Section 5. The applicant shall have three (3) attempts to pass the examination. The original application fee covers the first attempt. The cost of the examination must be assumed by the applicant for the second and third attempts. The temporary license is valid until the next scheduled examination and for a period of sixty (60) days thereafter. The temporary license may be renewed at the discretion of the board. If the applicant fails on the third attempt, the temporary license is revoked and the applicant may no longer be employed in Kentucky as a physical therapist. The applicant may re-apply after one (1) year but must submit a new application fee and no temporary license will be issued.

Section 6. The candidate for licensure by reciprocity shall use the regular application form. The board will process the mechanics of reciprocity. The State Board of Physical Therapy may issue a license on a reciprocal basis to a person licensed by another state if that state has a reciprocal agreement with Kentucky.

Section 7. The candidate for licensure by endorsement shall use the regular license application form. The board will process the mechanics of endorsement. The Kentucky State Board of Physical Therapy will endorse a candidate

who has been examined by the Professional Examination Service of the American Public Health Association and meets the Kentucky board requirements of -1.5 standard deviation on each part of the examination.

Section 8. The candidate for reinstatement will receive a renewal of his license without further examination upon requesting renewal and payment of the renewal fee of ten dollars (\$10) by money order or certified check made payable to Kentucky State Treasurer and mailed to the secretary of the board. Therapists who have not been licensed for three (3) years may be required to appear before the board and/or show evidence of participating in continuing professional education. Such evidence may be the accumulation of continuing education points credited to that candidate through his participation in educational courses. Reinstatement of the candidate will be at the board's discretion after evaluation of said educational activities.

Section 9. Candidates for examination who have submitted to the board certification of successful completion of a board-approved education curriculum may be granted a temporary license until the results of the next scheduled examination are obtained. Candidates who apply to the board for licensure by endorsement or reciprocity from other states or territories will not be granted a temporary license until their application and credentials are complete.

Section 10. The executive secretary of the board may function administratively to review, process, and interpret all applications received by the board and correspond with the applicant accordingly.

JOSEPH K. DRAKE, Chairman

ADOPTED: May 12, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 19, 1975 at 2:14 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Lawrence E. Wheeler, Executive Secretary, 2370  
Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Physical Therapy**

**201 KAR 22:040. License renewal.**

RELATES TO: KRS 327.050

PURSUANT TO: KRS 327.040

SUPERSEDES: PTB-Rg-3-1

NECESSITY AND FUNCTION: Provides specific directions for the annual renewal of the physical therapy license. The billfold license is a means of identifying those persons holding themselves out as a licensed physical therapist. This mechanism may be beneficial upon the visitation of a board member to the clinic setting.

Section 1. The licensed physical therapist will automatically receive renewal of licensure upon payment on or before January 31, of each year of a renewal fee of ten dollars (\$10) by money order or certified check made payable to the Kentucky State Treasurer and sent to the secretary of the board.

Section 2. Upon initial licensing and each subsequent

renewal, all licensed physical therapists will be furnished a billfold license with a tear-out validation that must be posted to the original license certificate and kept at the business address. The billfold license must be in his possession when on duty and shall be exhibited by the holder upon request of any member of the board or its official representative.

JOSEPH K. DRAKE, Chairman

ADOPTED: May 12, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 19, 1975 at 2:14 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Lawrence E. Wheeler, Executive Secretary, 2370  
Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Physical Therapy**

**201 KAR 22:050. Refusal, revocation or suspension of license.**

RELATES TO: KRS 327.070, 327.090

PURSUANT TO: KRS 327.040

SUPERSEDES: PTB-Rg-4

NECESSITY AND FUNCTION: The board has the responsibility to enforce the definitive procedures concerning refusal, revocation, or suspension of license. The "Standard of Practice Document" is used as criteria of judging the ethical practice of physical therapy.

Section 1. Any licensed physical therapist who has failed to or refused to obey the requirement of the Physical Therapy Act or the rules and regulations of the board or who has had evidence brought against him by other persons declaring that he has so failed or refused, shall after due notice be called before the board to present evidence and show cause as to why his license should not be refused, revoked or suspended.

Section 2. Any person aggrieved by the board denying, suspending, refusing to issue or revoking his license may appeal to the Franklin Circuit Court within thirty (30) days.

Section 3. The Kentucky State Board of Physical Therapy hereby adopts a "Standard of Practice Document" for evaluating the performance of a licensed physical therapist. This document being one and the same as adopted by the Kentucky Chapter, American Physical Therapy Association in 1973 and filed with the board minutes of March 3, 1975.

JOSEPH K. DRAKE, Chairman

ADOPTED: May 12, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 19, 1975 at 2:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Lawrence E. Wheeler, Executive Secretary, 2370  
Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Physical Therapy**

**201 KAR 22:060. Reciprocity with other licensing boards.**

RELATES TO: KRS 327.060  
PURSUANT TO: KRS 327.040  
SUPERSEDES: PTB-Rg-5

**NECESSITY AND FUNCTION:** This regulation authorizes the executive secretary of the board to issue credentials of Kentucky licenses to licensing authorities of other states and territories. This procedure may eliminate re-examination of the physical therapist who moves to another state.

Section 1. Upon receipt of the completed application for licensure in other states or territories and payment of a fifteen dollar (\$15) administrative charge to cover the cost of the service, the board will furnish to the licensing board of another state or territory, or to the individual licensee, the credentials of a physical therapist's license in the State of Kentucky.

JOSEPH K. DRAKE, Chairman

ADOPTED: May 12, 1975  
APPROVED: WILLIAM E. SCENT, Commissioner  
RECEIVED BY LRC: June 19, 1975 at 2:15 p.m.  
SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Lawrence E. Wheeler, Executive Secretary, 2370  
Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Physical Therapy**

**201 KAR 22:070. Requirements for foreign-trained therapists.**

RELATES TO: KRS 327.060  
PURSUANT TO: KRS 327.040

**NECESSITY AND FUNCTION:** This regulation establishes the requirements of a foreign-trained physical therapist to permit him to become licensed in the state of Kentucky. Because of variances in curriculums of foreign countries, specific requirements are needed to assure that the applicant possesses adequate educational and clinical preparation.

Section 1. The following are requirements for a foreign-trained physical therapist to sit for the license examination:

- (1) To furnish the state board documentation of educational requirement and certificates of good health.
- (2) To present oneself for an interview by the state board and demonstrate during the interview proficiency with the use of the English language.
- (3) To furnish the board evidence of immigrant or citizenship status in this country.
- (4) Board to be furnished with evidence of completion of highest level of secondary education offered in the country of that education, or the equivalence of it.
- (5) Graduation since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located, and in which there is a member

organization of the World Confederation for Physical Therapy.

(6) Eligibility for or membership in a World Confederation for Physical Therapy member organization.

(7) Completion of a course in electrotherapy.

(8) Satisfactory completion of one (1) year of clinic experience under the supervision of a Kentucky licensed physical therapist or licensee of a state or territory with substantially the same requirements, with prior sanction of the Kentucky State Board of Physical Therapy, or under the supervision of the APTA foreign-trained program.

(9) Satisfactory completion of a qualifying examination as prescribed by the Kentucky State Board of Physical Therapy.

Section 2. All documents submitted to the board must be in the native script accompanied by a certified complete translation.

JOSEPH K. DRAKE, Chairman

ADOPTED: May 12, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 19, 1975 at 2:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Lawrence E. Wheeler, Executive Secretary, 2370  
Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Physical Therapy**

**201 KAR 22:100. Assistant's eligibility for certification.**

RELATES TO: KRS 327.040  
PURSUANT TO: KRS 327.040  
SUPERSEDES: PTB-Rg-6

**NECESSITY AND FUNCTION:** Because of the demand for the services of a Licensed Physical Therapist, the category of Physical Therapist's Assistant was created to provide clinical assistance to the therapist in delivery of the patient treatment. Secondly, the assistant has permitted the licensed therapist additional clinical opportunity to direct his expertise toward the more complicated patient. The assistant functions to aid in rendering treatment under the licensed therapist's direction after the initial patient evaluation and treatment program has been structured. This regulation identifies the requirements, mechanisms and procedures by which one may become a Certified Physical Therapist's Assistant.

Section 1. The "assistant" means a person who practices under the direct supervision of the licensed physical therapist, whose activities require an understanding of physical therapy but do not require advanced training in anatomical, biological and physical sciences involved in the practice of physical therapy. He shall perform his duties only after the initial examination and evaluation of the patient by a licensed physical therapist. Only individuals certified as an assistant under this chapter may hold himself out as a certified assistant; and may use the initials CPTA, he may also by preference style himself as a physical therapist's assistant, and may use the initials PTA in designating his title.

Section 2. An applicant for a certificate as a physical therapist's assistant shall file a written application on forms provided by the board together with a fee of thirty-five

dollars (\$35). From the effective date of these regulations, no person shall act, nor hold himself out to be able to act as an assistant in this state unless he is certified in accordance with the provisions of these regulations.

Section 3. The assistant shall perform his duties only after the initial examination and evaluation of the patient by a licensed physical therapist. To be eligible for certification one must have been graduated from a program for assistants which shall be at least a two (2) year program offered by a college accredited by a recognized accrediting agency and as approved by Kentucky State Board of Physical Therapy. The Kentucky State Board of Physical Therapy will consider those education programs that meet the standards and curriculum guidelines published by the American Physical Therapy Association.

Section 4. A certificate will be issued by the board as soon as it has determined that the candidate has passed a prescribed examination to the satisfaction of the board. Passing grade will be based on  $-1.5$  standard deviation.

Section 5. If the first date of employment is after the last day of the month preceding the date that the next examination is to be held and the credentials of the applicant are in order, then a temporary certification shall be issued to be in force until the next examination.

Section 6. The applicants shall have three (3) attempts to pass the examination. The original fee of thirty-five dollars (\$35) covers the first attempt. The cost of the examination must be assumed by the applicant for the second and third attempts. The temporary certificate is valid until the next scheduled examination and for a period of sixty (60) days thereafter. The temporary certificate may be renewed at the discretion of the board. If the applicant fails on the third attempt, the temporary certificate is revoked and the applicant may no longer be employed in Kentucky as an assistant.

Section 7. The candidate for certification by reciprocity shall use the regular application form. The board will process the mechanics of reciprocity. The State Board of Physical Therapy may issue a certificate on a reciprocal basis to a person certified by another state if that state has a reciprocal agreement with Kentucky.

Section 8. The candidate for certification by endorsement shall use the regular application form. The board will process the mechanics of endorsement. The Kentucky State Board of Physical Therapy may endorse a candidate who has been examined by the Professional Examination Service or other examination acceptable to the board and meets the Kentucky State Board of Physical Therapy requirements.

Section 9. The candidate for certification under the grandfather clause shall apply on or before the thirtieth (30) day following the adoption of these regulations. The candidate must be a graduate of an approved two (2) year college educational program, have been practicing as a physical therapy assistant in Kentucky at the time of the filing of these rules and regulations.

Section 10. The candidate for reinstatement will receive a renewal of his certificate upon requesting renewal and payment of the renewal fee of ten dollars (\$10) by money order or certified check made payable to the Kentucky

State Treasurer and mailed to the secretary of the board. Assistants who have not been certified for three (3) years may be required to show evidence of participation in continuing education approved by the board prior to re-certification. The board may require re-examination every five (5) years, as a means of evaluating continuing education programs and maintaining a high proficiency of the assistant.

Section 11. Candidates who are graduates of approved physical therapy curriculums may be certified as an assistant after failing to pass the physical therapy licensure examination on three (3) attempts. The board will only consider those candidates who score fifty (50) percent or better on each part of the physical therapy licensure examination.

JOSEPH K. DRAKE, Chairman

ADOPTED: May 12, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 19, 1975 at 2:16 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Lawrence E. Wheeler, Executive Secretary, 2370 Nicholasville Road, Lexington, Kentucky 40503.

#### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Board of Physical Therapy

##### 201 KAR 22:105. Certification of assistant.

RELATES TO: KRS 327.040

PURSUANT TO: KRS 327.040

SUPERSEDES: PTB-Rg-7

NECESSITY AND FUNCTION: Because certification may be achieved in several ways, this regulation points out the types of candidates, the fee and procedure for making application to the State Board of Physical Therapy as a candidate for certification as a physical therapist's assistant.

Section 1. An applicant for certification as an assistant shall file written application on a form obtained from the Secretary of the Kentucky State Board of Physical Therapy. Upon return of the completed application and a money order or certified check in the amount of thirty-five dollars (\$35), made payable to the Kentucky State Treasurer, the applicant becomes an official candidate for certification as an assistant.

Section 2. Five types of candidates will be accepted for certification:

- (1) Examination,
- (2) Reciprocity,
- (3) Endorsement,
- (4) Grandfather clause,
- (5) Reinstatement, and
- (6) Special.

Section 3. Upon board approval of a candidate for the examination, the candidate will be notified. Examination will be held at a time and location set by the board. The candidate will be notified of exact time, date and place no less than two (2) weeks before the examination.

JOSEPH K. DRAKE, Chairman

ADOPTED: May 12, 1975

APPROVED: WILLIAM E. SCENT, Commissioner  
 RECEIVED BY LRC: June 19, 1975 at 2:17 p.m.  
 SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Lawrence E. Wheeler, Executive Secretary, 2370  
 Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
 AND ADMINISTRATION  
 Board of Physical Therapy**

**201 KAR 22:110. Renewal of assistant's certification.**

RELATES TO: KRS 327.040  
 PURSUANT TO: KRS 327.040  
 SUPERSEDES: PTB-Rg-8

NECESSITY AND FUNCTION: This regulation provides specific directions for the annual renewal of the assistant's certification. The billfold certificate is a means of identifying those persons holding themselves out as a certified physical therapist's assistant. This mechanism may be beneficial upon the visitation of a board member to the clinic setting.

Section 1. The assistant will automatically receive a renewal certificate upon payment on or before January 31, of each year of a renewal fee of ten dollars (\$10) by money order or certified check made payable to the Kentucky State Treasurer and sent to the secretary of the board.

Section 2. Upon initial certification and each subsequent renewal, all certified physical therapist's assistants will be furnished a billfold certificate with a tear-out validation that must be posted to the original certificate and kept at the business address. The billfold certificate must be in his possession when on duty and shall be exhibited by the holder upon request of any member of the board or its official representative.

JOSEPH K. DRAKE, Chairman  
 ADOPTED: May 12, 1975  
 APPROVED: WILLIAM E. SCENT, Commissioner  
 RECEIVED BY LRC: June 19, 1975 at 2:17 p.m.  
 SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Lawrence E. Wheeler, Executive Secretary, 2370  
 Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
 AND ADMINISTRATION  
 Board of Physical Therapy**

**201 KAR 22:115. Refusal, revocation or suspension of assistant's certification.**

RELATES TO: KRS 327.040  
 PURSUANT TO: KRS 327.040  
 SUPERSEDES: PTB-Rg-9

NECESSITY AND FUNCTION: The board has the responsibility to enforce the definitive procedures concerning refusal, revocation, or suspension of certification. This regulation identifies this principle and the document used as criteria to judge the professional conduct of the assistant.

Section 1 Any assistant who has failed to or refused to obey the requirements of the Physical Therapy Act or the rules and regulations of the board or who has had evidence

brought against him by other persons declaring that he has so failed or refused, shall after due notice be called before the board to present evidence and show cause as to why his certificate should not be refused, revoked or suspended.

Section 2. Any persons aggrieved by the board denying, suspending, refusing to issue or revoking his certificate may appeal to the Franklin Circuit Court within thirty (30) days.

Section 3. The code of ethics for the assistant certified under these regulations shall be that adopted and currently in use by the Kentucky State Board of Physical Therapy.

JOSEPH K. DRAKE, Chairman  
 ADOPTED: May 12, 1975  
 APPROVED: WILLIAM E. SCENT, Commissioner  
 RECEIVED BY LRC: June 19, 1975 at 2:17 p.m.  
 SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Lawrence E. Wheeler, Executive Secretary, 2370  
 Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
 AND ADMINISTRATION  
 Board of Physical Therapy**

**201 KAR 22:120. Reciprocity with other licensing boards for assistant's certification.**

RELATES TO: KRS 327.040  
 PURSUANT TO: KRS 327.040  
 SUPERSEDES: PTB-Rg-10

NECESSITY AND FUNCTION: This regulation authorizes the executive secretary of the board to issue credentials of Kentucky Certified Assistants to licensing authorities of other states and territories. This procedure may eliminate re-examination of the assistant who moves to another state.

Section 1. Upon payment of a ten dollar (\$10) charge to cover the cost of the service, the board will furnish to the licensing board of another state or territory, or to the individual licensee, the credentials of an assistant in the State of Kentucky.

JOSEPH K. DRAKE, Chairman  
 ADOPTED: May 12, 1975  
 APPROVED: WILLIAM E. SCENT, Commissioner  
 RECEIVED BY LRC: June 19, 1975 at 2:18 p.m.  
 SUBMIT COMMENT OR REQUEST FOR HEARING  
 TO: Lawrence E. Wheeler, Executive Secretary, 2370  
 Nicholasville Road, Lexington, Kentucky 40503.

**EXECUTIVE DEPARTMENT FOR FINANCE  
 AND ADMINISTRATION  
 Board of Physical Therapy**

**201 KAR 22:125. Board representative for assistants.**

RELATES TO: KRS 327.040  
 PURSUANT TO: KRS 327.040  
 SUPERSEDES: PTB-Rg-11

NECESSITY AND FUNCTION: Since the State Board of Physical Therapy administers the regulations for the physical therapist's assistant, it may be advisable to request an assistant to serve as a consultant to the board on assistant certification and processing of candidate applica-

tions. This regulation permits the assistant population a board representative whenever needed.

Section 1. Two (2) assistants may be appointed by the board on adoption of these regulations. Subsequent appointments by the board will be made from a list of at least three (3) qualified assistants recommended by the Kentucky Chapter of the American Physical Therapy Association. Assistants will serve as consultants to the board on matters concerning certification and administration of these regulations. The consulting assistants attending board meetings shall be entitled to a per diem of fifteen dollars (\$15) and reasonable expenses.

JOSEPH K. DRAKE, Chairman

ADOPTED: May 12, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: June 19, 1975 at 2:18 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Lawrence E. Wheeler, Executive Secretary, 2370 Nicholasville Road, Lexington, Kentucky 40503.

#### DEPARTMENT OF TRANSPORTATION Bureau of Vehicle Regulation

##### 601 KAR 12:040. Driving history record; fee.

RELATES TO: KRS 171.650

PURSUANT TO: KRS 13.082, 171.650, 174.050, 174.060

NECESSITY AND FUNCTION: KRS 171.650 authorizes any agency required to keep public records to adopt reasonable fees to defray costs of furnishing copies to the public. Such fees may be adopted by statutes or by administrative regulations. This regulation is adopted to provide a reasonable fee to defray the costs of furnishing a copy of a person's driving history record to a person making a proper request.

Section 1. Upon the payment of two dollars (\$2) and the completion of any forms which may be required, any person having a legitimate interest in the subject matter may obtain a copy of a driving history record which is in the custody and control of the Department of Transportation.

O. B. ARNOLD, Commissioner

ADOPTED: May 14, 1975

APPROVED: JOHN C. ROBERTS, Secretary

RECEIVED BY LRC: July 11, 1975 at 2:38 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Commissioner, Bureau of Vehicle Regulation, Department of Transportation, State Office Building, Frankfort, Kentucky 40601.

#### DEPARTMENT OF TRANSPORTATION Division of Aeronautics and Airport Zoning Kentucky Airport Zoning Commission

##### 602 KAR 50:115. Enforcement procedures; violations.

RELATES TO: KRS 183.861 to 183.990

PURSUANT TO: KRS 13.082, 183.861

NECESSITY AND FUNCTION: The Kentucky Airport Zoning Commission finds it necessary to establish administrative enforcement procedures whereby a person in vio-

lation of the statutes and regulations of the commission may be given notice of the violation and have an opportunity to correct the violation or show cause to the commission why he is not in violation as a means to minimize litigation.

Section 1. The Commission delegates responsibility to enforce its statutes, regulations, and orders to the administrator. The administrator shall investigate violations of the statutes, regulations, and orders and mail an order to the person who owns or controls a structure in violation thereof.

Section 2. The order shall state the location, type of structure and the reasons the structure is in violation of the statutes and regulations of the commission. The person shall be ordered to remove the structure from the zone airspace or navigable airspace within thirty (30) days of the order or show cause to the commission why the subject structure should not be removed. The order shall state the penalty in KRS 183.990(3).

Section 3. The person to whom the order is directed pursuant to this regulation may show cause why the structure should not be removed by filing a written petition for a hearing before the commission. The petition may be in the form of a letter. The petition shall be filed in person or by mail with the Administrator, Kentucky Airport Zoning Commission, Frankfort, Kentucky 40601. The petitioner shall state facts sufficient to show:

- (1) The structure is not an obstruction in the zoned airspace of this state; or
- (2) The structure is in the zoned airspace of this state, but it is not a hazard to the safety of air navigation; and
- (3) Any other facts the petitioner deems relevant that would relieve him from the terms of the order, including a request for an extension of time to remove the structure.

Section 4. If the administrator does not receive a petition from a person to whom an order has been mailed and finds that the structure has not been removed during the period allowed in the order, then the administrator shall refer the matter to the commission for its action.

Section 5. The administrator shall set the petition for a hearing pursuant to 602 KAR 50:090, Section 5. The hearing shall be conducted pursuant to 602 KAR 50:120.

Section 6. The commission may state one (1) of the following conclusions in its final order: (1) The structure is not in the zoned airspace of this state.

(2) The structure is in the zoned airspace of this state, but it is not a hazard to air navigation.

(3) The structure is in the zoned airspace of this state, and it is a hazard to the safety of air navigation. The person who owns or controls the structure shall be ordered to remove it from the zoned airspace within a reasonable time stated in the order.

Section 7. The commission may order an injunctive action be instituted in circuit court for the enforcement of applicable statutes, rules, regulations, and orders issued pursuant to this regulation.

JOHN C. ROBERTS, Secretary

ADOPTED: July 9, 1975

RECEIVED BY LRC: July 15, 1975 at 3:56 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Marcel J. Theberge, Administrator, Kentucky Airport  
Zoning Commission, 421 Ann Street, Frankfort, Kentucky  
40601.

**EDUCATION AND ARTS CABINET**  
Department of Education  
Bureau of Instruction

**704 KAR 20:198. Special education director.**

RELATES TO: KRS 161.020, 161.025, 161.030  
PURSUANT TO: KRS 13.082, 156.070, 156.130,  
156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The endorsement for director of special education shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds a provisional certificate for any category of special education, has completed at least three (3) years of experience as a teacher or teacher consultant of which two (2) years are in special education, and who in addition thereto has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel. The approved program shall consist of forty-eight (48) semester hours credit above the bachelor's degree level and shall include a master's degree or Planned Fifth Year Program in special education.

(2) The endorsement for director of special education shall have the same duration period as the base certificate.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 27, 1975 at 11:43 a.m.

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

**EDUCATION AND ARTS CABINET**  
Department of Education  
Bureau of Instruction

**704 KAR 20:203. Special education teacher-consultant.**

RELATES TO: KRS 161.020, 161.025, 161.030  
PURSUANT TO: KRS 13.082, 156.070, 156.130,  
156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The endorsement for teacher-consultant for special education shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds a provisional certificate for any category of special education, has completed at least three (3) years experience as a special education teacher or as a teacher-consultant, and who in addition thereto has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel. The approved program shall consist of thirty-nine (39) semester hours credit above the bachelor's degree level and shall include a master's degree or Planned Fifth Year Program in special education.

(2) The endorsement for teacher-consultant for special education shall have the same duration period as the base certificate.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 27, 1975 at 11:42 a.m.

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

**EDUCATION AND ARTS CABINET**  
Department of Education  
Bureau of Instruction

**704 KAR 20:230. Hearing impaired; teacher's provisional certificate.**

RELATES TO: KRS 161.020, 161.025, 161.030  
PURSUANT TO: KRS 13.082, 156.070, 156.130,  
156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025,

and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The Provisional Certificate for Teachers of Exceptional Children; Hearing Impaired shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The Provisional Certificate for Teachers of Exceptional Children; Hearing Impaired shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the Planned Fifth Year Program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a Planned Fifth Year Program.

(3) The Provisional Certificate for Teachers of Exceptional Children; Hearing Impaired shall be valid at any grade level for the instruction of exceptional children who are hearing impaired and shall be endorsed as a Provisional Elementary Certificate valid for classroom teaching in grades one (1) through eight (8).

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 27, 1975 at 11:41 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. Samuel Alexander, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education  
Bureau of Instruction

**704 KAR 20:235. Learning and behavior disorders; teacher's provisional certificate.**

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky

Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The Provisional Certificate for Teachers of Exceptional Children; Learning and Behavior Disorders shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The Provisional Certificate for Teachers of Exceptional Children; Learning and Behavior Disorders shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the Planned Fifth Year Program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a Planned Fifth Year Program.

(3) The Provisional Certificate for Teachers of Exceptional Children; Learning and Behavior Disorders shall be valid at any grade level for the instruction of exceptional children with learning and behavior disorders and shall be endorsed as a Provisional Elementary Certificate valid for classroom teaching in grades one (1) through eight (8).

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 27, 1975 at 11:39 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. Samuel Alexander, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education  
Bureau of Instruction

**704 KAR 20:240. Speech and communication disorders; teacher's provisional certificate.**

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corres-

pending to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The Provisional Certificate for Teachers of Exceptional Children; Speech and Communication Disorders shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The Provisional Certificate for Teachers of Exceptional Children; Speech and Communication Disorders shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the Planned Fifth Year Program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a Planned Fifth Year Program.

(3) The Provisional Certificate for Teachers of Exceptional Children; Speech and Communication Disorders shall be valid at any grade level for the instruction of exceptional children with speech and communication disorders.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 27, 1975 at 11:41 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. Samuel Alexander, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education  
Bureau of Instruction

704 KAR 20:245. Trainable mentally handicapped; teacher's provisional certificate.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the

Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The Provisional Certificate for Teachers of Exceptional Children; Trainable Mentally Handicapped shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The Provisional Certificate for Teachers of Exceptional Children; Trainable Mentally Handicapped shall be issued initially for a duration period of ten (10) years and shall be renewed for another ten (10) year period only upon completion of the Planned Fifth Year Program. The certificate may be extended for life upon completion of three (3) years of successful teaching experience on a regular certificate and upon completion of a Planned Fifth Year Program.

(3) The Provisional Certificate for Teachers of Exceptional Children; Trainable Mentally Handicapped shall be valid at any grade level for the instruction of exceptional children who are trainable mentally handicapped and shall be endorsed as a Provisional Elementary Certificate valid for classroom teaching in grades one (1) through eight (8).

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 27, 1975 at 11:40 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. Samuel Alexander, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

#### EDUCATION AND ARTS CABINET

Department of Education  
Bureau of Instruction

704 KAR 20:250. Multiple handicapped; teaching endorsement.

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. An endorsement for teaching multiple handicapped pupils shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds certification for teaching pupils with learning and behavior disorders or certification for teaching trainable mentally handicapped pupils and who has completed in addition thereto, the approved program of preparation for the endorsement for teaching multiple handicapped pupils at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 27, 1975 at 11:41 a.m.

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

**EDUCATION AND ARTS CABINET**  
Department of Education  
Bureau of Instruction

**704 KAR 20:255. Visually impaired; teaching endorsement.**

RELATES TO: KRS 161.020, 161.025, 161.030

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: KRS 161.020, 161.025, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures recommended by the council and approved by the state board. This regulation establishes an appropriate certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

Section 1. (1) The endorsement for teaching visually impaired pupils shall be issued in accordance with the pertinent Kentucky statutes and State Board of Education regulations to an applicant who holds either the Provisional Elementary Certificate, the Provisional Middle School-Junior High School Certificate, or the Provisional High School Certificate and who has completed the approved program of preparation which corresponds to this endorsement at a teacher education institution approved under the standards and procedures included in the Kentucky State Plan for the Approval of Preparation Programs for the Certification of Professional School Personnel.

(2) The endorsement for teaching visually impaired pupils shall be valid for the same grade levels as the teaching

certificate used as a base for the endorsement and shall have the same duration period as the base certificate.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 27, 1975 at 11:42 a.m.

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

**EDUCATION AND ARTS CABINET**  
Department of Education  
Bureau of Vocational Education

**705 KAR 7:050. Adult program plan.**

RELATES TO: KRS 156.070, 156.100

PURSUANT TO: KRS 13.082

SUPERSEDES: SBE 70.200

NECESSITY AND FUNCTION: An annual program plan for adult education is required in order to be eligible to receive federal funds under the Adult Education Act.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education, the Kentucky Annual Program Plan for Adult Education shall be prepared and approved by the State Board of Education in accordance with the appropriate federal regulations and guidelines and submitted annually to the U.S. Commissioner of Education by June 30 for his approval. This document is incorporated by reference and hereinafter shall be referred to as the Annual Program Plan. At the time the Annual Program Plan is submitted to the U.S. Commissioner of Education, copies shall be filed with the Legislative Research Commission. Copies of the Annual Program Plan may be obtained from the Bureau of Vocational Education, State Department of Education.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED: June 17, 1975

RECEIVED BY LRC: July 1, 1975 at 3:14 p.m.

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

**EDUCATION AND ARTS CABINET**  
Department of Education  
Bureau of Education for Exceptional Children

**707 KAR 1:005. Experimental program utilizing para-professionals and teacher aides.**

RELATES TO: KRS 157.390(2)(6), 157.360(5)

PURSUANT TO: KRS 13.082, 156.070, 156.060

NECESSITY AND FUNCTION: KRS 157.390(2)(6) provides that, "the state board of education with the recommendation of the superintendent of public instruction, may designate local school districts as experimental districts for the utilization of para-professionals and teacher aides, including the utilization of para-professionals and teacher aides for special instructional services for exceptional children." This necessitates the adoption of the

following State Board of Education regulation.

Section 1. The experimental program in the utilization of para-professional and teacher aides in special instructional services for exceptional children shall be operated pursuant to the criteria listed below:

(1) Applications for the utilization of para-professional and teacher aides for special exceptional children shall be submitted when local school districts submit applications for classroom units for teachers of exceptional children.

(2) Additional information regarding the experimental use of para-professionals and teacher aides shall be submitted with the application for classroom units.

(3) Pupil-teacher ratio shall be the same as defined in the program membership of 707 KAR 1:050, Sections 2 through 10.

(4) The Superintendent of Public Instruction shall recommend to the State Board of Education the designation "experimental districts" those school districts whose applications meet the provisions of the statutes and regulations.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: June 18, 1975

RECEIVED BY LRC: June 27, 1975 at 11:38 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mr. Samuel Alexander, Secretary, State Board of Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

## DEPARTMENT FOR HUMAN RESOURCES

### Bureau for Health Services

#### Certificate of Need and Licensure Board

#### 902 KAR 20:045. Nursing home facilities.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)

PURSUANT TO: KRS 13.082, 216.425

SUPERSEDES: HFHS 7

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Nursing Home Facilities, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definition: Nursing Home Facilities, General: Establishments with permanent facilities that include inpatient beds; and with medical services, including continuous nursing services, to provide treatment for patients who require inpatient care but do not currently require continuous hospital services, and who have a variety of medical conditions.

Section 2. Essential Functions. The essential functions of nursing home facilities are as follows:

(1) The primary function of the institution is to provide treatment services for patients who require inpatient care but do not currently require continuous hospital services, and who have a variety of medical conditions.

(2) There are arrangements for transfer of patients in need of hospital care.

(3) The institution maintains inpatient beds.

(4) There is a governing authority legally responsible for the conduct of the institution.

(5) There is an administrator to whom the governing

authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.

(6) One or more physicians are responsible for advising the governing authority on proper standards of medical care.

(7) Each patient is admitted on the medical authority of, and is under the supervision of a physician.

(8) A current and complete medical record is maintained for each patient.

(9) The nursing services are under the supervision of a full-time registered professional nurse; licensed graduate nurse supervision and other nursing services are continuous.

(10) There are arrangements for obtaining necessary clinical laboratory and diagnostic x-ray services.

(11) There is control of the storage and dispensing of narcotics and other medications.

(12) Food served to patients meets their nutritional requirements, and special diets are regularly available.

#### Section 3. Preparation of Plans and Specifications.

(1) Before construction is begun for the erection of new buildings or alterations to existing buildings or any change in facilities, for a nursing home, 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 Nursing Homes. (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 ¼-inch=one (1) foot) 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 multi-story 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 multi-story 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:

a. 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;

b. Plan of each basement, floor and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

f. Schedule of doors, windows, and room finishes;

g. 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;

h. Conveying systems. Details of construction, machine and control space 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:

a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

b. Dimensions of special openings;

c. 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; sizes, types, and capacities of boilers, furnaces, hot water heater 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 of 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:

a. Electrical 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;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder breakers or switches;

c. Light outlets, receptacles, switches, power outlets, and circuits;

d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;

e. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams;

f. Fire alarm system with stations, signal devices, control board, and wiring diagrams;

g. Emergency electrical system with outlets, transfer switch, sources of supply, feeders, and circuits;

h. 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;

4. General conditions, which must contain the following requirements: access to the 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 nursing home facilities.

(b) Current Kentucky plumbing standards regulations applicable to nursing home facilities.

(c) Current Kentucky standards for air contaminants for incinerators regulations applicable to nursing home facilities.

(d) Current Kentucky standards for elevators regulations applicable to nursing home facilities.

Section 6. Facility Requirements and Special Conditions. (1) Existing facilities will be expected to make a concerted and demonstrated effort to fully comply with these regulations and must prove 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) Independent facilities 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 facilities. Some functions allotted separate spaces or rooms in these general standards may be combined pro-

vided that the resulting plan will not compromise the best standards of safety and of medical and nursing practices and the social needs of patients. In other respects, the general standards set forth herein, including the area requirements, shall apply.

(3) 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.

(4) The number of beds in a nursing unit shall not exceed sixty (60) unless additional services are provided, as deemed necessary by the state agency. At least two (2) rooms per nursing unit shall be designed for single person occupancy (one (1) bed) and shall have private toilet rooms with bath. 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 area exclusive of closet, toilet rooms, lockers, wardrobes, and vestibules: 100 square feet in one (1) 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) Window: All patient rooms must have windows opening to the outside. 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 station(s). (See Section 17(6));

(f) Lavatory. In single and two (2) 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, for 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 room.

(2) Patient toilet rooms:

(a) A toilet room shall be directly accessible from each patient room and from each central bathing area without going through the general corridor. One (1) toilet room may serve two (2) patient rooms but not more than four (4) beds. The minimum dimensions of any room containing only a water closet shall be three (3) feet by five (5) feet;

(b) Water closets must be easily usable by wheelchair patients. Grab bars shall be provided at all water closets;

(c) At least one (1) toilet for each sex shall be provided for training purposes and access by wheelchairs. This shall be accessible from the nursing corridor and may be part of the bathing area. Minimum size, five (5) feet by six (6) feet;

(d) Doors to toilet rooms shall have a minimum width of

two (2) feet and ten (10) inches to admit a wheelchair.

(3) 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 shall 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) Clean workroom. For storage and assembly of supplies for nursing procedures; shall contain work counter and sink, and small sterilizer;

(d) Soiled workroom. Shall contain clinical sink, work counter with two compartment sink, waste receptacles, and soiled linen receptacles;

(e) Medicine room. Adjacent to nurses' station; with sink, refrigerator, locked storage, and facilities for preparation and dispensing of medication. (May be designated area within clean workroom if a self-contained cabinet is provided.) Narcotics locker must be under double lock and wired to warning light at nurses station;

(f) Clean linen storage. Enclosed storage space. (May be a designated area within the clean workroom.)

(g) Nourishment station. Storage space, sink, hot plate and refrigerator for serving between-meal nourishments. (May serve more than one nursing unit on same floor);

(h) Equipment storage room. For storage of IV stands, inhalators, air mattresses, walkers, and similar bulky equipment;

(i) Patient baths. Provide separate bathing facilities for each sex. One (1) shower stall or one (1) bathtub required for each fifteen (15) beds not individually served. There shall be at least one (1) free standing bathtub in each bathroom. Grab bars shall be provided at all bathing fixtures. Each bathtub or shower enclosure in central bathing facilities shall provide space for the private use of bathing fixture, for dressing, and for a wheelchair and attendant. Showers in central bathing facilities shall not be less than four (4) feet square, without curbs, and designed to permit use from a wheelchair. Soap dishes in showers and bathrooms shall be recessed. (See training toilet requirements below);

(j) Stretcher and wheelchair parking area or alcove;

(k) Janitor's closet. Storage of housekeeping supplies and equipment. Floor receptor or service sink;

(l) Bedpan washing facilities. Bedpan washing attachments are recommended for each patient room toilet. It will be acceptable, however, to have separate bedpan washing closets in each nursing unit, provided that they are so located that bedpans need not be carried through lobbies, dining and recreation areas, or day rooms.

(4) Special purposes room(s). For consultation, examination and treatment, and therapeutic and nursing procedures. May serve more than one nursing unit on the same floor. Provide lavatory, storage, and space for treatment table. Minimum floor area nine (9) feet by eleven (11) feet.

(5) Patients' dining, TV viewing and recreation areas:

(a) The total areas set aside for these purposes shall be not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50). Additional space shall be provided for outpatients if they participate in a day care program.

(b) Storage shall be provided for recreational equipment and supplies. (Wall cabinets and closets.)

Section 8. Therapy Units. (1) Physical therapy unit. Recommended if staffing available. The following shall be

provided (depending on the program):

- (a) Office. (May also serve for occupational therapy office);
- (b) Exercise and treatment areas. Provide sink or lavatory and cubicle curtains around treatment areas;
- (c) Hydrotherapy areas. Provide cubicle curtains around treatment areas;
- (d) Storage for supplies and equipment;
- (e) Toilet rooms. Located for convenient access by physical therapy patients. (May also serve occupational therapy patients.)
- (2) Occupational therapy unit. May be omitted in facilities of less than 100 beds.
- (a) Office space. (May be shared with physical therapy office);
- (b) Therapy area. Provide sink or lavatory;
- (c) Storage for supplies and equipment;
- (d) Toilet room. (Not required if other toilet facilities are convenient.)
- (3) Personal care room. (Not required in facility of less than twenty-five (25) beds.) Provide space with shampoo sink and space for barber chair.

Section 9. Dietary Department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary storage, processing, and handling, otherwise the following will be provided:

- (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 a lavatory;
- (4) Potwashing facilities;
- (5) Refrigerated storage. Three (3) day supply;
- (6) Dry storage. Three (3) day supply;
- (7) Cart cleaning facilities;
- (8) Cart storage area;
- (9) Waste disposal facilities;
- (10) Canwashing facilities;
- (11) Staff dining facilities;
- (12) Patient dining facilities; (See Section 7(5).)
- (13) Dietician's office; (May be omitted in facilities with less than 100 beds if desk space is provided in kitchen.)
- (14) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink;
- (15) Toilet room. Conveniently accessible for dietary staff. Must have two (2) door separation from food preparation area or dining area.

Section 10. Administration Department. (1) Business office;

- (2) Lobby and information center;
- (3) Administrator's office;
- (4) Admitting and medical records area;
- (5) Public and staff toilet rooms;
- (6) Director of nurse's office. (May be omitted in facilities of less than 100 beds);
- (7) Housekeeper's office or space. (Location optional and may be combined with clean linen room in nursing homes of less than 100 beds.)

Section 11. Laundry. (1) Soiled linen room;

- (2) Clean linen and mending room;
- (3) Linen cart storage;
- (4) Lavatories. Accessible from soiled, clean, and processing rooms;

sing rooms;

- (5) Laundry processing room. Commercial type equipment shall be sufficient to take care of seven (7) days' needs within the workweek;
- (6) Janitor's closet. Storage for housekeeping supplies and equipment; floor receptor or service sink;
- (7) Storage for laundry supplies. (Subsections (5), (6), and (7) need not be provided if laundry is processed outside the facility.)

Section 12. Storage and Service Areas. (1) Central storage room(s). Provide at least ten (10) square feet per bed for first fifty (50) beds; and five (5) square feet per bed for all beds over fifty (50), to be concentrated in one area.

(2) Locker rooms. Provide locker rooms with water closets, and lavatories for staff and volunteers and rest space for females.

(3) Engineering service and equipment areas. The following shall be provided:

- (a) Boiler room;
- (b) Engineers' office. (May be omitted in nursing homes of less than 100 beds);
- (c) Mechanical and electrical equipment room(s). (Can be combined with boiler room);
- (d) Maintenance shop(s). At least one (1) room shall be provided. (Can be combined with boiler room in nursing homes of less than fifty (50) beds);
- (e) Storage room for building maintenance supplies and paint storage;
- (f) Storage room for housekeeping equipment. (Need not be provided if space is available in janitor's closets or elsewhere);
- (g) Toilet and shower rooms. (May be omitted in nursing homes of less than 100 beds);
- (h) Incinerator space. The incinerator, if required, shall be in a separate room, or in a designated area within the boiler room, or outdoors;
- (i) Refuse room. For holding trash prior to disposal. Shall be located convenient to service entrance;
- (j) Yard equipment storage room. For yard maintenance equipment and supplies.

Section 13. Details and Finishes. A high degree of safety for the occupants in minimizing the incidence of accidents shall be provided. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:

(1) Details:

(a) Exit facilities shall comply with the current requirements for exit facilities as listed in "Standard of Safety," as adopted by the State Fire Marshal's Office. Required egress corridors and corridors used in transporting patients shall have a minimum width of eight (8) feet. Minimum width of doors to all rooms needing access for beds or stretchers shall be three (3) feet and eight (8) inches. 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) Handrails with ends returned to the walls shall be provided on both sides of corridors used by patients in nursing homes with a clear distance of one and one-half (1½) inches between handrail and wall.

(d) All doors to patient-room toilet rooms and patient-room bathrooms shall swing outward or shall be equipped

with hardware which will permit access in any emergency.

(e) 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.

(f) No doors shall swing into the corridor except closet doors.

(g) Thresholds and expansion joint covers, if used, shall be flush with the floor.

(h) Grab bars and accessories in patient toilet, shower, and bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.

(i) Lavatories intended for use by patients shall be installed to permit wheelchairs to slide under.

(j) 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.

(k) Mirrors shall be arranged for convenient use by patients in wheelchairs as well as by patients in standing position.

(l) Towel dispensers shall be provided at all lavatories and sinks used for handwashing.

(m) If linen and refuse chutes are used, they shall be designed as follows:

1. Service openings to chutes shall have approved Class "B," one and one-half (1½) 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 a Class "C," three-fourths (¾) 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 separated from the incinerator or laundry. Such rooms shall be a Class "B," one and one-half (1½) 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 or plastic.

(n) 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 (¾) hour door.

(o) Ceiling heights:

1. Boiler Room. Not less than two (2) feet and six (6) inches above the main boiler header and connecting piping with adequate headroom under piping for maintenance and access; nine (9) feet minimum;

2. Corridors, storage rooms, patients' toilet room, and other minor rooms. Not less than seven (7) feet and six (6) inches;

3. All other rooms. Not less than eight (8) feet.

(p) Boiler room, 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.

(q) Approved fire extinguishers shall be provided in recessed locations throughout the building in accordance with the State Fire Marshal's Office.

(r) Noise reduction criteria. The ceilings of the following areas shall be acoustically treated:

1. Corridors in patient areas;
2. Nurses' stations;
3. Utility rooms;

4. Floor pantries;

5. Lobbies and recreation areas.

(s) Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to patient bedroom areas.

(2) Finishes:

- (a) For flame spread requirements, see Section 15(5).

- (b) Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish. Carpeting is not permitted in the following areas: kitchen, dishwashing room, soiled utility room, janitor's closet, soiled linen rooms, storage room, bathrooms, public toilet rooms, patient toilet rooms, hydrotherapy rooms, treatment rooms, and any other room where the floor is subject to repeated wetting or soiling by urine or feces.

- (c) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

- (d) Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moisture-proof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

- (e) Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.

- (f) For acoustic ceilings, see Section 13(1)(r).

Section 14. Elevators. (1) Elevators, where required. All facilities where either patient beds or inpatient facilities such as 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 three (3) elevators, one (1) of which shall be hospital-type, 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 those containing the patient beds;

3. At least three (3) elevators, one (1) of which shall be hospital-type, 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 those containing the patient beds;

4. For facilities with more than 350 beds, the number of elevators shall be determined from a study of the facility plan and the estimated vertical transportation requirements.

(b) Cars and platforms. Elevator cars and platforms shall be constructed of non-combustible material, except that fire-retarded-treated material may be used if all exterior surfaces of the cars are covered with metal. Cars of hospital-type elevators shall have inside dimensions that will accommodate a patient's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep; car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening of not less than three (3) feet.

(c) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy

within plus or minus one-half ( $\frac{1}{2}$ ) inch.

(d) Operation. Elevators (except freight elevators) shall be equipped with a two (2) 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 inspection and tests to be made and shall deliver to the owner written certification that the installation meets the requirements set forth in this section.

Section 15. Construction Including Fire-Prevention Requirements. (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.

(2) 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.

(3) Multi-story 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 masonry walls may be used for buildings up to and including three (3) stories in height.

(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) Non load-bearing corridor partitions shall be of one (1) hour fire-resistive construction.

(d) Columns, girders, trusses, floor construction including beams, and roof construction including beams shall be of not less than one and one-half ( $1\frac{1}{2}$ ) hour fire-resistive construction.

(e) Beams supporting masonry shall be individually protected with not less than two (2) hour fire-resistive construction.

(f) Non load-bearing partitions other than corridor partitions shall be of one (1) hour fire-resistive construction and may utilize fire-retarded-treated wood studs.

(4) Fire-resistive ratings shall be determined in accordance with ASTM Standard No. E119.

(5) 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 ASTM Standards No. E84-70.

(6) 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.

Section 16. Mechanical Requirements. (1) 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 the current standards for air contaminants for incinerators regulations applicable to nursing home facilities. Design and construction of refuse chutes shall be in accordance with Part III of the NFPA Standard No. 82.

(2) 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) 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.

(c) Covering. Boiler and smoke breeching, all steam supply piping and high pressure steam return piping, and hot water space heating supply and return piping shall be insulated.

(d) The design and installation of all boilers must be in accordance with current Kentucky plumbing standards regulations applicable to nursing home facilities.

(3) Air-conditioning, heating and ventilating systems:

(a) Temperatures. A minimum temperature of seventy-five (75) degrees Fahrenheit, shall be provided for occupied areas 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 or near the point of discharge from the building. The ventilation rates shown on Table 1 shall not be considered 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 exhausts 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 shown in Table 1, Section 18.

3. Room supply air inlets, recirculation, and exhaust air outlets shall be located not less than three (3) inches above the floor.

4. 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 rooms such as bathrooms, toilet rooms, or janitor's closets which open directly on corridors.

5. Filters. Central systems shall be provided with filters rated at eighty (80) percent efficiency based upon the National Bureau of Standards Dust Spot Method on atmospheric dust.

6. A manometer shall be installed across each filter bed serving central air systems.

7. Ducts shall be constructed of iron, steel, aluminum, or other approved metal or materials such as clay, asbestos, cement, fiberglass, etc.

8. The air from dining areas may be used to ventilate the food preparation areas only after it has been passed through

a filter with eighty (80) percent efficiency.

9. All hoods over cooking ranges shall be equipped with fire extinguishing systems and heat-actuated fan controls. Cleanout openings shall be provided every twenty (20) feet in horizontal exhaust duct systems serving hoods.

10. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and reasonable temperatures in the room and in adjoining areas.

(4) Plumbing and other piping systems. All plumbing systems shall be installed in accordance with the current Kentucky plumbing standards regulations applicable to nursing homes.

(a) 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 (4½) inches in length, except that handles on clinical sinks shall be not less than six (6) inches long.

(b) Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

(5) Water supply system:

(a) 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.

(b) 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.

(c) 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.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.

(f) Bedpan flushing devices.

(g) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(h) Plumbing fixtures which require hot water and which are intended for patient use shall be equipped with water which is controlled to provide a maximum water temperature of 110 degrees Fahrenheit at the fixture.

(i) Piping over 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, or condensation from, necessary overhead piping systems.

(6) Hot water heaters and tanks:

(a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:

	Clinical	Use Dietary	Laundry
Gal/hr/bed	6½	4	4½
Temp. F.	110	180	180

(b) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have non-cor-

rosive lining.

(7) 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 rooms, attics accessible for storage. Storage room of less than 100 square foot area and spaces used for storage of non-hazardous materials are excluded from this requirement. Sprinkler heads shall be installed at the top and at alternate floor levels of trash and laundry chutes.

(8) Nonflammable medical gas systems. Nonflammable medical gas system installations shall be in accordance with the requirements of NFPA Standard No. 56F.

(9) Plumbing approval. Prior to final 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 17. Electrical Requirements. (1) General:

(a) All materials 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 operated as planned or specified.

(c) The electrical installations must conform to local codes where they exist or to the National Electrical Code. Inspections and final approval must be obtained from the State Fire Marshal's Office.

(2) Switchboard and power panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboard and distribution panelboards 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. All breakers and switches are to be indexed.

(3) Distribution panelboards. Lighting and appliance panelboards shall be provided for the circuits on each floor. All circuits are to be indexed at panelboard. This requirement does not apply to emergency system circuits.

(4) 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 control of light in patient areas shall be of the quiet operating type.

(c) Provisions shall be made for the night lighting of

corridors. (See Section 18, Table 2 for levels of illumination for various areas.)

(5) Receptacles. (Convenience outlets):

(a) Bedroom. Each patient bedroom shall have duplex receptacles as follows: one each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between the beds); receptacles for luminaires, television and motorized beds, if used, and one receptacle on another wall.

(b) Corridors. Single receptacles for equipment such as floor cleaning machines shall be installed approximately fifty (50) feet apart in all corridors. 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.

(6) Nurses' calling system. A nurses' calling station shall be installed at each patient bed and in each patient toilet, bath, and shower-room. The nurses' call in toilet, bath, or shower-rooms, shall be an emergency call. All calls shall register at the nurses' station and shall actuate a visible signal in the corridor at the patients' door, in the clean workroom, soiled workroom, and nourishment station of the nursing unit. Nurses' call systems which provide two (2) 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 operative.

(7) Fire alarms and fire detector system. The design and installation of these systems must be approved by the State Fire Marshal's Office.

(8) Emergency electric service:

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the nursing 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 electric system. The emergency generator set shall be 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. Dining and recreation rooms;

c. Nursing station and medication preparation area;

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 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 detecting and smoke detecting systems, paging or speaker systems if intended for issuing instructions during emergency conditions, and alarms required for non-flammable medical gas systems, if installed;

c. Fire pump, if installed;

d. Sewerage or sump lift pump, if installed;

e. All required duplex receptacles in patient corridors; and at least one (1) receptacle in each patient room;

f. One (1) elevator, where elevators are used for vertical transportation of patients. Provide manual switch-over to operate other elevators.

g. Equipment such as burners and pumps necessary for operation of one or more boilers and their necessary auxiliaries and controls, required for heating and sterilization;

h. Equipment necessary for maintaining telephone service.

3. Heating. Where electricity is the only source of power normally used for space heating, the emergency service shall provide for heating of patient rooms. Emergency heating of patient rooms will not be required in areas where the facility 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 facility feeders so routed, connected, and protected that a fault any place between the generators and the facility will not likely cause an interruption of more than one of the nursing home service feeders.

(e) Details. The emergency 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; nurses' call; equipment necessary for maintaining telephone service; and receptacles in patient corridors. 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 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 of required emergency electric services. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

Section 18. Tables. Table 1, Pressure Relationships and Ventilation of Certain Nursing Home Areas; and Table 2, Lighting Levels for Nursing Homes.

Table 1. Pressure Relationships and Ventilation of Certain Nursing Home Areas

Area Designation	Pressure Relationship to Adjacent Areas	All Supply Air from Outdoors	Minimum Air Changes of Outdoor Air Per Hour
Patient room	0	--	2
Patient room corridor	0	--	4
Treatment room	0	Yes	6
Physical and hydrotherapy	N	--	6
Dining and recreation areas	0	--	4
Soiled workroom	N	--	4
Clean workroom	P	Yes	4
Toilet room	N	--	--
Bedpan room	N	--	--

Bathroom	N	--	--
Janitor's closet	N	--	--
Sterilizer equipment room	N	--	--
Linen and trash chute rooms	N	--	--
Food preparation	0	Yes (1)	10
Dishwashing room	N	--	--
Dietary dry storage	0	--	--
Laundry, general	0	Yes	10
Soiled linen sorting and storage	N	--	--
Clean linen storage	P	--	2

P = Positive N = Negative 0 = Equal -- = Optional

(1) Section 16 c(2) (h) for exceptions

Table 1. Continued

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors	Recirculated Within Area
Patient room	2	--	--
Patient area corridor	4	--	--
Treatment room	6	Yes	No
Physical therapy and hydrotherapy	6	--	--
Dining and recreation areas	4	--	--
Soiled workroom	4	Yes	No
Clean workroom	4	--	--
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 room	10	Yes	No
Food preparation center	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	--	--

Table 2. Lighting Levels for Nursing Homes

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 stairway 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: May 19, 1975

APPROVED: C. LESLIE DAWSON, Secretary  
RECEIVED BY LRC: June 24, 1975 at 4:18 p.m.  
SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Howard 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 20:047. Nursing home operation and services.

RELATES TO: KRS 216.405 to 216.485, 216.990(2)  
PURSUANT TO: KRS 13.082, 216.425  
SUPERSEDES: HFHS 8

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Nursing Home Services, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definition. Nursing Home, General: Establishments with permanent facilities that include inpatient beds; and with medical services, including continuous nursing services, to provide treatment for patients who require inpatient care but do not currently require continuous hospital services, and who have a variety of medical conditions.

Section 2. Essential Functions of a Nursing Home. The essential functions of a nursing home are as follows:

(1) The primary function of the institution is to provide treatment services for patients who require inpatient care but do not currently require continuous hospital services, and who have a variety of medical conditions.

(2) There are arrangements for transfer of patients in need of hospital care.

(3) The institution maintains inpatient beds.

(4) There is a governing authority legally responsible for the conduct of the institution.

(5) There is an administrator to whom the governing authority delegates the full-time responsibility for the operation of the institution in accordance with established policy.

(6) One or more physicians are responsible for advising the governing authority on proper standards of medical care.

(7) Each patient is admitted on the medical authority of, and is under the supervision of a physician.

(8) A current and complete medical record is maintained for each patient.

(9) The nursing services are under the supervision of a full-time registered professional nurse; licensed graduate nurse supervision and other nursing services are continuous.

(10) There are arrangements for obtaining necessary clinical laboratory and diagnostic x-ray services.

(11) There is control of the storage and dispensing of controlled substances and other medications.

(12) Food served to patients meets their nutritional requirements, and special diets are regularly available.

Section 3. Minimum Standards for Operation of Nursing Homes. The following minimum standards of operations as set forth in this regulation shall apply to all nursing homes:

(1) Food service. The nursing home shall comply with the existing laws, rules and regulations governing the handling of food and food products in the State of Kentucky. The facilities shall be adequate to serve as many patients as the nursing home accommodates.

(2) Food handling. Dishes and eating utensils used by patients having, or suspected of having a communicable disease, shall be handled separately from other soiled dishes and eating utensils, and in such a way as to protect nursing home personnel and patients from infection.

(3) Garbage Disposal. The garbage disposal system must be approved by the Department for Human Resources. Adequate provisions shall be made to prevent obvious odors, the spread of disease and unsanitary conditions resulting from the improper handling of garbage and other refuse. All containers for garbage shall be made of metal or other impervious material and shall be watertight, rodent proof, and have tight fitting covers.

(4) Laundry and noise control. The nursing home shall make provision for the proper cleaning of linen and other washable goods with special provisions for handling contaminated linen. Nursing homes maintaining and operating laundries shall provide ventilation for the elimination of steam and odors and proper insulation to prevent the transmission of noises to patient areas.

(5) Sanitation:

(a) All bedside equipment shall be cleaned after each use. All bedpans and urinals shall be sterilized after each use unless assigned to an individual patient. Approved methods of sterilizing such equipment may be one of the following: submersion in boiling water for a minimum of thirty (30) minutes; autoclaving at fifteen (15) pounds steam pressure for twenty (20) minutes; live steam sterilization for bedpans in an approved bedpan washer-sterilizer or submersion for two (2) minutes in a chlorine rinse which contains at least 100 parts per million of available chlorine.

(b) The bed linens shall be changed at least once every three (3) days or when obviously soiled.

(6) Rodent control. The premises must be kept free from rodent and insect infestation. Bath and toilet facilities must be maintained in a clean and sanitary condition at all times.

(7) Drugs and controlled substances. An adequate supply of drugs and other medicinal agents shall be available at all times to meet the requirements of the nursing home. They shall be stored in a safe manner and kept properly labeled and accessible. Narcotics and other controlled substances and poisons shall be handled in a safe manner to protect against their unauthorized use. There shall be adequate refrigeration for biologicals and drugs which require refrigeration. The existing laws, rules and regulations governing controlled substances, drugs and poisons shall be complied with.

(8) X-ray facilities. If x-ray facilities are provided in any nursing home, there shall be ample space for the x-ray equipment, film storage, view boxes and dark room equipment. Proper precautions to protect patients and nursing home personnel against undue radiation shall be taken.

(9) Laboratory. If a laboratory is provided, there shall be ample space, equipment and supplies to meet the requirements of the nursing home.

(10) Patient accommodations:

(a) The nursing home shall provide suitable accommodations for all its patients. There shall be adequate floor space, furnishings, bed linens, and other such utensils, equipment and supplies as is reasonably required for the

proper care of the patients accommodated. Proper precautions shall be taken to prevent the spread of disease. There shall be provisions for the proper sterilization of all supplies, utensils and equipment and for storing them in a clean, convenient and orderly manner. An adequate system for bed patients to use in calling nurses and attendants shall be maintained. A satisfactory bed and mattress with one (1) or more pillows of at least fifteen (15) inches by twenty (20) inches shall be provided for each patient. There shall be at least one (1) chair per patient in all patient rooms.

(b) There shall be at least one (1) employee awake and on duty at all times in each institution. In cases where restraints are used to prevent injury to the patients or personnel, these restraints shall be of a type which can be quickly removed in case of fire. Doors to patient rooms shall not be locked when the rooms are occupied, except in psychiatric or detention units.

(11) Water supply. The water supply shall be approved by the Department for Human Resources. There shall be an ample supply of hot water available at all times for general use.

(12) Employee health examination. No person who is infected with a communicable disease shall be employed in any nursing home. Prior to employment, or immediately following, each person shall submit to a test for tuberculosis to determine his freedom from communicable tuberculosis. All employees shall have an annual test for tuberculosis. Nothing in this section shall affect any rule or regulation of any nursing home, which requires other examinations or tests to determine their employees' freedom from other communicable diseases.

(13) Reports. Each institution shall furnish an annual report to the Department for Human Resources on forms supplied by the department for this purpose. This report shall consist of the total number of admissions per year, the total number of discharges per year, bed capacity, average percentage of bed occupancy, total patient days, average length of patient stay in the nursing home, and such other statistical information that is requested.

(14) Medical records:

(a) Organization: The responsibility for supervision, filing, and indexing of medical records shall be delegated to a responsible employee of the nursing home.

(b) Indexing: Medical records shall be properly indexed and systematically filed for ready access to properly authorized persons.

(c) Ownership: Records of patients are the property of the institution and shall not be taken from the nursing home property except by court order. This does not preclude the routing of the patient's record or portion thereof, including x-ray film, to physicians for consultation. Medical records shall be made available, when requested, for inspection by duly authorized representatives of the licensing agency.

(d) Content: Adequate and complete medical records shall be prepared for all patients admitted to the nursing home. All notes shall be legibly written or typed and signed. A minimum medical record shall include the following information:

1. Name and address of person or agency responsible for patient;
2. Identification data (name, address, age, sex, marital status);
3. Date of admission;
4. Date of discharge;
5. Referring and attending physicians' names;
6. History and physical examination;

7. Special examinations, if any, such as consultations, clinical, laboratory, x-ray;
8. Provisional or working diagnosis;
9. Doctor's orders, dated and signed by the physician;
10. Progress notes, dated and signed by the physician;
11. Nurses' notes;
12. Temperature chart including pulse and respiration;
13. Final diagnosis;
14. Condition on discharge; and
15. In case of death, autopsy findings, if performed.

(e) Physician's responsibility: It shall be the responsibility of each attending physician to complete and sign the medical record of each patient as soon as practicable after discharge.

(f) Orders for medication: All medical records shall contain the orders for medication and treatment written in ink and signed by the prescribing physician, and if given verbally, undersigned by him upon his next visit to the institution. A record of medication administered to the patient shall be included in the record.

(g) Retention of records: All medical records shall be retained for a minimum of five (5) years and for such additional time as deemed necessary by the governing body of the facility concerned based upon all relevant factors.

(15) Fire control or disaster plan. The nursing home shall have a written procedure to be followed in case of fire, explosion or other emergency. It shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating helpless patients, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift.

(a) The plan shall be developed with the assistance of qualified fire and safety experts.

(b) All personnel shall be trained to perform assigned tasks.

(c) Simulated drills testing the effectiveness of the plan shall be conducted on each shift at least three (3) times a year.

(d) The plan shall be posted throughout the facility.

HOWARD L. BOST, Chairman

ADOPTED: May 19, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: June 24, 1975 at 4:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Howard 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 1:002. Definitions.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth definitions for words and/or phrases used by the department in regulations pertaining to the provision of medical assistance.

ment in regulations pertaining to the provision of medical assistance.

Section 1. Definitions: Definitions of terms or phrases utilized in regulations relating to the Medical Assistance Program are as follows:

(1) "Actual acquisition cost," the amount paid by a provider for medical supplies minus any amounts refunded to, or deducted by, the provider on account of early or timely payment, purchasing in volume, or such other normal business practices, and which reduce the actual amount of capital investment required of the provider.

(2) "Charge," the amount of payment or reimbursement required by the provider for the medical procedure or service.

(a) "Prevailing charges," those charges which fall within the range of charges most frequently and most widely used in a medical service area for particular medical procedures or services.

(b) "Reasonable charge," a charge for a health care service rendered that is consistent with efficiency, economy and quality of the care provided.

(c) "Usual and customary charge," the uniform amount which the medical provider charges in the majority of cases for a specific medical procedure or service.

(3) "C.F.R." (Code of Federal Regulations), federal regulations which transfer to regulatory form the specific requirements of federal law.

(4) "Comparable services," generally speaking, medical services provided to the general public which are equivalent in nature, scope and delivery method to similar medical services provided to medical assistance program recipients.

(5) "Deductible," amounts payable by the recipient which fall within an aged beneficiary's deductible liability imposed by Title XVIII, Part B, Health Insurance for the Aged

(6) "Co-Insurance," co-insurance amounts payable by the recipient under the provisions of Title XVIII, Part B, for covered medical services rendered under the Medicare program, and becoming due after satisfaction of the deductible liability.

(7) "Eligible individual," a person who has applied for medical assistance and has been found to meet all applicable conditions for eligibility pertaining to Kentucky's medical assistance program.

(8) "Excess income," that portion of the income of the individual or family group which exceeds amounts allowable to the individual or family group as disregarded income or income protected for basic maintenance, and which results in a determination of ineligibility.

(a) "Excess resources," that portion of the liquid assets or other resources of the individual or family group in excess of the amounts which may be retained for the individual or family group in excess of the amounts which may be retained for the individual or family group's security and personal use, not exempted from consideration or otherwise accounted for by special specified circumstances, and which result in a determination of ineligibility.

(b) "Spend-down," the process by which excess income is utilized for recognized medical expenses, and which, when depleted, results in a determination of eligibility if all other eligibility factors are met.

(9) "Flat fee schedule," a specified rate or grouping of rates at which reimbursement is made for a covered service or services, taking into account such factors as cost of providing the service, the necessity to ensure an adequate supply of providers for utilization by recipients, and the

department's ability to pay.

(10) "Flat fee based on cost of service," a specified rate or grouping of rates at which reimbursement is made for a covered service or services, which is based more closely on the actual cost of providing the service or services with less weighting for other factors.

(11) "Initial visit," the first or more extensive visit made to a provider for the purpose of securing a covered medical service or services, and which may include the taking of medical history, diagnosis, and initial treatment.

(12) "Follow-up visits," visits to the provider subsequent to the initial visit, made for the purpose of securing added treatment for the medical problem, or for evaluation and adjustment of treatment.

(13) "Income protected," income of the individual or family group which the department recognizes as being needed for the basic maintenance of the individual or family group, and which the individual or family group retains for personal use.

(14) "Interim rates," the initial rates for reimbursement, based on the projected reasonable cost of providing the service and applying of accepted cost apportionment principles, most nearly approximating actual allowable cost, determined on a facility by facility basis; and usually, followed by reimbursement adjustments after provision of the service to account for differences between projected costs and actual costs.

(15) "I.C.F." (Intermediate Care Facility), a facility licensed by the state to provide health care which is more than room and board but less than skilled nursing facility care.

(16) "Inpatient services," those services rendered by any acute or chronic condition, including maternal and mental health care, which cannot be rendered on an outpatient basis.

(17) "Outpatient services," services provided, in other than inpatient circumstances, for any condition detrimental to the individual recipient's physical or mental health, which cannot be taken care of in the home situation.

(18) "Medicaid," the state program of medical assistance as administered by the department in compliance with Title XIX of the Social Security Act, and which is designed to provide for the medical care needs of Kentucky's medically indigent citizenry.

(19) "Medicare," the federal program under Title XVIII of the Social Security Act providing medical benefits to persons receiving Social Security Retirement payments or who have received Social Security benefits based on disability for a period of twenty-four (24) consecutive months.

(a) Part A, Hospital Insurance Benefits, provides hospital care, nursing home care and home health visits, subject to deductibles and co-insurance.

(b) Part B, Supplementary Medical Insurance, provides additional medical benefits to those persons eligible for Part A or any person sixty-five (65) years of age, but only if enrolled in the program and paying the monthly premium.

(20) "Medical assistance drug list (MADL)," a listing of drugs, covered under the medical assistance program, which includes the drug code, description, dosage strength, covered unit form, maximum dosage covered, and per unit price.

(21) "Medical service area," a designated geographical area within which medical services provision is compared for purposes of planning, reimbursement, etc.

(22) "Over-utilization," the use of program benefits in excess of that actually required for the treatment of the

recipient's medical problem.

(23) "Participating," a provider of medical services taking part in the medical assistance program by agreeing to comply with program regulations and provide services to eligible recipients.

(24) "Provider," a person, organization, or institution certified to provide health or medical care services authorized under the medical assistance program.

(25) "Prior authorization; pre-authorization," the approval which must be given by the Division for Medical Assistance, or other specified authority, for specified services for a specified recipient to a specified provider.

(26) "Profile," an outline of the outstanding characteristics of a vendor practice in rendering health care services and recipient usage in receiving health care services.

(27) "Utilization review," the process of monitoring and controlling, to the extent possible, the quantity and quality of health care services delivered under the medical assistance program.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:36 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex,  
Frankfort, Kentucky 40601.

#### DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

##### 904 KAR 1:003. Technical eligibility.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

SUPERSEDES: PA-57.3; PA-65.1; PA-73

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of Medical Assistance, hereinafter referred to as MA, to Kentucky's indigent citizenry. This regulation sets forth the technical eligibility requirements of the MA Program.

Section 1. The Categorically Needy: All individuals receiving Aid to Families with Dependent Children, Supplemental Security Income or Optional or Mandatory State Supplementation are eligible for MA as categorically needy individuals. In addition, the following classifications of needy persons are included in the program as categorically needy and thus eligible for MA participation.

(1) Children in foster family care or private non-profit child caring institutions dependent in whole or in part on a governmental or private agency;

(2) Children in psychiatric hospitals or medical institutions for the mentally retarded;

(3) Unborn children deprived of parental support due to death, absence, incapacity or unemployment of the father;

(4) Children of unemployed parents;

(5) Aged, blind or disabled individuals who would be eligible for Supplemental Security Income if application were made;

(6) Aged, blind or disabled persons receiving care in a

medical institution with income of less than three (3) times the benefit rate established by the Social Security Administration for the Supplemental Security Income program.

Section 2. The Medically Needy: Other individuals, meeting technical requirements comparable to the categorically needy group, but with sufficient income to meet their basic maintenance needs may apply for MA with need determined in accordance with income and resource standards prescribed by regulation of the Department for Human Resources.

Section 3. Technical Eligibility Requirements: Technical eligibility factors of families and individuals included as categorically needy under subsections (1) through (6) of Section 1, or as medically needy under Section 2 are:

(1) Children in foster care, private institutions, psychiatric hospitals or mental retardation institutions under twenty-one (21) years of age;

(2) Unborn children upon medical proof of pregnancy;

(3) Unemployment, relating to eligibility of both parents and children is defined as:

(a) Employment of less than 100 hours per month;

(b) Prior labor market attachment consisting of earned income of at least fifty dollars (\$50) during six (6) or more calendar quarters ending on March 31, June 30, September 30, or December 31, within any thirteen (13) calendar quarter period ending within one (1) year of application; or within twelve (12) months prior to application received unemployment compensation;

(c) Not currently receiving or eligible for unemployment compensation;

(d) Currently registered for employment;

(e) The unemployed parent must not have refused suitable employment without good cause as determined in accordance with 45 C.F.R. section 233.100(a)(3)(ii).

(4) Children, but not parents, may be eligible if the parent meets a more liberal definition of unemployment defined as:

(a) Employment of less than thirty (30) hours per week; or

(b) Regular attendance, at public expense, in a formalized full-time training course, below the college level. Public work projects in which a real wage is paid, that is, subject to standard payroll deductions, are not considered a training course; or

(c) Receipt of unemployment compensation; and

(d) Requirements of subsection (3)(d) and (e) are met.

(5) An aged individual must be at least sixty-five (65) years of age.

(6) A blind individual must meet the definition of blindness as contained in Title II and XVI of the Social Security Act relating to OASDI and SSI.

(7) A disabled individual must meet the definition of permanent and total disability as contained in Title II and XVI of the Social Security Act relating to OASDI and SSI.

Section 4. Institutional Status: No individual shall be eligible for MA if a resident or inmate of a non-medical public institution. No individual shall be eligible for MA while a patient in a state tuberculosis hospital unless he has reached age sixty-five (65). No individual shall be eligible for MA while a patient in a state institution for mental illness unless he is under twenty-one (21) or over sixty-five (65).

GAIL S. HUECKER, Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

## DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 1:004. Resource and income standard of medically needy.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with requirements of Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the resource and income standards by which eligibility of the medically needy is determined.

Section 1. Resource Limitations of the Medically Needy: An applicant for or recipient of medical assistance is permitted to retain: (1) A homestead, occupied or abandoned, household equipment, motor vehicles and farm equipment without limitation on value;

(2) Equity of \$5,000 in income-producing, non-homestead property;

(3) Equity of \$3,000 in non-income producing, non-homestead property;

(4) Other assets not to exceed: Savings, stocks, bonds, cash surrender value of life insurance or other burial reserves totaling no more than: \$1,500 for family size of one (1); \$3,000 for family size of two (2); and fifty dollars (\$50) for each additional member.

Section 2. Income Limitations of the Medically Needy: Eligibility from the standpoint of income is determined by comparing adjusted income as defined in Section 3, of the applicant; applicant and spouse; or applicant, spouse and minor dependent children with the following scale of income protected for basic maintenance:

Size of Family	Annual	Monthly
1	1,800	150
2	2,200	183
3	3,000	250
4	3,800	317
5	4,400	367
6	5,000	417

For each additional member, \$600 annually or fifty dollars (\$50) monthly is added to the scale.

Section 3. Additional Income Considerations: In comparing income with the scale as contained in Section 2, gross income is adjusted as follows in all cases with exceptions as contained in Section 4:

(1) In cases of adults and children, actual work related expenses of adult members and out-of-school youth are

deducted from gross earnings. All earnings of an in-school child are disregarded plus any amount of a statutory benefit received by an eighteen (18) to twenty-one (21) year old youth contingent upon school attendance actually used for school expenses.

(2) In cases of aged, blind or disabled individuals, the first twenty dollars (\$20) of income is disregarded. If the income is earned by the applicant or recipient, the first sixty-five dollars (\$65) and one-half (½) of the remainder is also disregarded.

(3) In all cases, verified fixed and measurable medical costs, including cost of health insurance premiums and expenses for medical services, recognized under state law but outside the scope of the medical assistance program, are deducted from income before comparison with the scale.

**Section 4. Persons in Chronic Care Institutions:** For aged, blind or disabled persons in skilled nursing or intermediate care facilities, income protected for basic maintenance is twenty-five dollars (\$25) monthly in lieu of the figure shown in Section 2. All income in excess of twenty-five dollars (\$25) is applied to the cost of care unless conserved for dependents as follows:

(1) Of total net income of applicant and spouse, \$150 is disregarded for the needs of the ineligible spouse, or if there are minor children, the appropriate family size amount from the scale as shown in Section 2.

(2) For aged, blind or disabled individuals in non-medical institutions, income protected for basic maintenance is the standard for the institution as established by the supplementation program of the bureau.

**Section 5. Spend-Down Provisions:** No technically eligible individual or family is required to utilize protected income for medical expenses before qualifying for medical assistance. Persons with income in excess of the basic maintenance scale as contained in Section 2 may qualify for any part of a three (3) month period in which medical expenses incurred during the period have utilized all excess income anticipated to be in hand during that period.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:38 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, 301 Capitol Annex, Frankfort, Kentucky 40601.

#### DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

##### 904 KAR 1:005. Non-duplication of payments.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the principles relating to non-duplication of payment and treatment of third-party liability for medical services, made

available to both the categorically needy and the medically needy.

**Section 1. Non-Duplication of Payment:** Non-duplication of payment as required by 45 C.F.R. section 250.30 is assured as follows:

(1) When a recipient makes payment for a covered service, and such payment is accepted by the provider as either partial payment or payment in full for that service, no responsibility for reimbursement shall attach to the department and no bill for the same service shall be paid by the department.

(2) When the department makes payment for a covered service and the provider accepts the payment made by the department in accordance with the department's fee structure, the amounts paid shall be considered payment in full; and no bill for the same service shall be tendered to the recipient, or payment for the same service accepted from the recipient.

**Section 2. Third-Party Liability:** The requirement contained in 45 C.F.R. section 250.31 that any third-party liability be considered as a resource is met as follows:

(1) When payment for a covered service is due and payable from a third-party source such as Medicare, an insurance plan, or some other third-party with a legal obligation to pay, the amount payable by the department shall be reduced by the amount of the third-party obligation.

(2) Notwithstanding the provisions of subsection (1) above, the department shall, in accordance with the provisions of 45 C.F.R. section 249.10, make no payment on behalf of any person of an amount payable under Title XVIII, Part B, Supplementary Medical Insurance (SMI), whether or not such SMI eligible recipient has enrolled in and paid the premium for participation in such insurance plan.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:40 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

#### DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

##### 904 KAR 1:006. Coverage for persons eligible for Title XVIII benefits.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the special coverage factors applicable to both categorically needy and medically needy individuals eligible for benefits under Title XVIII, Part A, Hospital Insurance Benefits, hereinafter referred to as HIB, and Title XVIII, Part B,

Supplementary Medical Insurance, hereinafter referred to as SMI.

Section 1. Purchase of Coverage under SMI. The department shall pay the SMI premium for all recipients eligible for such coverage who are receiving a money payment under either the Supplemental Security Income program or the state program of optional or mandatory supplementation.

Section 2. Deductibles and Coinsurance. The department shall pay the deductible and/or coinsurance amount for any medical service covered under the Kentucky Medical Assistance Program and also available under HIB or SMI to an individual eligible for such coverage. The actual amount paid for coinsurance shall be the uncovered percentage of the total permissible cost for the service as determined by the department.

Section 3. Limitations applicable to Non-Money Payment Recipients. Any HIB/SMI eligible categorically needy or medically needy individual, for whom the department does not purchase SMI coverage, is expected to retain HIB/SMI coverage, with premium payments considered as an income deduction. Failure to retain such coverage does not obligate the department for any payment in excess of deductible and coinsurance amounts.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:41 p.m.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**

**904 KAR 1:009. Physicians' services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to physicians' services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Physicians' Services: Covered services shall include those furnished by physicians through direct physician-patient contact in the office, the patient's home, a hospital, a skilled nursing or intermediate care facility or elsewhere.

Section 2. Limitations: (1) Coverage for initial and extensive visits shall be limited to two (2) visits per patient per physician per calendar year.

(2) Coverage for outpatient services shall be restricted to payment for a maximum of three (3) family members seen

on a given day. Program payment for three (3) family members shall be considered to be payment in full for that particular family visit.

(3) Payment for outpatient psychiatric services rendered by other than board-eligible and board-certified psychiatrists shall be limited to four (4) such services per patient per physician per calendar year.

(4) Pre-authorization by the Division for Medical Assistance shall be required for those patients who, due to over utilization, have been "locked-in" to one physician and one pharmacy, for payment for services in excess of four (4) prescriptions and four (4) physician visits per month.

(5) Coverage for laboratory procedures performed in the physician's office shall be limited to those procedures listed on the agency's physician laboratory benefit schedule.

(6) The cost of preparations used in injections shall be considered a non-covered benefit.

(7) Telephone contacts with patients shall not be considered a covered benefit.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:42 p.m.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**

**904 KAR 1:012. In-patient hospital services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to in-patient hospital services for which payment shall be made by the Medical Assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Length of Stay: In-patient hospital services except for services in an institution for treatment of tuberculosis or mental diseases shall be limited to a maximum of twenty-one (21) days per admission. Each admission shall be reviewed by the hospital's utilization review mechanism within twenty-four (24) hours after admission and assigned a length of stay date. The admission shall again be reviewed on or before the assigned length of stay date if further admission necessitated.

Section 2. Covered Admissions: Admissions for which payment is made shall be limited to those primarily indicated in the management of acute or chronic illness, injury or impairment, or for maternity care or diagnostic services that could not be rendered on an out-patient basis.

Section 3. In-patient Hospital Services Not Covered by the Medical Assistance Program: (1) Those services which are not medically necessary to the patient's well-being, such

as television, telephone and guest meals.

(2) Private duty nursing.

(3) Those supplies, drugs, appliances, and equipment which are furnished to the patient for use outside the hospital unless it would be considered unreasonable or impossible from a medical standpoint to limit the patient's use of the item to the periods during which he is an in-patient.

(4) Private accommodations unless medically necessary and so ordered by the attending physician.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:43 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**

**904 KAR 1:013. Payments for hospital in-patient services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for hospital in-patient services.

Section 1. Hospital In-patient Services: The department shall reimburse participating hospitals for hospital in-patient services on the basis of reasonable cost.

Section 2. Determination of Reasonable Cost: The department shall determine reasonable cost in the following manner: (1) To determine the reasonable cost for each hospital participating in the Health Insurance for the Aged Program under Title XVIII of the Social Security Act, the department shall apply the same standards, cost reporting period, cost reimbursement principles, and the method of cost apportionment currently applicable to such hospitals under Title XVIII; however, the in-patient routine service costs for medical assistance recipients shall be determined subsequent to the application of the Title XVIII method of apportionment and the calculation shall exclude the applicable Title XVIII in-patient routine service charges under the Departmental Method or patient days under the Combination Methods as well as Title XVIII in-patient routine service costs (including any nursing salary cost differential).

(2) To determine the reasonable cost for each hospital not participating in the Health Insurance for the Aged Program under Title XVIII of the Social Security Act, the department will apply the standards and principles described in 20 C.F.R. sections 405.402 through 405.455 (excluding the in-patient routine nursing salary cost differential) and either of the following, depending on the

bookkeeping methods and preference of the hospital involved:

(a) One of the available alternative cost apportionment methods in 20 C.F.R. section 405.404.

(b) The "Gross Reasonable Cost Compared to Actual Charges Method" of cost apportionment applied as follows: For a reporting period, the total allowable hospital in-patient costs are divided by the total allowable hospital in-patient charges; the resulting percentage is applied to the bill of each in-patient.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:44 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**

**904 KAR 1:014. Out-patient hospital services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to out-patient hospital services for which payment will be made by the medical assistance program in behalf of both the categorically needy and medically needy.

Section 1. Hospital Out-patient Services covered by the Medical Assistance Program: There are no limitations on the number of hospital out-patient visits or services available to program recipients. Hospital out-patient services to be covered, listed below, must be prescribed by, or in the case of emergency room services, determined to be medically necessary by a duly-licensed physician, or when applicable, a duly-licensed dentist, for the care and treatment indicated in the management of illness, injury, impairment or maternity care, or for the purpose of determining the existence of such an illness or condition in a patient. Moreover the services must be furnished by or under the supervision of a duly-licensed physician, or when applicable, a duly-licensed dentist.

(1) Diagnostic services as ordered by a physician;

(2) Therapeutic services as ordered by a physician;

(3) Emergency room services in emergency situations as determined by a physician.

Section 2. Hospital Out-patient Services not covered by the Medical Assistance Program: (1) Items and services which are not reasonable and necessary for or related to the diagnosis or treatment of illness or injury, impairment or maternity care.

(2) Services for which the individual has no obligation to pay and which no other person has a legal obligation to provide or to pay for.

(3) Medical supplies and appliances except those inci-

dent to the performance of services in the hospital out-patient department and which are included in the rate of payment established by the Kentucky Medical Assistance Program for hospital out-patient services.

(4) Drugs, biologicals and injectables purchased by or dispensed to a patient.

(5) Clinic fees.

(6) Routine physical examinations.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:45 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 1:015. Payments for hospital out-patient services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for hospital out-patient services.

Section 1. Out-patient Hospital Services: In accordance with the provisions of 45 C.F.R. section 250.30 the department shall reimburse participating hospitals for out-patient services on the basis of reasonable costs as related to charges utilizing the Title XVIII Standards for Reimbursement applied to the Title XIX patient services.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:46 p.m.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**

**904 KAR 1:016. Psychiatric hospital services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions

relating to services in institutions for mental diseases for which payment shall be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Provision of Service: In-patient services provided in an institution accredited as a psychiatric hospital by the Joint Commission on Accreditation of Hospitals shall be made available to recipients of medical assistance age sixty-five (65) or over or under age twenty-one (21) as limited by Section 1905 (a)(14) and 1905 (a)(16) of the Social Security Act.

Section 2. Durational Limitation: Durational limitation on payment in respect to the aged recipient is subject to the utilization review mechanism of the hospital. Notwithstanding a continuing need for psychiatric care, payment for services cannot be continued past the 22nd birthday for patients admitted prior to the 21st birthday.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:47 p.m.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**

**904 KAR 1:017. Tuberculosis institution services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to services in institutions for tuberculosis for which payment shall be made by the medical assistance program in behalf of both the categorically needy and medically needy.

Section 1. Provision of Service: In-patient hospitalization in participating institutions established and maintained primarily for the care and treatment of individuals with tuberculosis shall be available only to those medical assistance recipients aged sixty-five (65) and over as limited by Section 1905 (a)(14) of the Social Security Act. Durational limitation on payment is subject only to the utilization review mechanism of the hospital.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:48 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 1:018. Payments for tuberculosis and psychiatric services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for tuberculosis and mental hospital services.

**Section 1. Tuberculosis and Mental Hospitals:** In accordance with the provisions of 45 C.F.R. section 250.30, the department shall reimburse participating tuberculosis and mental hospitals on the basis of reasonable costs as related to charges utilizing the Title XVIII Standards for Reimbursement applied to the Title XIX patient services.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:49 p.m.

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

**DEPARTMENT FOR HUMAN RESOURCES  
Bureau for Social Insurance**

**904 KAR 1:019. Pharmacy services.**

RELATES TO: KRS 250.520

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The Department for Human Resources has responsibility to administer the program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to pharmacy services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and medically needy.

**Section 1. Prescribed Drugs:** Drugs prescribed by a physician, osteopath or dentist shall be provided with the following limitations: (1) The drug must be included on the Medical Assistance Program drug list;

(2) Prescribing quantities shall be limited by the program;

(3) Pre-authorization is required for patients placed in "lock-in" status due to over-utilization, who require more than four (4) prescriptions per month;

(4) Practitioner authorization, i.e. actual signature of the prescriber, shall be required on all prescriptions;

(5) No prescription shall be refilled more than five (5) times, or more than six (6) months after the original prescription is written;

(6) Drugs, provided to recipients in institutions in which drugs are considered a part of the reasonable allowable costs under the Kentucky Medical Assistance Program, shall not be billed as an out-patient pharmacy benefit;

(7) Effective May 1, 1975, legend drugs, of a type not included on the Kentucky Medical Assistance drug list, and which meet established criteria, shall be considered covered when pre-authorized by qualified medical professionals within the Division for Medical Assistance.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:03 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 1:022. Skilled nursing facility services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to skilled nursing facility services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and medically needy.

**Section 1. Provision of Service:** Payment for services shall be limited to those services provided to eligible individuals meeting the criteria of patient status in that they require skilled nursing care on a continuous basis following an acute illness or as a result of a chronic disease and/or disability and are receiving such care in a participating facility.

**Section 2. Determining Patient Status:** Professional staff of the department shall review and evaluate the health status and care needs of the recipient in need of institutional care giving consideration to the medical diagnosis, care needs, services and health personnel required to meet these needs and the feasibility of meeting the needs through alternative institutional or non-institutional services. A patient with an unstable medical condition manifesting a combination of care needs in the following areas may qualify for skilled nursing care:

(1) Requires naso-gastric or gastrostomy tube feedings;

(2) Recent and/or complicated ostomy requiring extensive care and self-help training;

(3) In-dwelling catheter for therapeutic management of a urinary tract condition;

(4) Bladder irrigations in relation to previously indicated stipulation;

(5) Special vital signs evaluation necessary in the management of related conditions;

(6) Sterile dressings;

(7) Changes in bed position to maintain proper body alignment;

(8) Care of decubitus;

(9) Receiving medication recently initiated, which requires skilled observation to determine desired or adverse effects and/or frequent adjustment of dosage;

(10) Requiring intensive physical therapy with potential of rehabilitation (therapy must be within the realm of accepted medical practice);

(11) Requiring respiratory therapy on continuous or very regular basis;

(12) Requiring respiratory therapy as circumstances may require (in the management of an unstable condition when there is evidence that therapy is administered as circumstances may require).

Section 3. Re-evaluation of Need for Service: Skilled nursing service shall be provided for as long as the health status and care needs are within the scope of program benefits as described in Sections 1 and 2. Patient status shall be re-evaluated at least once every six (6) months. If a re-evaluation of care needs reveals that the patient no longer requires skilled care, payment shall continue for twenty (20) days to permit orderly transfer to a lesser level of care. If the patient's care needs are within the scope of intermediate care facility benefits and there are no beds available in the area, an extension of payment shall be granted providing the patient's name is placed on the waiting list of suitable facilities.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:52 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 1:023. Payments for skilled nursing facility services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for skilled nursing home services.

Section 1. Skilled Nursing Facilities: In accordance with the guidelines set forth in 45 C.F.R. section 250.30, the department shall make payment to participating providers on the following basis:

(1) Payment shall be on the basis of reasonable cost.

(2) Reasonable cost is determined by application of the reimbursement principles by which Title XVIII-A reimbursement amounts are determined.

(3) Total payment for skilled nursing facility services

shall not exceed customary charges which are reasonable, or the rate paid by Title XVIII-A for comparable services on a facility by facility basis.

Section 2. Use of the Title XVIII-A Rate: When a skilled nursing facility participates in both Title XVIII-A and Title XIX, the rate established by the Title XVIII-A rate setting authority shall be used.

Section 3. Definitions: The following definitions apply in the determination of skilled nursing facility rates:  
(1) "Customary charges," means those charges made to the general public for the same services.

(2) "Which are reasonable," means those charges made which reasonably relate to the provision of skilled nursing services to the patient, and which are allowable in determining cost.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:52 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 1:024. Intermediate care facility services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provision relating to intermediate care facility services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Provision of Service: Payment for services shall be limited to those services provided to eligible individuals meeting the criteria of patient status in that they require intermittent skilled nursing care, continuous personal care and/or supervision in an institutional setting.

Section 2. Classification of Facilities: There shall be two (2) classifications of intermediate care facilities, i.e. (i) general intermediate care facilities and (ii) intermediate care facilities for the mentally retarded and persons with related conditions.

Section 3. Determining Patient Status: Professional staff of the department shall review and evaluate the health status and care needs of the recipient in need of institutional care giving consideration to the medical diagnosis, care needs, services and health personnel required to meet the needs and the feasibility of meeting the needs through alternative institutional or non-institutional services. A patient with a stable medical condition manifesting a

combination of the following care needs may be qualified for intermediate care:

- (1) Assistance with wheelchair;
- (2) Physical and/or environmental management for confusion and mild agitation;
- (3) Must be fed;
- (4) Assistance with going to bathroom or using bedpan for elimination;
- (5) Old colostomy care;
- (6) In-dwelling catheter for dry care;
- (7) Changes in bed position;
- (8) Administration of stabilized dosages of medication;
- (9) Restorative and supportive nursing care to maintain the patient and prevent deterioration of his condition;
- (10) Administration of injections during time licensed personnel is available.
- (11) Services that could ordinarily be provided or administered by the individual but due to physical and/or mental condition is not capable of such self-care.
- (12) For intermediate care in an intermediate care facility/mentally retarded only, physician and/or environmental management and/or rehabilitation for moderate to severe retardation.

Section 5. Re-evaluation of Need for Service: Intermediate care shall be provided for as long as the health status and care needs are within the scope of program benefits. Patient status shall be re-evaluated at least every six (6) months. If the re-evaluation reveals that the patient's condition indicates the need for a different level of care, payment shall continue for a maximum of twenty (20) days to provide for orderly transfer to the appropriate level of care.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:08 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 1:026. Dental services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to dental services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Out-of-Hospital Services: Payment for services is limited to those procedures listed in the department's Dental Benefit Schedule which are included in the following categories:

- (1) Diagnostic;
- (2) Preventive;

- (3) Oral surgery;
- (4) Endodontics;
- (5) Operative;
- (6) Crown and bridge;
- (7) Prosthetics;
- (8) Orthodontics; and
- (9) Other services.

Section 2. Limitations by Age Group: Payment for the following procedures shall be limited to recipients of medical assistance who are under age twenty-one (21):

- (1) Topical application of stannous fluoride, one (1) treatment excluding prophylaxis.
- (2) Extirpation of pulp filling of one (1) root canal, excluding restoration.
- (3) Repair of fracture of transitional appliance or space maintainers.
- (4) Repair of fracture and replacement of one (1) broken tooth on a transitional appliance or space maintainer.
- (5) Fixed space maintainer, band type.
- (6) Removable space maintainer, acrylic.
- (7) Removable appliance for tooth guidance.
- (8) Fixed or cemented appliance for tooth guidance.
- (9) Transitional appliance, includes one (1) tooth on appliance, upper appliance.
- (10) Transitional appliance, includes one (1) tooth on appliance, lower appliance.
- (11) Each additional tooth on appliance.

Section 3. Calendar Year Restrictions: Procedures for which payment is limited on a calendar year basis are:

- (1) One (1) each for the following:
  - (a) Topical application of stannous fluoride, one (1) treatment excluding prophylaxis.
  - (b) Dental prophylaxis.
  - (c) Relining upper denture (flask cured only).
  - (d) Relining lower denture (flask cured only).
  - (e) Transitional appliance, includes one (1) tooth on appliance, upper appliance
  - (f) Transitional appliance, includes one (1) tooth on appliance, lower appliance.
- (2) Any two (2) from the following. This may be in the form of two (2) from any one of the procedures, or one (1) each from any two (2) of the procedures:
  - (a) Fixed space maintainer, band type.
  - (b) Removable space maintainer, acrylic.
  - (c) Removable appliance for tooth guidance.
  - (d) Fixed or cemented appliance for tooth guidance.
- (3) Three (3) each for the following:
  - (a) Repair of fracture of transitional appliance or space maintainer.
  - (b) Repair of fracture and replacement of one (1) broken tooth on a transitional appliance or space maintainer.
  - (c) Repairing broken denture with no teeth damaged.
  - (d) Repairing broken denture and replacing one (1) broken tooth.

Section 4. In-patient Hospital Services: (1) Payment shall be made for all hospital in-patient services rendered by oral surgeons.

(2) Payment for services, pre-authorized by the Division for Medical Assistance, rendered by general dentists for hospital in-patient care shall be limited to multiple extractions for patients termed to be "medically a high risk," defined as:

- (a) Heart disease;
- (b) Respiratory disease;
- (c) Chronic bleeder;
- (d) Uncontrollable patient, i.e. retardate, emotionally disturbed;
- (e) Other, e.g. car accident, high temperature, massive infection.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:57 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 1:027. Payments for dental services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for dental services.

Section 1. Out-of-Hospital Care: (1) The department shall reimburse participating dentists for covered services rendered to eligible medical assistance recipients at rates based on the dentist's usual customary, reasonable, and prevailing charges.

(2) Definitions: For purpose of determination of payment:

(a) "Usual and customary charge" refers to the uniform amount which the individual dentist charges in the majority of cases for a specific dental procedure or service.

(b) "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 dental procedure are derived from the overall pattern existing within each medical service area.

(3) Method and source of information on charges:

(a) Effective with fee revisions December 1, 1974 and after, individual fee profiles for participating dentists will be generated from historical data accumulated from charges submitted and processed by the Medical Assistance Program during all of the calendar year preceding the start of the fiscal year in which the determination is made.

(b) Effective with revisions December 1, 1974 and after, Title XIX prevailing fee maximums will be generated from the same historical data as referenced in paragraph (a) above.

(c) Effective with revisions December 1, 1974 and after, when applicable Title XVIII, Part B current reasonable charge profiles and current prevailing charge data will be utilized by the Medical Assistance Program, to comply with Federal Regulations, 45 C.F.R. section 250.30

(d) Percentile. The Title XIX prevailing charges were established by utilizing the statistical computation of the

75th percentile.

(4) Maximum reimbursement for covered procedures: Reimbursement for covered procedures shall be limited to the lowest of the following:

(a) The actual charge for services rendered as submitted on the billing statement.

(b) The dentist's median charge for a given service derived from claims processed during all of the calendar year preceding the start of the fiscal year in which the determination is made.

(c) The Title XIX prevailing fee maximum for a given service, derived from claims processed as described in paragraph (b) above.

(d) The dentist's reasonable charge recognized under Part B, Title XVIII when applicable.

Section 2. Hospital In-patient Care. (1) Hospitalized in-patient care refers to those services provided in-patients. It does not include dental services provided in the out-patient, extended care or home health units of hospitals. All fees for "hospitalized in-patient care" are on a per admission basis, i.e., any dentist or oral surgeon submitting a claim for a payment of either of the two (2) benefits under hospitalized in-patient care must agree to accept that single program benefit payment for all his professional services rendered to that patient during that admission.

(2) An oral surgeon submitting a claim for payment shall be paid for all in-hospital dental services as an "attendance fee" or "consultation fee." The "attendance fee" shall be fifty dollars (\$50) and the "consultation fee" shall be twenty-five dollars (\$25).

(3) A general dentist may submit a claim for hospital in-patient services only for multiple extractions for the patient termed "medically a high risk." Medically high risk is defined as a patient in one (1) of the following classifications:

- (a) Heart disease;
- (b) Respiratory disease;
- (c) Chronic bleeder;
- (d) Uncontrollable patient (retardate, emotionally disturbed); or
- (e) Other (car accident, high temperature, massive infection, etc.).

(4) A general dentist shall receive "attendance fee" or "consultation fee" for the hospital in-patient service in the amount of forty dollars (\$40) as "attendance fee" and twenty dollars (\$20) as "consultation fee."

(5) "Attendance fee" is considered to be full payment for daily attendance of a hospital in-patient, per admission, regardless of length of stay, diagnosis, or type of professional service rendered. This fee is to be requested by the attending dentist or oral surgeon for any given admission.

(6) "Consultation fee" is considered to be in full payment of consultation provided on behalf of a hospital in-patient or request of the consulting physician/oral surgeon/dentist. This fee may be paid to more than one physician/oral surgeon/dentist per admission. The fee is thus considered full payment for all consultation provided by a given physician/oral surgeon/dentist (other than the attending oral surgeon/dentist) during a given admission. For purpose of payment in this program the administration of anesthesia by a physician/oral surgeon will be considered consultation.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:59 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 1:028. Other laboratory and x-ray services.**

RELATES TO: KRS 205.520  
 PURSUANT TO: 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to other laboratory and x-ray services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and medically needy.

Section 1. Covered Services: Laboratory services provided by a participating independent laboratory shall be limited to the following procedures when prescribed by a physician or dentist:

- (1) Bilirubin;
- (2) Bleeding time;
- (3) Blood culture (definitive);
- (4) Red blood count;
- (5) White blood count;
- (6) Differential;
- (7) Complete blood count;
- (8) Cholesterol;
- (9) Clotting time;
- (10) Hemoglobin;
- (11) Hematocrit;
- (12) Acid phosphatase;
- (13) Alkaline phosphatase;
- (14) Potassium;
- (15) Prothrombin time;
- (16) RA test (latex agglutinations);
- (17) Stool (occult blood);
- (18) Sedimentation rate;
- (19) Sodium;
- (20) Glucose (blood);
- (21) Blood typing;
- (22) Blood urea nitrogen;
- (23) Uric acid;
- (24) SGOT or SGPT (serum transaminase);
- (25) Stool (ova and parasites);
- (26) Pap smear;
- (27) Urine analysis;
- (28) Pregnancy test;
- (29) Smears for bacteria, stained;
- (30) Cultures (throat, urine, etc.);
- (31) Package of the following twelve (12) tests when performed on automatic laboratory analyzing machine: cholesterol, calcium, phosphorus, total serum bilirubin, albumin, total protein, uric acid, blood urea nitrogen, glucose, lactic dehydrogenase, alkaline phosphatase, and

serum transaminase.

GAIL S. HUECKER, Commissioner  
 C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 3:59 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 1:029. Payments for laboratory services**

RELATES TO: KRS 205.520  
 PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method of determining amounts payable by the department for laboratory services.

Section 1. Laboratory Services: In accordance with 45 C.F.R. section 250.30, the department shall reimburse participating independent laboratories for covered services rendered on the basis of the following: (1) Reimbursement shall be made on the basis of an established fee schedule.

(2) The fee schedule shall not exceed customary fees which are reasonable and within the prevailing charges in the medical service locality for comparable services under comparable circumstances.

GAIL S. HUECKER, Commissioner  
 C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:00 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 1:030. Home health agency services.**

RELATES TO: KRS 205.520  
 PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of Medical Assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to home health care services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Covered Services: Services provided by a participating home health agency shall be considered covered services when provided in accordance with a plan of care. Services provided are:

- (1) Part-time nursing services;
- (2) Physical therapy services;
- (3) Speech therapy services;
- (4) Occupational therapy services;
- (5) Medical social services;
- (6) Disposable medical supplies; and
- (7) Home health aide services.

Section 2. Exclusions: Excluded from coverage are durable equipment and appliances.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:01 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 1:031. Payments for home health services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for home health agency services.

Section 1. Home Health Agencies: The department shall reimburse participating home health agencies on the basis of the interim rates established under Title XVIII.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:02 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 1:034. Early and periodic screening, diagnosis and treatment.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any require-

ment that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to the early and periodic screening, diagnosis and treatment service for which payment shall be made by the medical assistance program in behalf of both categorically needy and medically needy children under age twenty-one (21).

Section 1. Screening: Services rendered by a participating screening clinic or organized group of paramedical professionals directed toward the early detection of diseases and abnormalities shall include but not necessarily be limited to the following:

- (1) Medical history;
- (2) Assessment of physical growth;
- (3) Inspection for obvious physical defects;
- (4) Inspection of ears, nose, mouth, teeth and throat;
- (5) Visual screening, audiometric testing;
- (6) Screening for anemia, including sickle cell anemia;
- (7) Screening for urinary problems;
- (8) Assessment of immunization status and updating immunization;
- (9) Tuberculin skin test;
- (10) Blood pressure on all patients over six (6) years of age and others when indicated;
- (11) Venereal disease testing of post-puberty patients when indicated.

Section 2. Diagnosis and Treatment: If, as a result of screening, referral for additional service is indicated, further diagnosis and medical treatment shall be provided for any service which is considered a covered service under the Medical Assistance Program.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:00 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 1:035. Payments for screening services.**

RELATES TO: KRS 205.520

PURSUANT TO: 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for screening services.

Section 1. Reimbursement of Screening Clinics: The department shall reimburse participating screening clinics or agencies on the basis of a pre-established fee based on cost of service.

Section 2. Amount of Payment: A flat fee of twelve dollars (\$12) shall be paid for each individual screened.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:01 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 1:038. Hearing and vision services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to the hearing services and vision care services for which payment shall be made by the medical assistance program in behalf of both categorically needy and medically needy children under age twenty-one (21).

Section 1. Hearing Services: (1) Audiological benefits: Coverage shall be limited to the following services provided by certified audiologists:

- (a) Complete hearing evaluation;
- (b) Hearing aid evaluation;
- (c) A maximum of three (3) follow-up visits within the six (6) month period immediately following fitting of a hearing aid, such visits to be related to the proper fit and adjustment of that hearing aid;
- (d) One (1) follow-up visit six (6) months following fitting of a hearing aid, to assure patient's successful use of the aid.

(2) Hearing aid benefits: Coverage shall be provided on a pre-authorized basis for any hearing aid model recommended by a certified audiologist so long as that model is available through a participating hearing aid dealer.

Section 2. Vision Care Services: Coverage shall be limited to diagnostic services, prescription services and services to frames and lenses. All eyeglasses other than those prescribed for amblyopic or post-surgical patients, and certain replacement of frames and lenses, shall be pre-authorized by the Division for Medical Assistance.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:08 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 1:039. Payments for hearing services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for hearing services.

Section 1. Audiologists. (1) The department shall reimburse participating audiologists on the basis of a flat fee schedule.

(2) The flat fee schedule for covered services is:

- (a) Complete hearing evaluation, fifteen dollars (\$15).
- (b) Complete hearing evaluation and hearing aid evaluation, twenty-five dollars (\$25).
- (c) Follow-up visit (following hearing aid fitting), ten dollars (\$10).
- (d) Six (6) month follow-up visit, five dollars (\$5).

Section 2. Hearing Aid Dealers. (1) If the manufacturer of the hearing aid billed to the program has submitted a dealer price schedule which includes that hearing aid, the department shall reimburse the participating hearing aid dealer at that dealer price in the price schedule plus a professional fee of fifty dollars (\$50), or at the actual dealer cost plus a professional fee of fifty dollars (\$50) or at the suggested retail price submitted by the manufacturer for that aid, whichever is less.

(2) If the manufacturer of the hearing aid billed to the program has not submitted a dealer price schedule which includes that hearing aid, the department shall reimburse the participating hearing aid dealer at the lowest dealer price submitted for a comparable hearing aid plus a professional fee of fifty dollars (\$50) or at the actual dealer cost plus a professional fee of fifty dollars (\$50), or at the lowest suggested retail price submitted for a comparable aid, whichever is the lesser amount. Comparable aids are defined as aids falling within the general classifications of fitting type, i.e. body, behind-the-ear, in-the-ear, eyeglasses.

Section 3. Cords: The department shall make payment for replacement cords at the dealer's cost, plus a professional fee of one dollar and fifty cents (\$1.50).

Section 4. Hearing Aid Repairs: The department shall reimburse hearing aid dealers for hearing aid repairs on the basis of the manufacturer's charge for repair and/or replacement of parts, plus the dealer's cost for postage and insurance relative to the repair, plus a professional fee of one dollar and fifty cents (\$1.50).

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:10 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 1:040. Payments for vision care services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for vision care services.

**Section 1. Optometrists:** (1) Reimbursement shall be made to participating optometrists utilizing a relative value system for covered vision care services provided based on the 1968 relative value study conducted by the American Optometric Association.

(2) Individual participating optometrists shall be reimbursed at the usual and customary rate of reimbursement under the relative value system, which is not to exceed the prevailing maximum fee. The usual and customary rates of reimbursement are established from fee charge data submitted by individual participating optometrists. The prevailing maximum fee is derived from fee charge data collected during July, 1972 from individual participating optometrists.

(3) Participating optometrists shall be reimbursed for eyeglass materials at their actual laboratory cost, except that for materials for which the department has established payment maximums deemed by the department to be reasonable, the payment shall not exceed the established maximum.

**Section 2. Ophthalmic Dispensers:** Participating licensed ophthalmic dispensers shall be reimbursed on the basis of the laboratory cost of the eyeglasses, not to exceed the established payment maximums as specified in Section 1, above, plus a usual and customary fitting fee not in excess of the prevailing maximum fee as determined in accordance with Section 1, above.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:10 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 1:044. Mental health center services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

**NECESSITY AND FUNCTION:** The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any require-

ment that may be imposed or opportunity presented by federal law for the provision of Medical Assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to services provided by Mental Health Centers for which payment shall be made by the medical assistance program to both the categorically needy and the medically needy.

**Section 1. Covered Services:** The following services provided by participating mental health centers shall be considered covered when rendered within Kentucky medical assistance program guidelines:

(1) In-patient services, when a center based psychiatrist renders the service, or when the psychiatrist deems it appropriate for the psychologist, psychiatric nurse, or master social worker to provide therapy for the patient.

(2) Out-patient services, if rendered by a psychiatrist, psychologist, psychiatric nurse or master social worker. Services rendered by a staff member other than one of the above shall be covered only if service is delivered in accordance with a plan of treatment developed by one (1) of the four (4) principle disciplines and approved by the psychiatrist.

(3) Partial hospitalization, if (i) the psychiatrist is present in the partial hospitalization unit on a regularly scheduled basis and assumes clinical responsibility for all patients; (ii) the program has direct supervision by a psychiatrist, psychologist, psychiatric nurse or master social worker.

(4) Home visits, if (i) certified as a medical necessity by the psychiatrist or if the patient is homebound, and (ii) provided by one of the four (4) principle disciplines and in accordance with an approved treatment plan.

(5) Detoxification units, when rendered by a center based psychiatrist in a detoxification unit.

(6) Psychological testing, if the tests are administered and evaluated by a certified clinical psychologist.

(7) Emergency services, if the eligible recipient is seen in an emergency situation by any member of the mental health staff.

(8) Personal care home services, if rendered by any of the four (4) principle disciplines (psychiatrist, psychologist, psychiatric nurse or master social worker) to eligible recipients in personal care homes shall be considered covered services. Resocialization and/or remotivation services rendered to groups, if rendered in accordance with a plan of treatment and if staff notes reflect the patient's need for continued therapy.

(9) Diagnosis deferred, diagnostic category, only if provided by the psychiatrist or psychologist.

(10) Speech disturbance, diagnostic category, only if provided by a psychiatrist or psychologist.

(11) Services to clients in intermediate and skilled nursing facilities if provided on a one-to-one basis by the psychiatrist, psychologist, psychiatric nurse or master social worker in accordance with an approved plan of treatment.

**Section 2. Non-Covered Services.** The following mental health center services are non-covered:

- (1) Services of an educational or supervisory nature;
- (2) Speech therapy;
- (3) Services rendered by an alcohol or drug counselor;
- (4) Consultation;
- (5) Collateral therapy;
- (6) Residential treatment for alcoholism;
- (7) Social and recreational activities for clients in inter-

mediate care facilities or skilled nursing facilities.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:09 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 1:045. Payments for mental health center services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department, by regulation, to comply with any requirement that may be imposed, or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for mental health center services.

Section 1. Mental Health Centers: The department shall reimburse participating mental health centers on the basis of a pre-established flat fee per visit rate based on certified cost audits.

Section 2. Amount of Payment: The flat fee per visit rate for reimbursement shall be sixteen dollars and eighty-two cents (\$16.82).

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:11 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 1:048. Family planning services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to the provision of family planning services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Services Available: Services shall be provided through routine physician visits or through family planning clinics and shall include counseling services, medical services and supplies.

Section 2. Limitations: Family planning services shall be made available to all persons of child bearing age, including minors who can be considered to be sexually active, who desire such services and supplies but there shall be freedom from coercion and freedom of choice of method.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:12 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 1:049. Payments for family planning services.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the department by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the department for family planning services.

Section 1. Family Planning Clinics: The department shall reimburse family planning clinics or agencies for covered services on the basis of a flat fee schedule.

Section 2. Amount of Payment: Reimbursement in accordance with the flat fee schedule shall be at the following rates: initial clinic visit, thirty dollars (\$30); annual clinic visit, twenty-five dollars (\$25); follow-up visit with pelvic examination, fifteen dollars (\$15); follow-up visit without pelvic examination, ten dollars (\$10); counseling visit, seven dollars (\$7); and, supply only visit, actual acquisition cost of contraceptive supplies dispensed.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:12 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary for Human Resources, 301 Capitol Annex,  
Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Social Insurance**

**904 KAR 1:060. Medical transportation.**

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for

Human Resources has responsibility to administer the program of Medical Assistance under Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to the service of transportation for access to medical services for which payment will be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

**Section 1. Ambulance Service:** Ambulance service shall be provided only when other means of transportation is contraindicated, and the following criteria are met:

(1) Emergency ambulance services to the nearest appropriate medical facility are provided without pre-authorization when the emergency treatment is indicated and rendered.

(2) Non-emergency ambulance services designed to facilitate the orderly admittance, transfer or placement of the patient are permitted without pre-authorization when the place of destination, point of departure, and purpose of transfer meet guidelines specified by the agency.

(3) Non-emergency ambulance services for round trips to a hospital or a clinic to secure outpatient treatment or therapy are provided when pre-authorized by the Division for Medical Assistance.

**Section 2. Locally Authorized Medical Transportation:** A petty cash system administered at the local level shall

provide for pre-authorized non-emergency, non-ambulance transportation, limited to the provision of such services when the client is traveling to or from a medical service covered under the state plan, exclusive of drugs, the service is determined to be medically necessary, and payment for transportation is necessary to assure that the medical service is secured. Locally authorized medical transportation as above shall be provided on an exceptional basis with the limitation that post-authorization must be justified by the client showing the need arose and was fulfilled. outside normal working hours and that payment for the transportation has not been made.

**Section 3. Determination of Necessity:** Any determination of medical necessity of transportation, and provision of pre-authorization and post-authorization, shall be made by the department or by an authorized representative. Only transportation within the medical service area is approved unless pre-authorized by the department (or post-authorized in certain instances), unless previously designated criteria for transportation not requiring authorization are met.

GAIL S. HUECKER, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: June 24, 1975

RECEIVED BY LRC: June 24, 1975 at 4:13 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Secretary for Human Resources, 301 Capitol Annex,  
Frankfort, Kentucky 40601.

## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE MINUTES

## Minutes of July 2, 1975 Meeting

(Subject to Subcommittee approval at its next meeting on August 13, 1975.)

The Administrative Regulation Review Subcommittee held its thirteenth meeting on Wednesday, July 2, 1975 at 10:00 a.m. (EDT) in the Senate Chambers of the State Capitol. Present were:

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

Guests: Representative William Donnermeyer; representatives from Day Care Centers: Rosemary Borders, Jean M. Schmidt, Margaret Bridgers, Linda Moberly, Betty Hantz, Dolores Smith, Ethel Tucker, Barbara Stephens, and Linda Sutherland; Department for Natural Resources and Environmental Protection: Secretary John Stanley Hoffman, Perry White, Harold Snodgrass, Art Curtis, John T. Smither, Billy Lewis, John R. Roberts, Eugene D. Attkisson, Hisham M. Saaid, Herman Regan, Larry Springate, Jackie Swigart, W. Warner Ford, Alan Harrington, and R. Lee Armbruster; Department for Human Resources: Thyra Whitford, Lynn Mitchell, Harry Shephard, William Crowe, Susan Turner, Mary Ruth Riffe, W. O. Hubbard, Carolyn Rosenkrans, and M. V. Peak; representatives of utility companies: L. G. Morehous, Lewis Wallace, Joe Rister, Gordon Park, Gene Buchheit, Jim Owens, Gary Hester, C. Paul White, Howell Hightower, Curtis Holman, Walter Smith, Mark Davis, Jr., John Butts, George Wheeler, John Griggs, J. Wiley Bowers, Malcolm Marshall, Joseph Beard, W. L. Borgerding, W. E. Gill, and Clifford E. Smith, Jr.; Lloyd R. Cross, Ashland Oil; David Short, Attorney General's Office; Tom Duncan and J. H. Mosgrove, Kentucky Coal Association; Marrs Allen May, Pikeville; D. T. Froedge and Sheila Isaac, Department of Mines and Minerals; James Patton, Department of Education; and Harry Byers, Kentucky Chiropractic Board.

LRC Staff: Phillip R. Patton, E. Hugh Morris, Mabel Robertson, Garnett Evins, Brandon Haynes, Deborah Herd, and Tom Dorman.

Press: Livingston Taylor, Courier-Journal; Bill Bradford, Associated Press; and Martin E. Biemer, The Louisville Times.

The minutes of the meeting of June 11, 1975 were approved.

Senator Moloney reminded the committee that since the regulations relating to the Department for Natural Resources and Environmental Protection were deferred at the last meeting due to the late date of receipt of the statements of affirmative consideration, it was decided at that time that the regulations would be placed first on the agenda for the July 2 meeting.

After hearing testimony from representatives of the Tennessee Valley Authority, Kentucky Power Companies and the Kentucky Utilities Company which included Lewis E. Wallace, Lynn Morehous, Mark B. Davis, Jr., John T. Butts, Malcolm Marshall, Gene Buchheit and Clifford E. Smith, Jr., and representatives of the Department for Natural Resources and Environmental Protection which included Perry White, John Smither and Eugene D.

Attkisson, the motion was made by Representative Richardson and seconded by Representative Davis to reject regulation 401 KAR 3:060. The regulation was rejected with Senator Moloney voting no.

Mr. Smith requested that the brief which he presented to the members of the subcommittee and the rationale statement presented by the Division of Air Pollution be made a part of the record.

Mr. White requested that the subcommittee give the Department for Natural Resources and Environmental Protection an opportunity to discuss the rejected regulation with representatives of the opposing side during a brief recess. The motion was made and seconded that the subcommittee stand in recess for thirty minutes. Agreed.

At the appointed time Senator Moloney called the meeting to order. Representative Richardson moved that the vote by which regulation 401 KAR 3:060 was rejected be reconsidered. The motion was seconded by Representative Davis and the regulation was brought before the committee.

Mr. White told the committee that representatives from his department had met with representatives of the utilities and reached an agreement whereby the opposition would withdraw their protests and the department would consider the evidence offered and re-evaluate the regulation.

Representative Davis told the committee that realizing if the committee did not file the regulation the Department would be without an important regulation and keeping in mind that the Department is to work with utilities company to re-evaluate the regulation he moved that the regulation be filed. The motion was seconded by Senator Moloney and the regulation was filed with Representative Richardson voting no.

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

201 KAR 5:010, Kentucky Board of Optometric Examiners, Application for Examination. The regulation is returned for the reason that the requirement of letters of recommendation from the president or secretary exceeds the statutory requirement for reciprocity set forth in KRS 320.270.

201 KAR 19:035, State Board of Examiners and Registration of Architects, Qualifications for Examination. The regulation is returned for the reason that the sections relating to "good moral character" exceed the statutory authority of the board.

201 KAR 19:075, State Board of Examiners and Registration of Architects, Refusal to Grant or Renew License. The regulation is returned for the reason that provisions relating to "habits" of applicants and licensees are beyond the authority of the board.

201 KAR 19:090, State Board of Examiners and Registration of Architects, Obligations of Practice. The regulation is returned for the reason that the standards set forth in the regulation exceed those provided for by statute.

201 KAR 19:115, State Board of Examiners and Registration of Architects, Title Use. The regulation is returned for the reason that it attempts to exercise authority over individuals not subject to the jurisdiction of the board.

201 KAR 20:050, Board of Nursing Education and Nurse Registration, Practical Nurse Schools. The regulation is returned for the reason that the limitation on the number of classes which may be admitted each year is contrary to legislative intent. The provision bears no reasonable relationship to statutory purpose "to protect and safeguard the health and safety of Kentucky citizens." See *Portwood v. Falls City Brewing Co.*, 318 S.W. 2d 535 (Ky. 1958).

201 KAR 20:100, Board of Nursing Education and Nurse Registration, Fees. The regulation is returned for the reason that it establishes a number of fees not authorized by statute. Only the application and renewal fees appear to be authorized.

201 KAR 20:140, Board of Nursing Education and Nurse Registration, Proctoring Out-of-State Examinations. The regulation is returned for the reason that the prohibition against proctoring examinations for out-of-state residents is beyond the authority of the board.

504 KAR 1:050, Department of Justice, Office of Public Defender, Allocating of Funds. The regulation is returned for the reason that the alternative method of funding provided for in the regulation is without statutory authority.

504 KAR 1:070, Department of Justice, Office of Public Defender, Serious Crime. The regulation is returned for the reason that the definition of "serious crime" does not conform to the definition set forth in KRS 31.100.

The following regulations were approved and ordered filed.

#### **OFFICE OF THE GOVERNOR Agricultural Experiment Station**

##### **Fertilizer**

- 12 KAR 4:010 Definitions.
- 12 KAR 4:020 Registration.
- 12 KAR 4:030 Brand name.
- 12 KAR 4:040 Chemical guarantee.
- 12 KAR 4:050 Labeling.
- 12 KAR 4:060 Shipment reports; inspection fees.
- 12 KAR 4:070 Violations; stop sale notices.

##### **Milk and Cream**

- 12 KAR 5:010 Licenses.
- 12 KAR 5:020 Testing.
- 12 KAR 5:030 Test samples.
- 12 KAR 5:040 Sampling and weighing.
- 12 KAR 5:050 Inspections.
- 12 KAR 5:060 Purchases from farm bulk tanks.
- 12 KAR 5:070 Uniform standards for payment.

#### **DEPARTMENT OF REVENUE**

##### **Sales and Use Tax;**

##### **General Exemption**

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

#### **EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION**

##### **Travel Expense and Reimbursement**

- 200 KAR 2:010 Application.
- 200 KAR 2:020 Official travel.
- 200 KAR 2:040 Authorization for travel.
- 200 KAR 2:050 Transportation.
- 200 KAR 2:070 Miscellaneous expenses.
- 200 KAR 2:100 Group accommodations; prior approval.

##### **Coal Producing County Development Fund**

- 200 KAR 4:010 Expenditure of funds.
- Board of Optometric Examiners**
- 201 KAR 5:040 Unprofessional conduct.
- 201 KAR 5:050 Branch offices.

#### **Board of Ophthalmic Dispensers**

- 201 KAR 13:030 Contact lens fitting.
- 201 KAR 13:040 Licensing; application, examination; temporary permits. (Amended)
- 201 KAR 13:060 Military service; reciprocity. (Amended)

#### **Board of Examiners for Speech Pathology and Audiology**

- 201 KAR 17:020 Licensure without examination.

#### **Board of Examiners and Registration of Architects**

- 201 KAR 19:005 Amendments to rules and regulations.
- 201 KAR 19:020 Accredited schools and colleges.
- 201 KAR 19:025 Application for examination.
- 201 KAR 19:030 Examination; general provisions.
- 201 KAR 19:040 Types of examination.
- 201 KAR 19:045 Equivalency and professional examinations.
- 201 KAR 19:050 Re-examination; reconsideration.
- 201 KAR 19:055 Certification; eligibility and examination.
- 201 KAR 19:060 Reciprocity; registration without examination.
- 201 KAR 19:065 Resident licensed in another state; reciprocity.
- 201 KAR 19:070 Duplicate certificates.
- 201 KAR 19:080 Temporary licensing not permitted.
- 201 KAR 19:085 Fees.
- 201 KAR 19:095 Professional practice standards; violations, penalties.

- 201 KAR 19:100 Individual seals; office titles.
- 201 KAR 19:105 Plans and specifications standards.
- 201 KAR 19:110 Use of title "architect."

#### **Board of Nursing Education and Nurse Registration**

- 201 KAR 20:010 School of nursing standards.
- 201 KAR 20:020 Registered nurse programs.
- 201 KAR 20:030 Registered nurse schools.
- 201 KAR 20:040 Practical nurse programs.
- 201 KAR 20:060 School closing procedure.
- 201 KAR 20:070 Licensing; examination.
- 201 KAR 20:080 License year.
- 201 KAR 20:090 Temporary permit.
- 201 KAR 20:110 Reciprocity from other states.
- 201 KAR 20:120 Foreign reciprocity.
- 201 KAR 20:130 Retaking examination.
- 201 KAR 20:150 Experimentation.
- 201 KAR 20:160 Complaint procedure.

#### **Board of Chiropractic Examiners**

- 201 KAR 21:010 Board rules; application, examination.
- 201 KAR 21:020 Professional standards and procedures.
- 201 KAR 21:030 Educational programs for license renewal.
- 201 KAR 21:040 Advertising.
- 201 KAR 21:050 Complaints.

#### **FISH AND WILDLIFE RESOURCES**

##### **Fish**

- 301 KAR 1:145 Gear allowed for commercial fishing. (Amended)

##### **Game**

- 301 KAR 2:045 Upland game birds and small game season, limits.
- 301 KAR 2:047 Specified areas; seasons, limits for birds and small game.
- 301 KAR 2:100 Archery season and limits for deer.
- 301 KAR 2:110 Raccoon and opossum season; limits.

**Hunting and Fishing**

301 KAR 3:020 License fees. (Amended)

**DEPARTMENT OF AGRICULTURE****Pest Control**

302 KAR 30:010 Pest control industry licensing.

**NATURAL RESOURCES****AND ENVIRONMENTAL PROTECTION****Bureau of Environmental Quality****Division of Air Pollution**

401 KAR 3:010 General provisions. (Amended)

401 KAR 3:020 Ambient air quality standards. (Amended)

401 KAR 3:030 Emergency episodes. (Amended)

401 KAR 3:040 Emission standards for hazardous air pollutants. (Amended)

401 KAR 3:050 Standards of performance for new sources, (amended) was approved and ordered filed after a letter from Secretary John Stanley Hoffman was filed with the committee deleting Section 20 of the regulation.

401 KAR 3:060 Standards of performance for existing sources. (Amended)

401 KAR 3:070 Indirect sources.

**Division of Water Resources**

401 KAR 5:005 Permits to discharge sewage; industrial and other wastes; definitions.

401 KAR 5:015 Spills and bypasses to be reported to division. (Amended)

401 KAR 5:025 Water quality standards. (Amended)

401 KAR 5:035 Use classification of waters; treatment requirements; compliance.

401 KAR 5:045 Biochemically degradable wastes; treatment. (Amended)

**Division of Sanitary Engineering**

401 KAR 6:040 Treatment plants; distribution systems; certification of plant operators.

**Bureau of Land Resources****Division of Reclamation**

402 KAR 1:015 Clay mining; reclamation of areas disturbed.

402 KAR 1:020 Fluorspar, sand and gravel, stone and rock asphalt mining; reclamation of disturbed areas.

402 KAR 1:025 Access roads. (Amended)

402 KAR 1:030 Backfilling, grading and method of operation. (Amended)

402 KAR 1:035 Permits. (Amended)

402 KAR 1:040 Vegetative cover; evaluation. (Amended)

402 KAR 1:045 Preplanning.

402 KAR 1:050 Blasting. (Amended)

402 KAR 1:055 Water quality.

402 KAR 1:060 Water impoundments. (Amended)

**DEPARTMENT OF JUSTICE****Office of Public Defender****Public Defender Plan**

504 KAR 1:010 Appeal procedures.

504 KAR 1:020 Local plan review.

504 KAR 1:030 Appointment and voucher form; fees.

504 KAR 1:040 Allowable expenses

504 KAR 1:060 Assigned counsel; availability.

**DEPARTMENT OF EDUCATION****Bureau of Administration and Finance**

702 KAR 1:010 Facilities surveys. (Amended)

**DEPARTMENT OF LABOR****Board of Claims**

803 KAR 26:010 Practice and procedure.

**Alcoholic Beverage Control**

804 KAR 1:080 Prohibited advertising.

804 KAR 12:020 Metric standards of fill.

**MINES AND MINERALS****Division of Explosives and Blasting**

805 KAR 4:020 Blasting standards.

805 KAR 4:030 Seismograph measurements.

**DEPARTMENT OF INSURANCE****Kinds of Insurance; Limits****of Risk; Reinsurance**

806 KAR 5:020 Illegitimate use of reinsurance agreements.

806 KAR 5:040 Nationwide Marine defined.

**Investments**

806 KAR 7:010 Loans to relatives, prohibited investments. (Amended)

806 KAR 7:060 Housing development investments.

806 KAR 7:080 Exchange-traded call options.

**Administration of Deposits**

806 KAR 8:010 Valuation of assets on deposit.

**Agents, Consultants,****Solicitors and Adjusters**

806 KAR 9:005 Officers of corporations licensed as agents.

806 KAR 9:160 Consultants.

**Surplus Lines**

806 KAR 10:020 Copies of dailies to be filed.

**Trade Practices and Frauds**

806 KAR 12:020 Fair disclosures to consumers.

806 KAR 12:030 Replacement of life insurance. (Amended)

806 KAR 12:040 Insurance in credit transactions.

806 KAR 12:050 Complete disclosure on health policy replacements.

**Rates and Rating Organizations**

806 KAR 13:005 Procedure for rate revision filing.

806 KAR 13:015 Suspension or modification of filing requirement.

806 KAR 13:090 Premium financing.

**Insurance Contract**

806 KAR 14:005 Rate and form filing.

806 KAR 14:070 Restrictive endorsement; private passenger auto.

806 KAR 14:080 Premium must show municipal taxes.

806 KAR 14:090 Grouping for preferential treatment prohibited.

806 KAR 14:100 Certificate not to alter contract. (Amended)

806 KAR 14:110 Dividend plans; filing, participation.

(Amended)

**Health Insurance Contracts**

806 KAR 17:010 Refund of unearned premium. (Amended)

806 KAR 17:020 Disclosure of other coverage in application

806 KAR 17:030 Surgical schedule.

**Credit Life Insurance****and Credit Health Insurance**

806 KAR 19:010 Credit transaction requirements.

806 KAR 19:040 Extinguishment of debts; options.

806 KAR 19:050 Combined health and dismemberment restrictions.

806 KAR 19:060 Joint lives. (Amended)

**Domestic Stock and Mutual Insurers**

806 KAR 24:010 Information required during incorporation and subsequent issue of equity securities.

806 KAR 24:020 Change of control through capital

stock acquisition.

#### **Insurance Premium Finance Companies**

- 806 KAR 30:010 Application for license procedure.
- 806 KAR 30:020 Abuse of minimum service charge.
- 806 KAR 30:030 Representations of licensee limited.
- 806 KAR 30:040 Statement of account and receipt.
- 806 KAR 30:050 Prepayment of refinancing.
- 806 KAR 30:060 Forms to be approved.
- 806 KAR 30:070 Books and records subject to inspection.

#### **Bail Bondsmen**

- 806 KAR 34:005 Definitions.
- 806 KAR 34:050 Examination for licensing.
- 806 KAR 34:055 Residency requirements.
- 806 KAR 34:060 Records to be maintained.
- 806 KAR 34:065 Records to be kept in Kentucky.
- 806 KAR 34:070 Collateral security affidavit.

#### **Health Maintenance Organization**

- 806 KAR 38:010 Information required of applicants for certificate of authority.
- 806 KAR 38:020 Agents' licenses.
- 806 KAR 38:030 Contract filing, approval.
- 806 KAR 38:040 Financial projections; area overlapping.
- 806 KAR 38:050 Fiscal soundness of organization.

#### **Public Service Commission**

##### **Electric, Water, Gas and Telephone Utilities**

- 807 KAR 2:035 Telephone
- 807 KAR 2:050 Electric. (Amended)

##### **Banking and Securities**

##### **Credit Unions**

- 808 KAR 3:020 Record retention schedule.
- 808 KAR 3:030 Conduct of examination of records.

#### **DEPARTMENT FOR HUMAN RESOURCES**

##### **Administration and Operations**

##### **Vital Statistics**

- 901 KAR 5:090 Burial, transportation and disinterment of dead bodies.

##### **Bureau for Health Services**

##### **Drug Formulary**

- 902 KAR 1:090 Trisulfapyrimidine. (Amended)
- 902 KAR 1:130 Chlorpromazine Hydrochloride. (Amended)
- 902 KAR 1:190 Meprobamate.

##### **Certificate of Need**

##### **and Licensure Board**

- 902 KAR 20:010 Hospital facilities; construction and alteration.
- 902 KAR 20:040 Family care homes; operation and service.

##### **Bureau for Social Insurance**

##### **Medical Assistance**

- 904 KAR 1:010 Physician Services.
- 904 KAR 1:020 Pharmacy Services.

##### **Public Assistance**

- 904 KAR 2:005 Technical requirements; AFDC.
- 904 KAR 2:035 Right to apply and reapply.
- 904 KAR 2:040 Procedures for determining initial and continuing eligibility.
- 904 KAR 2:050 Time and manner of payment.

##### **Unemployment Insurance**

- 904 KAR 5:010 Employers' registration number; reports.
- 904 KAR 5:020 Change of status; discontinuance of business.
- 904 KAR 5:030 Employer contributions

904 KAR 5:040 Computation date.

904 KAR 5:050 Posting notice to employees.

904 KAR 5:060 Social Security number required of employees.

904 KAR 5:070 Separation for cause; reports.

904 KAR 5:080 Reasonable time for protesting claim.

904 KAR 5:090 Labor dispute or strike; notification.

904 KAR 5:100 Claimants' reporting requirements.

904 KAR 5:110 Week of unemployment defined.

904 KAR 5:120 Duration of unemployment defined.

904 KAR 5:130 Appeals.

904 KAR 5:140 Fees for representing claimant.

904 KAR 5:150 Determination defined.

904 KAR 5:160 Unemployment insurance fund payments.

904 KAR 5:170 Interstate claimants.

904 KAR 5:180 Time extension for reports and notices.

904 KAR 5:190 Payments to fund in lieu of contributions.

904 KAR 5:200 Financing benefits for state employees.

904 KAR 5:210 Voluntary contributions to reserve account.

904 KAR 5:220 Cash value of board and lodging.

904 KAR 5:230 Employer's records.

##### **Bureau for Social Services**

##### **Day Care**

905 KAR 2:010 Standards for all facilities. (Amended)

905 KAR 2:020 Type I facility standards. (Amended)

905 KAR 2:025 Type II facility standards.

905 KAR 2:030 School-age children care.

905 KAR 2:035 Infants and toddlers care.

905 KAR 2:040 Nighttime care.

905 KAR 2:060 Transportation standards. (Amended)

The subcommittee adjourned at 3:35 p.m. to meet again on August 13, 1975 at 10 a.m. in Room 307 of the State Capitol.

### Subscription Order Form

Here is my subscription to the Administrative Register of Kentucky for the year beginning August, 1975 and ending July, 1976. Enclosed is my check for \$24 made payable to the KENTUCKY STATE TREASURER.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

Zip Code \_\_\_\_\_

MAIL TO: The Administrative Register  
Legislative Research Commission  
State Capitol  
Frankfort, Kentucky 40601

### Change of Address Notification

If information on mailing label is incorrect, please note correct address in spaces below and mail to:

The Administrative Register  
Legislative Research Commission  
State Capitol  
Frankfort, Kentucky 40601

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

Zip Code \_\_\_\_\_

## Regulation Locator—Effective Dates

## Volume 1

Regulation	1 Ky.R. Page No.	Effective Date	Regulation	1 Ky.R. Page No.	Effective Date	Regulation	1 Ky.R. Page No.	Effective Date
12 KAR 4:010	1230	7-2-75				806 KAR 12:030	1078	
12 KAR 4:020	1230	7-2-75	301 KAR 2:100	1257	7-2-75	Amended	Vol. 2	7-2-75
12 KAR 4:030	1231	7-2-75	301 KAR 2:110	1258	7-2-75	806 KAR 12:040	1079	7-2-75
12 KAR 4:040	1231	7-2-75	301 KAR 3:020	34	10-2-74	806 KAR 12:050	1079	7-2-75
12 KAR 4:050	1232	7-2-75	Amended	1225	7-2-75	806 KAR 13:005	1080	7-2-75
12 KAR 4:060	1232	7-2-75	302 KAR 30:010	1258	7-2-75	806 KAR 13:015	1081	7-2-75
12 KAR 4:070	1232	7-2-75	401 KAR 3:010	601		806 KAR 13:090	1081	7-2-75
12 KAR 5:010	1232	7-2-75	Amended	1353	7-2-75	806 KAR 14:005	1081	7-2-75
12 KAR 5:020	1233	7-2-75	401 KAR 3:020	604		806 KAR 14:070	1081	7-2-75
12 KAR 5:030	1233	7-2-75	Amended	1356	7-2-75	806 KAR 14:080	1082	7-2-75
12 KAR 5:040	1234	7-2-75	401 KAR 3:030	605		806 KAR 14:090	1082	7-2-75
12 KAR 5:050	1235	7-2-75	Amended	1357	7-2-75	806 KAR 14:100	1082	
12 KAR 5:060	1235	7-2-75	401 KAR 3:040	607		Amended	Vol. 2	7-2-75
12 KAR 5:070	1235	7-2-75	Amended	1359	7-2-75	806 KAR 14:110	1082	
103 KAR 30:225	1236	7-2-75	401 KAR 3:050	610		Amended	Vol. 2	7-2-75
200 KAR 2:010	1236	7-2-75	Amended	1362	7-2-75	806 KAR 17:010	1083	
200 KAR 2:020	1236	7-2-75	401 KAR 3:060	619		Amended	Vol. 2	7-2-75
200 KAR 2:040	1237	7-2-75	Amended	1373	7-2-75	806 KAR 17:020	1083	7-2-75
200 KAR 2:050	1237	7-2-75	401 KAR 3:070	625		806 KAR 17:030	1083	7-2-75
200 KAR 2:070	1237	7-2-75	Amended	1380	7-2-75	806 KAR 19:010	1083	7-2-75
200 KAR 2:100	1238	7-2-75	401 KAR 5:005	760		806 KAR 19:040	1084	7-2-75
200 KAR 4:010	1238	7-2-75	Amended	1381	7-2-75	806 KAR 19:050	1084	7-2-75
201 KAR 5:040	719	7-2-75	401 KAR 5:015	761		806 KAR 19:060	1084	
201 KAR 5:050	719	7-2-75	Amended	1382	7-2-75	Amended	Vol. 2	7-2-75
201 KAR 13:030	722		401 KAR 5:025	761		806 KAR 24:010	1084	7-2-75
Amended	Vol. 2	7-2-75	Amended	1328	7-2-75	806 KAR 24:020	1085	7-2-75
201 KAR 13:040	722		401 KAR 5:035	762	7-2-75	806 KAR 30:010	1086	7-2-75
Amended	Vol. 2	7-2-75	401 KAR 5:045	763		806 KAR 30:020	1086	7-2-75
201 KAR 13:060	723		Amended	1383	7-2-75	806 KAR 30:030	1086	7-2-75
Amended	Vol. 2	7-2-75	401 KAR 6:040	771		806 KAR 30:040	1086	7-2-75
201 KAR 14:085	726	6-24-75	Amended	Vol. 2	7-2-75	806 KAR 30:050	1087	7-2-75
201 KAR 14:155	731	6-24-75	401 KAR 6:040	771	7-2-75	806 KAR 30:060	1087	7-2-75
201 KAR 17:020	1016	7-2-75	402 KAR 1:015	1261	7-2-75	806 KAR 30:070	1087	7-2-75
201 KAR 19:005	1242	7-2-75	402 KAR 1:020	1261	7-2-75	806 KAR 34:005	1088	7-2-75
201 KAR 19:020	1242	7-2-75	402 KAR 1:025	773		806 KAR 34:050	1088	7-2-75
201 KAR 19:025	1242	7-2-75	Amended	1384	7-2-75	806 KAR 34:055	1088	7-2-75
201 KAR 19:030	1243	7-2-75	402 KAR 1:030	774		806 KAR 34:060	1089	7-2-75
201 KAR 19:040	1243	7-2-75	Amended	1385	7-2-75	806 KAR 34:065	1089	7-2-75
201 KAR 19:045	1244	7-2-75	402 KAR 1:035	776		806 KAR 34:070	1089	7-2-75
201 KAR 19:050	1244	7-2-75	Amended	1387	7-2-75	806 KAR 38:010	1089	7-2-75
201 KAR 19:055	1244	7-2-75	402 KAR 1:040	776		806 KAR 38:020	1090	7-2-75
201 KAR 19:060	1245	7-2-75	Amended	1387	7-2-75	806 KAR 38:030	1090	7-2-75
201 KAR 19:065	1245	7-2-75	402 KAR 1:045	777	7-2-75	806 KAR 38:040	1090	7-2-75
201 KAR 19:070	1245	7-2-75	402 KAR 1:050	778		806 KAR 38:050	1091	7-2-75
201 KAR 19:080	1246	7-2-75	Amended	1389	7-2-75	807 KAR 2:035	1266	7-2-75
201 KAR 19:085	1246	7-2-75	402 KAR 1:055	778	7-2-75	807 KAR 2:050	880	
201 KAR 19:095	1246	7-2-75	402 KAR 1:060	778		Amended	Vol. 2	7-2-75
201 KAR 19:100	1247	7-2-75	Amended	1389	7-2-75	808 KAR 3:020	1269	7-2-75
201 KAR 19:105	1248	7-2-75	504 KAR 1:010	1263	7-2-75	808 KAR 3:030	1270	7-2-75
201 KAR 19:110	1248	7-2-75	504 KAR 1:020	1264	7-2-75	901 KAR 5:090	1270	7-2-75
201 KAR 20:010	1248	7-2-75	504 KAR 1:030	1264	7-2-75	902 KAR 1:090	637	4-9-75
201 KAR 20:020	1249	7-2-75	504 KAR 1:040	1264	7-2-75	Amended	1226	7-2-75
201 KAR 20:030	1249	7-2-75	504 KAR 1:060	1264	7-2-75	902 KAR 1:130	639	
201 KAR 20:040	1250	7-2-75	702 KAR 1:010	37	7-2-75	Amended	1227	7-2-75
201 KAR 20:060	1251	7-2-75	801 KAR 1:010	4, 16	7-7-75	902 KAR 1:190	1270	7-2-75
201 KAR 20:070	1251	7-2-75	801 KAR 1:020	5, 16	7-7-75	902 KAR 10:040	642	
201 KAR 20:080	1251	7-2-75	801 KAR 1:030	6, 16	7-7-75	Amended	1227	5-14-75
201 KAR 20:090	1252	7-2-75	803 KAR 26:010	1265	7-2-75	902 KAR 20:010	1271	7-2-75
201 KAR 20:110	1252	7-2-75	804 KAR 1:080	840	7-2-75	902 KAR 20:040	1279	7-2-75
201 KAR 20:120	1252	7-2-75	804 KAR 12:020	1266	7-2-75	904 KAR 1:010	1281	7-2-75
201 KAR 20:130	1253	7-2-75	805 KAR 4:020	1072	7-2-75	904 KAR 1:020	1281	7-2-75
201 KAR 20:150	1253	7-2-75	805 KAR 4:030	1073	7-2-75	904 KAR 2:005	1282	7-2-75
201 KAR 20:160	1253	7-2-75	806 KAR 5:020	1074	7-2-75	904 KAR 2:035	1282	7-2-75
201 KAR 21:010	1253	7-2-75	806 KAR 5:040	1074	7-2-75	904 KAR 2:040	1283	7-2-75
201 KAR 21:020	1254	7-2-75	806 KAR 7:010	1075		904 KAR 2:050	1283	7-2-75
201 KAR 21:030	1254	7-2-75	Amended	Vol. 2	7-2-75	904 KAR 5:010	1283	7-2-75
201 KAR 21:040	1254	7-2-75	806 KAR 7:060	1075	7-2-75	904 KAR 5:020	1284	7-2-75
201 KAR 21:050	1255	7-2-75	806 KAR 7:080	1075	7-2-75	904 KAR 5:030	1284	7-2-75
301 KAR 1:145	474	3-12-75	806 KAR 8:010	1076	7-2-75	904 KAR 5:040	1284	7-2-75
Amended	971	6-11-75	806 KAR 9:005	1076	7-2-75	904 KAR 5:050	1284	7-2-75
Amended	1224	7-2-75	806 KAR 9:160	1076	7-2-75	904 KAR 5:060	1284	7-2-75
301 KAR 2:045	1255	7-2-75	806 KAR 10:020	1076	7-2-75	904 KAR 5:070	1285	7-2-75
301 KAR 2:047	1256	7-2-75	806 KAR 12:020	1077	7-2-75	904 KAR 5:080	1285	7-2-75

## ADMINISTRATIVE REGISTER

Regulation	1 Ky.R. Page No.	Effective Date	Regulation	2 Ky.R. Page No.	Effective Date	Regulation	2 Ky.R. Page No.	Effective Date
904 KAR 5:090	1285	7-2-75	200 KAR 11:010	68		806 KAR 17:010	Vol. 1	
904 KAR 5:100	1285	7-2-75	200 KAR 11:020	68		Amended	27	7-2-75
904 KAR 5:110	1286	7-2-75	200 KAR 11:030	69		806 KAR 19:060	Vol. 1	
904 KAR 5:120	1286	7-2-75	200 KAR 11:040	70		Amended	27	7-2-75
904 KAR 5:130	1286	7-2-75	200 KAR 11:050	70		807 KAR 2:050	Vol. 1	
904 KAR 5:140	1287	7-2-75	200 KAR 12:010	70		Amended	28	7-2-75
904 KAR 5:150	1287	7-2-75	200 KAR 12:020	72		902 KAR 20:020	Vol. 1	5-14-75
904 KAR 5:160	1287	7-2-75	200 KAR 25:010	73		Amended	36	
904 KAR 5:170	1288	7-2-75	201 KAR 12:105	73		902 KAR 20:025	Vol. 1	3-12-75
904 KAR 5:180	1288	7-2-75	201 KAR 12:110	74		Amended	44	
904 KAR 5:190	1289	7-2-75	201 KAR 12:120	74		902 KAR 20:045	87	
904 KAR 5:200	1289	7-2-75	201 KAR 12:130	75		902 KAR 20:047	95	
904 KAR 5:210	1289	7-2-75	201 KAR 12:140	75		904 KAR 1:002	97	
904 KAR 5:220	1289	7-2-75	201 KAR 12:150	76		904 KAR 1:003	98	
904 KAR 5:230	1290	7-2-75	201 KAR 13:030	Vol. 1		904 KAR 1:004	99	
905 KAR 2:010	652		Amended	10	7-2-75	904 KAR 1:005	100	
Amended	1392	7-2-75	201 KAR 13:040	Vol. 1		904 KAR 1:006	100	
905 KAR 2:020	653		Amended	10	7-2-75	904 KAR 1:009	101	
Amended	1393	7-2-75	201 KAR 13:060	Vol. 1		904 KAR 1:012	101	
905 KAR 2:025	654	7-2-75	Amended	11	7-2-75	904 KAR 1:013	102	
905 KAR 2:030	655	7-2-75	201 KAR 22:010	76		904 KAR 1:014	102	
905 KAR 2:035	656	7-2-75	201 KAR 22:020	77		904 KAR 1:015	103	
905 KAR 2:040	656	7-2-75	201 KAR 22:030	77		904 KAR 1:016	103	
905 KAR 2:060	657		201 KAR 22:040	78		904 KAR 1:017	103	
Amended	1394	7-2-75	201 KAR 22:050	78		904 KAR 1:018	104	
			201 KAR 22:060	79		904 KAR 1:019	104	
			201 KAR 22:070	79		904 KAR 1:022	104	
			201 KAR 22:100	79		904 KAR 1:023	105	
			201 KAR 22:105	80		904 KAR 1:024	105	
			201 KAR 22:110	80		904 KAR 1:026	106	
			201 KAR 22:115	81		904 KAR 1:027	107	
			201 KAR 22:120	81		904 KAR 1:028	108	
			201 KAR 22:125	81		904 KAR 1:029	108	
			401 KAR 6:040	Vol. 1		904 KAR 1:030	108	
			Amended	11	7-2-75	904 KAR 1:031	109	
			601 KAR 12:040	82		904 KAR 1:034	109	
101 KAR 1:050E	1	7-8-75	602 KAR 50:010	Vol. 1	5-14-75	904 KAR 1:035	109	
Expires		11-5-75	Amended	14		904 KAR 1:038	110	
904 KAR 2:011E	3	6-26-75	602 KAR 50:080	Vol. 1	6-11-75	904 KAR 1:039	110	
Expires		10-24-75	Amended	15		904 KAR 1:040	111	
			602 KAR 50:100	Vol. 1	6-14-75	904 KAR 1:044	111	
			Amended	16		904 KAR 1:045	112	
			602 KAR 50:115	82		904 KAR 1:048	112	
			603 KAR 5:095	Vol. 1	6-11-75	904 KAR 1:049	112	
			Amended	16		904 KAR 1:060	112	
			702 KAR 1:010	Vol. 1				
			Amended	17	7-2-75			
			704 KAR 20:130	Vol. 1	3-12-75			
			Amended	17				
			704 KAR 20:198	83				
			704 KAR 20:203	83				
			704 KAR 20:205	Vol. 1	3-12-75			
			Amended	18				
			704 KAR 20:230	83				
			704 KAR 20:235	84				
			704 KAR 20:240	84				
			704 KAR 20:245	85				
			704 KAR 20:250	85				
			704 KAR 20:255	86				
			705 KAR 1:010	Vol. 1	10-2-74			
			Amended	19				
101 KAR 1:050	Vol. 1	5-14-75	705 KAR 7:050	86				
Amended	5		706 KAR 1:010	Vol. 1	5-14-75			
102 KAR 1:120	Vol. 1	12-11-74	Amended	20				
Amended	7		707 KAR 1:005	86				
102 KAR 1:135	Vol. 1	3-12-75	803 KAR 2:020	Vol. 1	5-14-75			
Amended	7		Amended	20				
103 KAR 27:100	Vol. 1	3-12-75	803 KAR 2:030	Vol. 1	5-14-75			
Amended	8		Amended	21				
200 KAR 2:075	60		803 KAR 25:010	Vol. 1				
200 KAR 3:050	61		Amended	22				
200 KAR 4:010	Vol. 1	7-2-75	806 KAR 7:010	Vol. 1				
Amended	7-2-75		Amended	25	7-2-75			
200 KAR 5:010	61		806 KAR 12:030	Vol. 1				
200 KAR 5:015	64		Amended	25	7-2-75			
200 KAR 5:050	64		806 KAR 14:100	Vol. 1				
200 KAR 6:010	65		Amended	26	7-2-75			
200 KAR 6:020	66		806 KAR 14:110	Vol. 1				
200 KAR 7:010	66		Amended	27	7-2-75			

## Volume 2

Regulation	2 Ky.R. Page No.	Effective Date
101 KAR 1:050E	1	7-8-75
Expires		11-5-75
904 KAR 2:011E	3	6-26-75
Expires		10-24-75

Regulation	2 Ky.R. Page No.	Effective Date
11 KAR 1:015	55	
11 KAR 1:020	55	
11 KAR 1:025	56	
11 KAR 1:030	56	
11 KAR 1:035	57	
11 KAR 1:040	57	
11 KAR 1:045	57	
11 KAR 1:050	58	
11 KAR 1:055	58	
11 KAR 1:060	58	
11 KAR 1:065	59	
11 KAR 1:070	59	
11 KAR 1:075	59	
11 KAR 3:010	59	
11 KAR 4:010	60	
101 KAR 1:050	Vol. 1	5-14-75
Amended	5	
102 KAR 1:120	Vol. 1	12-11-74
Amended	7	
102 KAR 1:135	Vol. 1	3-12-75
Amended	7	
103 KAR 27:100	Vol. 1	3-12-75
Amended	8	
200 KAR 2:075	60	
200 KAR 3:050	61	
200 KAR 4:010	Vol. 1	7-2-75
Amended	7-2-75	
200 KAR 5:010	61	
200 KAR 5:015	64	
200 KAR 5:050	64	
200 KAR 6:010	65	
200 KAR 6:020	66	
200 KAR 7:010	66	

## KRS Sections Related to KAR

KRS Section	Regulation	KRS Section	Regulation	KRS Section	Regulation
Ch. 12	200 KAR 2:075	163.150	706 KAR 1:010	304.7-340	806 KAR 7:010
Ch. 18	200 KAR 2:075	163.160	706 KAR 1:010	304.12-010	806 KAR 14:110
	200 KAR 12:010	163.170	706 KAR 1:010	304.12-030	806 KAR 12:030
18.170	101 KAR 1:050	163.180	706 KAR 1:010	304.12-080-304.12-110	806 KAR 14:110
18.190	101 KAR 1:050	163.220	706 KAR 1:010	304.12-190	806 KAR 17:010
18.210	101 KAR 1:050	163.230	706 KAR 1:010	304.13-010-304.13-390	806 KAR 14:110
18.240	101 KAR 1:050	163.240	706 KAR 1:010	304.14-120	806 KAR 14:100
Ch. 42	200 KAR 4:010	164.740-164.764	11 KAR 1:015		806 KAR 14:110
	200 KAR 5:010		11 KAR 1:020	Ch. 304, Subtitle 17	806 KAR 17:010
	200 KAR 5:015		11 KAR 1:025	304.19-020	806 KAR 19:060
42.075	706 KAR 1:010		11 KAR 1:030	304.19-080	806 KAR 19:060
43.035	200 KAR 3:050		11 KAR 1:035	304.24-250	806 KAR 14:110
Ch. 44	200 KAR 5:010		11 KAR 1:040	304.24-310	806 KAR 14:110
Ch. 45	200 KAR 2:075		11 KAR 1:045	304.24-320	806 KAR 14:110
	200 KAR 5:010		11 KAR 1:050	304.24-330	806 KAR 14:110
	200 KAR 5:015		11 KAR 1:055	317A.010	201 KAR 12:120
	200 KAR 5:050		11 KAR 1:060	317A.050	201 KAR 12:140
	200 KAR 6:010		11 KAR 1:065	317A.060	201 KAR 12:105
	200 KAR 7:010		11 KAR 1:070		201 KAR 12:130
Ch. 56	200 KAR 5:015		11 KAR 1:075	317A.090	201 KAR 12:110
	200 KAR 6:020		11 KAR 3:010		201 KAR 12:150
	200 KAR 7:010	164.746(5)	11 KAR 4:010	326.020	201 KAR 13:040
56.325	200 KAR 3:050	171.650	601 KAR 12:040		201 KAR 13:060
Ch. 57	200 KAR 5:015	183.861-183.990	602 KAR 50:010	326.060	201 KAR 13:030
Ch. 64	200 KAR 11:010		602 KAR 50:100	327.010	201 KAR 22:010
	200 KAR 11:020		602 KAR 50:115	327.040	201 KAR 22:100
	200 KAR 11:030	183.869	602 KAR 50:080		201 KAR 22:105
	200 KAR 11:040	183.870	602 KAR 50:080		201 KAR 22:110
	200 KAR 11:050	183.871	602 KAR 50:080		201 KAR 22:115
139.050	103 KAR 27:100	189.222	603 KAR 5:095		201 KAR 22:120
139.130	103 KAR 27:100	205.520	904 KAR 1:002		201 KAR 20:125
154.410	200 KAR 25:010		904 KAR 1:003	327.050	201 KAR 22:020
156.070	705 KAR 7:050		904 KAR 1:004		201 KAR 22:030
156.100	705 KAR 1:010		904 KAR 1:005		201 KAR 22:040
	705 KAR 7:050		904 KAR 1:006	327.060	201 KAR 22:030
157.360(5)	707 KAR 1:005		904 KAR 1:009		201 KAR 22:060
157.390(2)(6)	707 KAR 1:005		904 KAR 1:012		201 KAR 22:070
157.420(3)	702 KAR 1:010		904 KAR 1:013	327.070	201 KAR 22:050
161.020	704 KAR 20:130		904 KAR 1:014	327.080	201 KAR 22:030
	704 KAR 20:198		904 KAR 1:015	327.090	201 KAR 22:050
	704 KAR 20:203		904 KAR 1:016	Ch. 338	803 KAR 2:020
	704 KAR 20:205		904 KAR 1:017		803 KAR 2:030
	704 KAR 20:230		904 KAR 1:018	Ch. 341	200 KAR 12:020
	704 KAR 20:235		904 KAR 1:019	Ch. 342	803 KAR 25:010
	704 KAR 20:240		904 KAR 1:022		
	704 KAR 20:245		904 KAR 1:023		
	704 KAR 20:250		904 KAR 1:024		
	704 KAR 20:255		904 KAR 1:026		
161.025	704 KAR 20:130		904 KAR 1:027		
	704 KAR 20:198		904 KAR 1:028		
	704 KAR 20:203		904 KAR 1:029		
	704 KAR 20:205		904 KAR 1:030		
	704 KAR 20:230		904 KAR 1:031		
	704 KAR 20:235		904 KAR 1:034		
	704 KAR 20:240		904 KAR 1:035		
	704 KAR 20:245		904 KAR 1:038		
	704 KAR 20:250		904 KAR 1:039		
	704 KAR 20:255		904 KAR 1:040		
161.030	704 KAR 20:130		904 KAR 1:044		
	704 KAR 20:198		904 KAR 1:045		
	704 KAR 20:203		904 KAR 1:048		
	704 KAR 20:205		904 KAR 1:049		
	704 KAR 20:230		904 KAR 1:060		
	704 KAR 20:235	205.222	904 KAR 2:011		
	704 KAR 20:240	205.223	904 KAR 2:011		
	704 KAR 20:245	216.405-216.485	902 KAR 20:020		
	704 KAR 20:250		902 KAR 20:025		
	704 KAR 20:255		902 KAR 20:045		
161.440	102 KAR 1:135		902 KAR 20:047		
161.580	102 KAR 1:135	216.990(2)	902 KAR 20:020		
161.705	102 KAR 1:120		902 KAR 20:025		
163.020	705 KAR 1:010		902 KAR 20:045		
163.030	705 KAR 1:010		902 KAR 20:047		
163.110	706 KAR 1:010	Ch. 223	401 KAR 6:040		
163.120	706 KAR 1:010	224.135	401 KAR 6:040		
163.130	706 KAR 1:010	230.510	200 KAR 25:010		
163.140	706 KAR 1:010	Ch. 278	807 KAR 2:050		

# Index

## AERONAUTICS AND AIRPORT ZONING

Airport Zoning  
Definitions; 602 KAR 50:010  
Enforcement procedures; 602 KAR 50:115  
Marking and lighting; 602 KAR 50:100  
Permit application; 602 KAR 50:080

## CERTIFICATE OF NEED AND LICENSURE

Extended Care, Recuperation Centers  
Facilities; 902 KAR 20:020  
Services; 902 KAR 20:025  
Nursing Homes  
Facilities; 902 KAR 20:045  
Operation, services; 902 KAR 20:047

## COAL PRODUCING COUNTY DEVELOPMENT FUND

Expenditure of funds; 200 KAR 4:010

## COSMETOLOGISTS

(See: Hairdressers and Cosmetologists)

## EDUCATION

Exceptional, Handicapped  
Experimental program; 707 KAR 1:005  
Instruction  
Teacher Certification  
Guidance counselors; 704 KAR 20:130  
Provisional Certificate  
Hearing impaired; 704 KAR 20:230  
Learning, behavior disorders; 704 KAR 20:235  
Speech, communication disorders; 704 KAR 20:240  
Trainable mentally handicapped; 704 KAR 20:245  
Special Education  
Director; 704 KAR 20:198  
Teacher-consultant; 704 KAR 20:203  
Teachers; 704 KAR 20:205  
Teaching Endorsement  
Multiple handicapped; 704 KAR 20:250  
Visually impaired; 704 KAR 20:255  
Higher Education Assistance Authority  
Board meetings; 11 KAR 4:010  
Loan program; laws, regulations; 11 KAR 3:010  
State student incentive grants; 11 KAR 1:015 to 11 KAR 1:075  
Rehabilitation Services  
State plan; 706 KAR 1:010  
Vocational Education  
Administration  
State plan; 705 KAR 1:010  
Adult Education  
Adult program plan; 705 KAR 7:050

## EMPLOYEES, STATE

Mansion Employees  
Meal charges; 200 KAR 3:050  
Personnel Rules  
Compensation plan; 101 KAR 1:050E; 101 KAR 1:050  
Re-Instatement  
Back pay, computing of; 200 KAR 12:010  
Travel Expense  
Recruiting expenses; 200 KAR 2:075  
Unemployment Insurance  
Payments for; 200 KAR 12:020

## FINANCE AND ADMINISTRATION

Buildings, Grounds  
Meal charges, mansion employees; 200 KAR 3:050  
Coal Producing County Development Fund  
Expenditure of funds; 200 KAR 4:010

## Engineering

Retainage securities, substitution; 200 KAR 7:010  
Horse Council, Kentucky  
Meetings; 200 KAR 25:010  
Personnel  
Back pay, computing of; 200 KAR 12:010  
Unemployment insurance; 200 KAR 12:020  
Purchasing  
Legal documents; 200 KAR 5:015  
Political subdivisions, central purchasing for; 200 KAR 5:050  
State vehicles; 200 KAR 5:010  
Property  
Personal property inventories; 200 KAR 6:010  
Relocation allowance; 200 KAR 6:020  
Sheriff's Advancements  
Application, information; 200 KAR 11:020  
Criteria; 200 KAR 11:010  
Initial advancement; procedure; 200 KAR 11:030  
Refunding procedure; 200 KAR 11:050  
Subsequent advancements; 200 KAR 11:040  
Travel Expense; Reimbursement  
Recruiting expenses; 200 KAR 2:075

## HAIRDRESSERS AND COSMETOLOGISTS

Schools  
Districts; 201 KAR 12:105  
Equipment; 201 KAR 12:140  
Faculty; 201 KAR 12:120  
Fees for services; 201 KAR 12:130  
Licenses; 201 KAR 12:110  
Records; 201 KAR 12:150

## HEALTH SERVICES

Certificate of Need and Licensure  
Extended Care, Recuperation Centers  
Facilities; 902 KAR 20:020  
Services; 902 KAR 20:025  
Nursing Homes  
Facilities; 902 KAR 20:045  
Operation, services; 902 KAR 20:047

## HIGHER EDUCATION ASSISTANCE AUTHORITY

Authority  
Board meetings; 11 KAR 4:010  
Kentucky Loan Program  
Program; laws, regulations; 11 KAR 3:010  
State Student Incentive Grants  
Award table; 11 KAR 1:050  
Check endorsement; 11 KAR 1:065  
Definitions; 11 KAR 1:020  
Eligibility  
Institution; 11 KAR 1:025  
Student; 11 KAR 1:035  
Name of program; 11 KAR 1:015  
Need analysis, method of; 11 KAR 1:040  
Notification of award; 11 KAR 1:055  
Payments; 11 KAR 1:060  
Programs exclusive; 11 KAR 1:075  
Ranking of applicants; 11 KAR 1:045  
Records, reports of institution; 11 KAR 1:030  
Refund policy; 11 KAR 1:070

## HIGHWAYS

Truckway classifications; 603 KAR 5:095

## HORSE COUNCIL, KENTUCKY

Meetings; 200 KAR 25:010

## HUMAN RESOURCES

Health Services  
Certificate of Need and Licensure; 902 KAR 20:020 to 902 KAR 20:047  
Social Insurance  
Medical Assistance  
Definitions; 904 KAR 1:002  
Dental  
Payments; 904 KAR 1:027  
Services; 904 KAR 1:026  
Eligibility; 904 KAR 1:003  
Family Planning  
Payments; 904 KAR 1:049  
Services; 904 KAR 1:048  
Hearing, Vision  
Payments; 904 KAR 1:039; 904 KAR 1:040  
Services; 904 KAR 1:038  
Home Health  
Payments; 904 KAR 1:031  
Services; 904 KAR 1:030  
Income resource standard; 904 KAR 1:004  
In-Patients  
Payments; 904 KAR 1:013  
Services; 904 KAR 1:012  
Intermediate care; 904 KAR 1:024  
Laboratory, X-ray  
Payments; 904 KAR 1:029  
Services; 904 KAR 1:028  
Mental Health Centers  
Payments; 904 KAR 1:045  
Services; 904 KAR 1:044  
Nursing, Skilled  
Payments; 904 KAR 1:023  
Services; 904 KAR 1:022  
Out-Patients  
Payments; 904 KAR 1:015  
Services; 904 KAR 1:014  
Payments, non-duplication of; 904 KAR 1:005  
Pharmacy services; 904 KAR 1:019  
Physicians' services; 904 KAR 1:009  
Psychiatric  
Payments; 904 KAR 1:018  
Services; 904 KAR 1:016  
Screening, Diagnosis, Treatment  
Payments; 904 KAR 1:035  
Services; 904 KAR 1:034  
Title XVIII eligibility; 904 KAR 1:006  
Transportation; 904 KAR 1:060  
Tuberculosis  
Payments; 904 KAR 1:018  
Services; 904 KAR 1:017  
Public Assistance  
AFDC unemployed fathers' program; 904 KAR 2:011E

## INSURANCE

Contracts  
Certificate not to alter; 806 KAR 14:100  
Dividend plans; filing, participation; 806 KAR 14:110  
Credit Life, Credit Health  
Joint lives; 806 KAR 19:060  
Health Contracts  
Unearned premium refund; 806 KAR 17:010  
Investments  
Loans to relatives; 806 KAR 7:010  
Trade Practices and Frauds  
Life insurance replacement; 806 KAR 12:030

## LABOR

Occupational Safety and Health  
29 CFR Part 1910; 803 KAR 2:020  
29 CFR Part 1926; 803 KAR 2:030

# ADMINISTRATIVE REGISTER

A5

## MEDICAL ASSISTANCE (See: Social Insurance)

## MERIT SYSTEM (See: Personnel)

## NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

Sanitary Engineering  
Treatment plants; operators; 401 KAR 6:040

## OCCUPATIONS AND PROFESSIONS

Hairdressers and Cosmetologists; 201 KAR 12:105 to 201 KAR 12:150  
Ophthalmic Dispensers; 201 KAR 13:030 to 201 KAR 13:060  
Physical Therapy; 201 KAR 22:010 to 201 KAR 22:110

## OPHTHALMIC DISPENSERS

Contact lens fitting; 201 KAR 13:030  
Licensing, etc.; 201 KAR 13:040  
Military service, reciprocity; 201 KAR 13:060

## PERSONNEL

Compensation plan; 101 KAR 1:050E; 101 KAR 1:050

## PHYSICAL THERAPY

Assistants  
Board representative; 201 KAR 22:125  
Certification; 201 KAR 22:105  
Eligibility for certification; 201 KAR 22:100  
Reciprocity of certification; 201 KAR 22:120  
Refusal, revocation, suspension of certification; 201 KAR 22:115  
Renewal of certification; 201 KAR 22:110  
Definitions; 201 KAR 22:010  
Licenses  
Application; 201 KAR 22:020  
Foreign-trained; 201 KAR 22:070  
Procedure; 201 KAR 22:030  
Reciprocity; 201 KAR 22:060  
Renewal; 201 KAR 22:030  
Refusal, revocation, suspension; 201 KAR 22:050

## PUBLIC ASSISTANCE (See: Social Insurance)

## PUBLIC PROTECTION AND REGULATION

Insurance  
Contracts  
Certificate not to alter; 806 KAR 14:100  
Dividend plans; filing, participation; 806 KAR 14:110  
Credit Life, Credit Health  
Joint lives; 806 KAR 19:060  
Health Contracts  
Unearned premium refund; 806 KAR 17:010  
Investments  
Loans to relatives; 806 KAR 7:010  
Trade Practices and Frauds  
Life insurance replacement; 806 KAR 12:030  
Labor  
Occupational safety and health; 803 KAR 2:020; 803 KAR 2:030  
Public Service Commission  
Utilities  
Electric; 807 KAR 2:050  
Workmen's Compensation  
Procedure; 803 KAR 25:010

## PURCHASING

Documents; legal; 200 KAR 5:015  
Political subdivisions, central purchasing for;

200 KAR 5:050  
Vehicles; 200 KAR 5:010

## RETIREMENT SYSTEMS

Teacher's Retirement  
Interest credited to account; 102 KAR 1:135  
Voluntary contributions; 102 KAR 1:120

## REVENUE AND TAXATION

Sales and Use Tax  
Miscellaneous Retailer Occupations  
Motor vehicles, motor homes, trailers; 103 KAR 27:100

## SALES AND USE TAX

Miscellaneous Retailer Occupations  
Motor vehicles, motor homes, trailers; 103 KAR 27:100

## SANITARY ENGINEERING

Treatment plants; operators; 401 KAR 6:040

## SHERIFFS

Advancements from State  
Application, information; 200 KAR 11:020  
Criteria; 200 KAR 11:010  
Initial advancement; procedure; 200 KAR 11:030  
Refunding procedure; 200 KAR 11:050  
Subsequent advancements; 200 KAR 11:040

## SOCIAL INSURANCE

Medical Assistance  
Definitions; 904 KAR 1:002  
Dental  
Payments; 904 KAR 1:027  
Services; 904 KAR 1:026  
Eligibility; 904 KAR 1:003  
Family Planning  
Payments; 904 KAR 1:049  
Services; 904 KAR 1:048  
Hearing, Vision  
Payments; 904 KAR 1:039; 904 KAR 1:040  
Services; 904 KAR 1:038  
Home Health  
Payments; 904 KAR 1:031  
Services; 904 KAR 1:030  
Income resource standard; 904 KAR 1:004  
In-Patients  
Payments; 904 KAR 1:013  
Services; 904 KAR 1:012  
Intermediate care; 904 KAR 1:024  
Laboratory, X-ray  
Payments; 904 KAR 1:029  
Services; 904 KAR 1:028  
Mental Health Centers  
Payments; 904 KAR 1:045  
Services; 904 KAR 1:044  
Nursing, Skilled  
Payments; 904 KAR 1:023  
Services; 904 KAR 1:022  
Out-Patients  
Payments; 904 KAR 1:015  
Services; 904 KAR 1:014  
Payments, non-duplication of; 904 KAR 1:005  
Pharmacy services; 904 KAR 1:019  
Physicians' services; 904 KAR 1:009  
Psychiatric  
Payments; 904 KAR 1:018  
Services; 904 KAR 1:016  
Screening, Diagnosis, Treatment  
Payments; 904 KAR 1:035  
Services; 904 KAR 1:034  
Title XVIII eligibility; 904 KAR 1:006  
Transportation; 904 KAR 1:060  
Tuberculosis  
Payments; 904 KAR 1:018  
Services; 904 KAR 1:017

Public Assistance  
AFDC unemployed fathers' program; 904 KAR 2:011E

## TEACHER'S RETIREMENT

Interest credited to account; 102 KAR 1:135  
Voluntary contributions; 102 KAR 1:120

## TRANSPORTATION

Aeronautics and Airport Zoning  
Airport Zoning  
Definitions; 602 KAR 50:010  
Enforcement procedures; 602 KAR 50:115  
Marking and lighting; 602 KAR 50:100  
Permit application; 602 KAR 50:080  
Highways  
Truckway classifications; 603 KAR 5:095  
Vehicle Regulation  
Driver's License  
Driving history record; fee; 601 KAR 12:040

## VEHICLE REGULATION

Driver's License  
Driving history record; fee; 601 KAR 12:040

## VOCATIONAL EDUCATION

Administration  
State plan; 705 KAR 1:010  
Adult Education  
Program plan; 705 KAR 7:050

## WORKMEN'S COMPENSATION

Procedure; 803 KAR 25:010

1940-1941  
1942-1943  
1944-1945

1946-1947  
1948-1949  
1950-1951

1952-1953  
1954-1955  
1956-1957

1958-1959  
1960-1961  
1962-1963

1964-1965  
1966-1967  
1968-1969

1970-1971  
1972-1973  
1974-1975

1976-1977  
1978-1979  
1980-1981

1982-1983  
1984-1985  
1986-1987

1988-1989  
1990-1991  
1992-1993

1994-1995  
1996-1997  
1998-1999

2000-2001  
2002-2003  
2004-2005

2006-2007  
2008-2009  
2010-2011

2012-2013  
2014-2015  
2016-2017

2018-2019  
2020-2021  
2022-2023

2024-2025  
2026-2027  
2028-2029

2030-2031  
2032-2033  
2034-2035

2036-2037  
2038-2039  
2040-2041

2042-2043  
2044-2045  
2046-2047

2048-2049  
2050-2051  
2052-2053

2054-2055  
2056-2057  
2058-2059

2060-2061  
2062-2063  
2064-2065

2066-2067  
2068-2069  
2070-2071

2072-2073  
2074-2075  
2076-2077

2078-2079  
2080-2081  
2082-2083

2084-2085  
2086-2087  
2088-2089

2090-2091  
2092-2093  
2094-2095

2096-2097  
2098-2099  
2100-2101

2102-2103  
2104-2105  
2106-2107

2108-2109  
2110-2111  
2112-2113

2114-2115  
2116-2117  
2118-2119

2120-2121  
2122-2123  
2124-2125

2126-2127  
2128-2129  
2130-2131

2132-2133  
2134-2135  
2136-2137

2138-2139  
2140-2141  
2142-2143

2144-2145  
2146-2147  
2148-2149

2150-2151  
2152-2153  
2154-2155

2156-2157  
2158-2159  
2160-2161

2162-2163  
2164-2165  
2166-2167

2168-2169  
2170-2171  
2172-2173

2174-2175  
2176-2177  
2178-2179

2180-2181  
2182-2183  
2184-2185

2186-2187  
2188-2189  
2190-2191

2192-2193  
2194-2195  
2196-2197

2198-2199  
2200-2201  
2202-2203

2204-2205  
2206-2207  
2208-2209

2210-2211  
2212-2213  
2214-2215

2216-2217  
2218-2219  
2220-2221

2222-2223  
2224-2225  
2226-2227

2228-2229  
2230-2231  
2232-2233

2234-2235  
2236-2237  
2238-2239

2240-2241  
2242-2243  
2244-2245

2246-2247  
2248-2249  
2250-2251

2252-2253  
2254-2255  
2256-2257

2258-2259  
2260-2261  
2262-2263

2264-2265  
2266-2267  
2268-2269

2270-2271  
2272-2273  
2274-2275

2276-2277  
2278-2279  
2280-2281

2282-2283  
2284-2285  
2286-2287

2288-2289  
2290-2291  
2292-2293

2294-2295  
2296-2297  
2298-2299

2300-2301  
2302-2303  
2304-2305

2306-2307  
2308-2309  
2310-2311

2312-2313  
2314-2315  
2316-2317