

LEGISLATIVE RESEARCH COMMISSION  
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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 Chapter 13.

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.

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

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# Public Hearing

201 KAR 13:030. Contact lens fitting. [On this page]

The Board of Ophthalmic Dispensers has scheduled a public hearing on a proposed amendment to this regulation. The hearing is scheduled for 4:30 p.m. EDT November 12, 1975 at Stouffer's Louisville Inn, Second and Broadway, Louisville, Kentucky.

Persons desiring additional information may contact Robert P. Hastings, attorney for the board, at 430 South Fifth Street, Louisville, Kentucky 40202, Phone 502-583-8371.

## 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.)

U. S. POSTAL SERVICE STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION (Act of August 12, 1970: Section 3685, Title 39, United States Code)		
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MANAGING EDITOR (Name and address) None		
7. OWNER (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding 1 percent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a partnership or other unincorporated firm, its name and address, as well as that of each individual must be given.)		
NAME Commonwealth of Kentucky Legislative Research Commission		ADDRESS Room 300, State Capitol, Frankfort, Kentucky 40601
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9. FOR OPTIONAL COMPLETION BY PUBLISHERS MAILING AT THE REGULAR RATES (Section 132.121, Postal Service Manual) 39 U. S. C. 3626 provides in pertinent part: "No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates." In accordance with the provisions of this statute, I hereby request permission to mail the publication named in item 1 at the reduced postage rates presently authorized by 39 U. S. C. 3626. (Signature and title of editor, publisher, business manager, or owner) <i>E. Hugh Morris</i> , Editor		
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PS Form 3526 (Page 1)  
Jan 1975

(See instructions on reverse)

EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Ophthalmic Dispensers  
(Proposed Amendment)

201 KAR 13:030. Contact lens fitting.

RELATES TO: KRS 326.060  
PURSUANT TO: KRS 13.082, 326.020(3)

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, 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 ophthalmic dispenser shall not furnish contact lenses unless the prescription from a physician, osteopath or optometrist under which such lenses are to be furnished instructs the patient to return to such physician, osteopath or optometrist to complete the fitting process.

(5) [(4)] 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.

(6), [(5)] 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: October 9, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: October 14, 1975 at 11:55 a.m.

PUBLIC HEARING: A public hearing has been scheduled at 4:30 p.m. November 12, 1975, at Stouffer's Louisville Inn, Second and Broadway, Louisville, Kentucky.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Board of Registration for Professional  
Engineers and Land Surveyors  
(Proposed Amendment)**

**201 KAR 18:010. Classes of applicants.**

RELATES TO: KRS 322.040, 322.120

PURSUANT TO: KRS 13.082, 322.040, 322.120, 322.290

**NECESSITY AND FUNCTION:** Establishes classes of applicants for professional engineers and land surveyors for convenience in discussing and processing applications for licenses, certification and examination.

Section 1. Classes of Applicants. (1) For convenience in discussing and processing applications for licenses, certification and examinations, there are hereby established the following four (4) classes of applicants.

(2) Professional Engineer. This class includes those applying for engineering licenses on the basis of:

(a) KRS 322.040(1)(a). Licensing under this provision may be obtained by:

1. Proof of graduation and satisfactory work experience (four (4) years) plus sixteen (16) hours examination. Licensing under this provision is recommended inasmuch as this standard meets the requirements of most state boards outside Kentucky for licensing by reciprocity or comity; or

2. Proof of graduation and satisfactory work experience (four (4) years) plus eight (8) hour examination. Applicants for licensing under this subparagraph will not be processed subsequent to June 30, 1976.

(b) KRS 322.040(1)(b). Licensing under this provision may be obtained by proof of a satisfactory work record of no less than eight (8) years and a sixteen (16) hour examination. Licensing under this provision shall cease effective July 1, 1980.

(c) Reciprocity (comity) with another state board.

(3) Engineer-In-Training. This class includes those applying for certification as engineers-in-training on the basis of:

(a) Graduation or senior in an approved engineering curriculum; or

(b) Engineering experience of at least four (4) years; or

(c) Combined education and engineering experience.

(4) Land Surveyor. This class includes those applying for land surveying license on the basis of:

(a) KRS 322.040(2)(b). Proof of graduation in engineering or land surveying plus work experience of four (4) years and sixteen (16) hour examination; or

(b) KRS 322.040(2)(c). *Eight (8) years work experience and sixteen (16) hour examination; or*

(c) [(b)] KRS 322.040(2)(a). Proof that the applicant holds a valid license issued by another board plus four (4) hour examination.

(5) Land Surveyor-In-Training. This class includes those applying for certification as land surveyors-in-training on the basis of:

(a) Graduation or senior in an approved engineering or land surveying curriculum; or

(b) Land surveying experience of at least four (4) years; or

(c) Combined education and land surveying experience.

(6) The board will decide to receive applications for original licensing in Kentucky from all applicants except those who meet at least one (1) of the following three (3) conditions:

(a) Applicant is a resident of Kentucky, or is regularly employed in Kentucky; or

(b) Is a graduate of an engineering school in Kentucky; or

(c) Is one who seeks licensing on the basis of subsection (2)(a)1. above.

GEORGE W. VAUGHN, Secretary—Treasurer

ADOPTED: July 10, 1975

APPROVED: WILLIAM E. SCENT, Secretary

RECEIVED BY LRC: September 17, 1975 at 3:52 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, State Board of Registration For Professional Engineers and Land Surveyors, University Station, Lexington, Kentucky 40506.

**EXECUTIVE DEPARTMENT FOR FINANCE  
AND ADMINISTRATION  
Kentucky Board of Nursing Education  
and Nurse Registration  
As Amended**

**201 KAR 20:050. Practical nurse schools.**

RELATES TO: KRS 314.011 (5), 314.111

PURSUANT TO: KRS Chapter 314

EFFECTIVE: October 8, 1975

**NECESSITY AND FUNCTION:** It is necessary to establish standards for practical nurse schools to assure that the students will have an appropriate educational program to prepare them for licensure.

Section 1. Nurse Faculty. (1) The nurse faculty shall include the nurse director/coordinator of the program and the teachers.

(2) All nurse faculty members shall be appointed by and be responsible to the controlling institution/governing body of the nursing program.

(3) There shall be a minimum of two (2) full-time nurse faculty members, and the ratio of students to faculty member in the clinical setting shall not exceed fifteen (15) to one (1).

(4) There shall be a nurse faculty member in every facility when students are assigned to give patient care. (Excludes field trips and observational experiences in which the student does not participate in administering nursing care.)

(5) Nurse faculty members shall be currently licensed as RNs in Kentucky.

(6) Each nurse faculty member shall have had a minimum of three (3) years of nursing experience as a licensed practitioner, one (1) of which shall have been as an RN within the three (3) years immediately preceding the date of appointment.

(7) The nurse director/coordinator shall have a baccalaureate degree with a nursing major, and at least one (1) year of experience in teaching nursing or in educational administration.

(8) Those nurse directors/coordinators employed prior to September 1, 1968 who do not have a baccalaureate degree on July 1, 1975 but who are enrolled in a planned program leading to a baccalaureate degree with a major other than nursing shall meet the requirements of that degree by September 1, 1979.

(9) Any director/coordinator employed prior to September, 1968 who does not have a degree by September 1,



1979 shall meet the requirement of a baccalaureate degree with a major in nursing by September 1, 1980.

(10) Teachers who do not have a degree shall present their plan for a program leading to a baccalaureate degree and shall show yearly academic progress toward it.

(11) All faculty members shall present evidence each year of continuing effort toward maintaining nursing competency and/or improving teaching skills or expertise in the areas of responsibility.

Section 2. Students. (1) There shall be written policies for selection, admission, progression and graduation which are in accord with the philosophy and objectives of the program.

(2) Requirements as to age and general education shall be so prescribed that the applicant meets the statutory requirements for admission to the licensing examination upon graduation from the program.

(3) Classes:

(a) All new students in a class shall be enrolled as of the same entrance date, and their program shall be in the same location.

[(b) A school may admit no more than two (2) classes per fiscal year (i.e. July 1, through June 30) and the interval between admission dates must be at least six (6) months.]

(b) [(c)] A new school shall not admit a second class until all requirements have been met for the first class to graduate.

(4) There shall be written policies for students relating to their health and welfare that include vacations, holidays, sick time, absences, and daily schedules. The daily schedule for class and practice shall not exceed seven (7) hours per day and thirty-five (35) hours per week.

Section 3. Advanced Standing. (1) A school which permits the admission of students with advanced standing shall establish written policies and procedures for evaluating and validating knowledge and skills gained from previous courses of study and/or experience, and determination of placement within the program.

(2) The written policies shall be approved by the board.

Section 4. Curriculum. (1) The curriculum shall prepare graduates for beginning practice as licensed practical nurses.

(2) The faculty shall be responsible for the selection of learning experiences and for the teaching and guidance of the students throughout the entire program.

(3) The selection of learning experiences shall be based on the faculty's stated objectives.

(4) The curriculum shall be organized to correlate instruction and practice throughout the program.

(5) The general plan of the total curriculum shall show the placement of courses and the number of hours allotted to class and clinical practice.

(6) A copy of each current course outline including objectives, planned instruction, learning activities and methods of evaluation shall be kept on file.

(7) The curriculum shall include learning experiences in the care of selected individuals from all age groups and with a variety of nursing needs.

(8) The minimum hours of instruction and guided clinical practice shall be 1,220 hours in these broad areas of learning:

(a) Personal and vocational relationships: Ethical, legal and vocational responsibilities of practical nurses, commun-

ication skills, and psychological content to help students function effectively in interpersonal relationships.

(b) Scientific and social foundations basic to practical nursing: Elementary facts and concepts from biological and physical sciences, nutrition, personal, family and community health, growth and development throughout the life span.

(c) Nursing care: Basic nursing principles and skills; nursing of patients of all age groups with common conditions of physical and mental illness or disability; nursing of mothers and newborn infants.

(9) The program shall extend over an enrollment period of no less than forty-eight (48) weeks.

(10) The school shall notify the board in writing of a proposed curriculum change and obtain board approval before instituting the change. This does not include rearrangement of course content.

IRMA M. BOLTE, President

DORIS MCDOWELL, Executive Director

ADOPTED: April 24, 1975

APPROVED: WILLIAM E. SCENT, Commissioner

RECEIVED BY LRC: October 3, 1975 at 1:30 p.m.

# DEPARTMENT OF TRANSPORTATION Bureau of Highways (Proposed Amendment)

## 603 KAR 5:070. Truck dimension limits.

RELATES TO: KRS 189.222

PURSUANT TO: KRS 13.082, 189.222(1)

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable size limits for trucks using the State Primary Road System. This regulation is adopted to fix the maximum dimensions for all classes of highways.

Section 1. The maximum dimensions for trucks using all class highways shall be as follows:

(1) Height: Including body and load, not to exceed thirteen (13) feet and six (6) inches.

(2) Width: Including body and load, not to exceed eight (8) feet.

(3) (a) Length: Motor Truck (single unit), including any part of the body or load, not to exceed thirty-five (35) feet.

(b) Truck tractors and semi-trailers, including any part of the body or load, not to exceed fifty-five (55) feet, except for truck tractors and semi-trailer units exclusively engaged in the transportation of motor vehicles the usual and ordinary bumper overhang of the transported vehicles is excluded in the measurement of the fifty-five (55) feet.

(4) A tolerance of not more than five (5) percent shall be permitted on length before a carrier is deemed to be in violation of this section.

Section 2. Unless otherwise provided herein, truck tractors, semi-trailers, and trailers, or motor trucks and trailers may be operated in combinations not exceeding sixty-five (65) feet over the following highways:

(1) The Toll Road System.

(2) The Interstate Highway System.

(3) All other four (4) lane highways not a part of subsections (1) and (2) of this section.

(4) The following sections of highways not listed in

subsections (1), (2), and (3) of this section: KY 15 from Campton to Whitesburg; US 23 from Ohio River Bridge at Portsmouth to Pikeville; US 25E from Pineville to Virginia State Line; US 27 from Lexington to Nicholasville and from Stanford to Burnside; US 31E from Glasgow to Tennessee Line; KY 52 from Richmond to Irvine; KY 55 from Campbellsville to Columbia; US 62 from Eddyville to Paducah; US 68 from Bowling Green to Russellville; KY 90 from I-65 to Glasgow; KY 114 from Salyersville to Prestonsburg; US 119 from Pineville to Harlan; US 127 from I-75 near Glencoe to Owenton and from Jct. KY 151 to Danville; US 150 from Bardstown to Springfield and from Danville to Stanford; KY 151 from I-64 to Jct. with US 127; and KY 245 from I-65 to US 62 at Bardstown.

(5) An operator will not be deemed to be in violation of this order if operating within ten (10) miles of the above roads, upon connector roads, provided the connector roads have a surface width of at least twenty (20) feet.

(6) Roads within fifteen (15) miles of the following border entry points: Ohio River Bridge, Cairo, Illinois; Ohio River Bridge, Paducah; Ohio River Bridge, Henderson; Ohio River Bridge, Owensboro; Ohio River Bridge, South Portsmouth; and Ohio River Bridge, Ashland.

Section 3. Truck tractors and semi-trailers engaged in the transportation of tobacco, unmanufactured tobacco products on motor vehicles not exceeding sixty (60) feet, excluding normal bumper overhang, may be operated upon any designated AAA or AA highway.

Section 4. As long as any highway remains a part of the State Primary Road System, the classification of highways by this regulation constitutes a designation by the Commissioner of Highways as contemplated by KRS 189.280, and city ordinances which impose less stringent limits shall not apply to such state maintained highways, including bridges, unless specific relinquishment of this responsibility to a city is made by the Commissioner of Highways.

JOHN C. ROBERTS, Secretary

ADOPTED: September 22, 1975

RECEIVED BY LRC: October 1, 1975 at 3:59 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING  
TO: Dandridge F. Walton, Deputy Secretary for Legal Affairs, Department of Transportation, 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 33 are amended to read as follows:

AAA—From Jct. US 62 in Versailles to Jct. Bluegrass Parkway south of Versailles;

AAA—From Jct. with US 68 near Pleasant Hill in Mercer County to Jct. KY 342, 1.4 miles south of beginning;

A—From Jct. with KY 342 [US 68] to Jct. with US 150 in Danville;

B—All other portions not herein classified.

Section 2. The classification for KY 245 is amended to read as follows:

AAA—From Jct. I-65 [Ky Turnpike], 4.9 miles south of Shepherdsville to Jct. US 62 near the NECL of Bardstown [US 31E in Bardstown].

Section 3. The classification for KY 342 is amended to read as follows:

AAA—From Jct. KY 33 in Mercer County to Jct. Dix Dam Road (CR 1114);

B—All portions not herein classified.

JOHN C. ROBERTS, Secretary

ADOPTED: September 22, 1975

RECEIVED BY LRC: October 1, 1975 at 4:00 p.m.

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

(The two regulations which follow, published originally in the May, 1975 Register [1 Ky.R. 1046], were amended by the issuing agency as a result of a hearing and comment. The regulations, as amended, were approved for filing by the Regulation Review Subcommittee at its October 8, 1975 meeting and became effective on that date.)

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

**702 KAR 4:030. Local board's contract with architect, engineer.**

RELATES TO: KRS 156.160(11), 322.360

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To provide a legal document of agreement concerning work to be done and the amount of pay to be received.

Section 1. A local board of education and an architect or engineer currently registered in Kentucky shall negotiate and enter into a contract for the services needed on forms provided by the State Board of Education prior to preparation of plans for remodeling, alterations, or construction of school facilities. This contract between the local board of education and the architect or engineer shall be submitted to the Superintendent of Public Instruction for approval. The local district shall be notified of the approval or disapproval of the contract within thirty (30) days. [and shall become effective upon approval.]

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:29 a.m.

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

**702 KAR 4:040. Contract completion; changes; retainage.**

RELATES TO: KRS 162.070

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To provide information to confirm a contract which is in accord with the approved completed plans and specifications and to insure that the contract is completed in accord with the plans and specifications.

Section 1. A copy of the bids received based on approved plans and specifications with a copy of the proposed contract shall be submitted to the Superintendent of Public Instruction. No contract shall be awarded that is not in accord with the approved completed plans and specifications. The amount of the contract shall not exceed the funds approved by the Superintendent of Public Instruction for the proposed project. The local board of education shall submit to the Superintendent of Public Instruction a copy of the completed contract, a copy of the insurance documents and a copy of the performance and payment bond.

Section 2. (1) Changes in contract, working drawings, specifications, and contract documents, which are within the scope of the project may be approved. A copy of any change order issued in connection with the project must be in writing and signed by the architect or engineer, an authorized representative of the board of education, and the contractor. This document shall contain an explanation of the reasons for the change.

(2) Any such change order proposal involving an amount in excess of \$2,500 shall first be submitted for approval to the Superintendent of Public Instruction.

Section 3. The board of education shall withhold ten (10) percent of the *first one million dollars and five (5) percent of the completed performance above one million dollars* of the contract price of the work until the work is substantially completed. Upon substantial completion of the work, the ten (10) percent retainage may be reduced to five (5) percent with certification of the architect or engineer and approval of the board of education. No part of the five (5) percent retainage shall be paid until the Superintendent of Public Instruction has made final inspection of the completed construction and approved the completed project in accord with the approved plans, specifications, and contract documents. The local board of education shall request the required inspection upon approval of the architect's certification of substantial completion.

Section 4. (1) The architect shall furnish the local board of education the appropriate State Board of Education form with applicable information requesting final approval. The local board of education shall approve such form and forward the Superintendent of Public Instruction a completed copy or a letter stating why the board does not agree that the construction is completed.

(2) A written statement approving the completion or a list of items to be completed will be given to the local board of education, with a copy to the architect or engineer. Written approval and authorization of the full payment of the contract will be given when the building project is completed according to plans and specifications and approved change orders.

LYMAN V. GINGER,  
 Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:30 a.m.

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

**704 KAR 10:010. Kentucky plan.**

RELATES TO: KRS 156.100

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: Section 131 of Title III of P.L. 89-10 amended by P.L. 91-230 and P.L. 93-380 specifies that a State Plan must be updated on an annual basis and approved by the Commissioner of Education, U. S. Office of Education. The new *ESEA Title III* plan was submitted, including all necessary changes, to the commissioner for approval; therefore, it supersedes the previous year's plan. The FY 76 [75] Plan received substantial approval by the Commissioner of Education on July 1, 1975 [1974].

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.100 the Kentucky State Plan for ESEA Title III incorporated in P.L. 89-10 as amended by P.L. 91-230 and P.L. 93-380 for the period effective 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: September 10, 1975

RECEIVED BY LRC: September 30, 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 Vocational Education**  
**(Proposed Amendment)**

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

RELATES TO: KRS 156.100, 163.020, 163.030

PURSUANT TO: KRS 13.082

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.*

[Section 1. 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), and 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: September 10, 1975

RECEIVED BY LRC: September 30, 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.

(The 12 regulations which follow, published originally in the May, 1975 issue of the Register [1 Ky.R. 1058, 1060-1067], were amended by the issuing agency as a result of a hearing and comment. These regulations, as amended, were approved for filing by the Administrative Regulation Review Subcommittee at its October 8, 1975 meeting and became effective on that date.)

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Vocational Education**  
**As Amended**

**705 KAR 2:030. Foundation program units.**

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish regulations to cover the allocation of vocational education units under the Kentucky Foundation Program.

Section 1. Local school districts shall request vocational education units on form FP-VE-1 provided by the Division of Finance, Bureau of Administration and Finance, by May 15. The request shall be made only for programs which have been included in the required local plan for vocational education. Request for new units shall be based on plans submitted by the local school district which are developed in conjunction with the regional vocational staff and the Program Development Division, Bureau of Vocational Education.

Section 2. Vocational units shall be allocated to local school districts to provide vocational education programs for the secondary school students in that district. Only that portion of a teacher's time devoted to vocational education shall be used for calculating vocational units. As a part of the vocational unit, a vocational teacher shall be permitted to perform non-instructional duties assigned to all teachers, [such as homeroom duty, hall duty, or bus duty] not amounting to more than an average [a total] of thirty (30) minutes per day. Vocational units shall be allocated only for those programs that have:

(1) Certified vocational teachers who satisfy the requirements of the Kentucky State Plan for the Administration of Vocational Education.

(2) Facilities and equipment which meet established minimum requirements.

(3) A curriculum which serves at least one (1) of the objectives of vocational education.

Section 3. The following activities shall be approvable for vocational units when the teacher is listed as a vocational teacher responsible for a minimum of three (3) vocational periods:

(1) Each vocational teacher shall have a planning period if any part of the unit is to be allocated. Vocational units shall be used to support the planning period only for teachers having at least five-tenths (0.5) unit resulting from vocational teaching and other vocational activities. Teachers who teach two (2) three (3) hour vocational blocks or three (3) two (2) hour vocational blocks shall not be required to have a planning period during the six (6) hour school day.

(2) One (1) class period shall be permitted for supervision of cooperative vocational education or work experience programs when there is a minimum of ten (10) and a maximum of fifteen (15) participating students with training agreements on file. Two (2) class periods shall be permitted for this purpose when the number of students enrolled are a minimum of sixteen (16) and a maximum of twenty-seven (27). When only one (1) supervision period is provided, the supervision and planning periods shall be scheduled consecutively during the time students are on the job.

(3) One (1) class period shall be permitted for one (1) teacher in each vocational program area to work with activities of integrated and approved vocational student organizations.

(4) A high school with five (5) or more full-time vocational teachers shall be permitted to designate one (1) teacher to use one (1) period to serve as a vocational department head.

(5) Agriculture teachers shall be permitted one (1) period for supervision of occupational work experience programs for a minimum of thirty (30) and a maximum of fifty (50) students. Two (2) periods shall be permitted for a teacher with more than fifty (50) students when at least twenty (20) students are juniors and seniors.

(6) Teachers shall qualify solely for supervision of cooperative work experience and agricultural programs supervision without the prerequisite of first teaching at least three (3) vocational periods.

Section 4. Class sizes shall be considered in allocating vocational education units. (1) All vocational classes shall have a minimum membership of ten (10) students unless justification is submitted to and approved by the Assistant Superintendent for Vocational Education.

(2) More than one (1) section of the same class shall have an average of twelve (12) students per class. Approval by the Assistant Superintendent for Vocational Education is required for justification of smaller enrollments.

(3) The maximum number of students per class shall be twenty-seven (27) or the number for which the facility is equipped, whichever is less.

Section 5. The class length standard for vocational classes shall be a minimum of sixty (60) minute periods and 300 minutes per week including passing time. If the Bureau of Instruction approves a different pattern of class schedules for the total school program, the Assistant Superintendent for Vocational Education shall, on request, approve shorter class periods for non-laboratory, shop, or practical exercise classes. Vocational classes which are laboratory, shop, or practical exercise classes shall require two (2) consecutive class periods if the gross period of time for one (1) class is less than sixty (60) minutes. Programs having exploratory objectives shall be considered on individual request as exceptions to the minimum length of class period.

Section 6. The Assistant Superintendent for Vocational Education shall calculate units for programs offered in local high schools based on the information provided on the professional staff data (PSD) form which is completed on the September 15 and amended as of February 1. The PSD shall be used to determine the amounts of time devoted to vocational programs, services, and activities. Additional justification shall be provided as needed to justify periods not devoted to teaching. Units shall be allocated for each vocational period calculated to the nearest tenth of a unit.

Section 7. The allocation of units to local school districts sending students to state vocational-technical schools and area vocational education centers shall be calculated on the basis of the number of students enrolled as of October 1. A vocational education unit shall be allotted for thirty (30) students attending the school three (3) hours per day, five (5) days per week or equivalent to this amount of student time. Units will be calculated to the nearest one-tenth (0.1) unit. The "contract" vocational unit shall be calculated at the value for a Rank III teacher with four (4) to nine (9) years experience and one (1) month extended employment. The unit shall include the foundation program value for salary, capital outlay, and current expenses.

Section 8. The funds calculated from the foundation program for students attending state-operated vocational schools shall be divided. Twenty (20) percent shall be transferred to the local school district owning the facility and eighty (80) percent transferred to the Bureau of Vocational Education for operating the program. If the facility is state-owned, one hundred (100) percent of the funds shall be transferred to the Bureau of Vocational Education.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:30 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Vocational Education**  
**As Amended**

**705 KAR 4:010. General standards.**

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish general standards for all vocational education programs.

Section 1. Vocational education programs shall be designed to serve one (1), or combinations, of the following groups of persons: secondary, postsecondary, adult, disadvantaged, and handicapped.

Section 2. Vocational instruction shall be provided to serve occupations within the following vocational program areas: agribusiness, business and office, health and personal services, home economics, industrial, marketing and distribution, practical arts, public service, and special vocational.

Section 3. Objectives of the instruction shall be designed to: (1) Prepare individuals for gainful employment as semi-skilled or skilled workers, technicians, or semi-professionals in recognized occupations and in new or emerging occupations, or

(2) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs, or

(3) Assist individuals in making informed and meaningful occupational choices, or

(4) Achieve any combination of the above.

Section 4. The content of instruction in vocational education programs shall: (1) Be based on a consideration of the skills, attitude, and knowledge required to achieve the objective of such instruction and include a planned sequence of those essentials of education or experience (or both) deemed necessary for the individual to achieve such objectives.

(2) Be developed and conducted in consultation with potential employers and other individuals having skills and substantive knowledge of the occupation or the occupational fields included in instruction.

(3) Include the most up-to-date knowledge and skills necessary for competencies required to meet the objectives of such instruction.

(4) Be sufficiently extensive in duration and intensive within a scheduled unit of time to enable the student to achieve the objectives of instruction.

Section 5. The vocational program of instruction shall combine and coordinate classroom instruction with field, shop, laboratory, cooperative work, or other occupational experience which:

(1) Is appropriate to the objectives of instruction,

(2) Is of sufficient duration to develop competencies necessary for the student to achieve such objectives, and

(3) Is supervised, directed, or coordinated by persons qualified under the Kentucky State Plan for the Administration of Vocational Education.

Section 6. Instructional personnel in vocational education shall be qualified and fully certified under the



provisions of the Kentucky State Plan for the Administration of Vocational Education and other regulations of the State Board of Education. Work experience requirements not included as a part of certification programs shall be approved by the Assistant Superintendent for Vocational Education.

Section 7. All instructional personnel shall attend district, regional, or state in-service education meetings called and/or approved by the Assistant Superintendent for Vocational Education *when such meetings are reimbursed by funds from the Bureau of Vocational Education. Instructional personnel may be excused by the local superintendent when the reasons are justified and submitted in writing to the Assistant Superintendent for Vocational Education.*

Section 8. Annual plans for vocational programs and applications for funds for the next school year shall be submitted by local educational agencies to the regional program coordinator for vocational education by April 15. The program plan shall be reviewed by the regional staff and the Bureau of Vocational Education staff and approved by the Assistant Superintendent for Vocational Education prior to program implementation.

Section 9. Recognized vocational student organizations shall be an integral part of the instructional program and shall be supervised by qualified vocational education personnel.

Section 10. Each occupational preparation program area offered by a local educational agency shall have an active program advisory committee to assist in planning, implementing, and evaluating programs.

Section 11. A continuous evaluation of the vocational education program shall be conducted by the local educational agency in accordance with requirements and instruments developed or approved by the Department of Education and by the local educational agency to determine the effectiveness of the program in terms of its objectives. The evaluation shall include a follow-up of students after their termination from the program. The Assistant Superintendent for Vocational Education shall designate the records and reports to be kept by local educational agencies operating approved vocational education programs.

Section 12. Where applicable, all vocational education programs shall operate according to guidelines developed by state and/or national licensure, certification, and registration agencies or boards having jurisdiction over graduates who seek employment in occupations governed by such agencies or boards.

Section 13. Classrooms, libraries, shops, laboratories, and other facilities, including instructional equipment, supplies, teaching aids, and other materials, shall be adequate in quantity and quality to meet the objectives in the vocational instruction.

Section 14. Requests for exceptions to any standards for vocational instructional programs shall be submitted in writing by the local educational agency, recommended by the appropriate program unit director, and approved by the

Assistant Superintendent for Vocational Education. Exceptions shall be limited to experimental programs, innovative programs, and unusual cases and shall be approved on an individual and annual basis.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:10 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Vocational Education**  
**As Amended**

**705 KAR 4:060. Secondary vocational education standards.**

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish general standards for vocational programs offered in secondary schools.

Section 1. The vocational curriculum shall be in conformance with the Kentucky Program of Studies approved by the State Board of Education. A school system offering a new vocational curriculum shall receive approval by the Assistant Superintendent for Vocational Education prior to program implementation.

Section 2. Preparatory secondary vocational education programs shall serve students enrolled in a school organized to provide appropriate learning experiences and related services for students classified in grades nine (9) through twelve (12). Exploratory programs shall be permitted at the seventh and eighth grade levels.

Section 3. The vocational preparation program offered in vocational schools shall provide a curriculum of sufficient length to permit students to secure entry-level skills in the occupations for which they are training. A program shall be offered on a daily basis and on a schedule which is consistent with good educational practice. New patterns shall be researched and piloted on a limited basis before total acceptance throughout the state. Such action shall be recommended by the Assistant Superintendent for Vocational Education.

Section 4. Vocational student organizations shall be integrated in the vocational education program. Vocational teachers shall serve as adult advisors to the student organizations to improve the quality and relevance of instruction, develop student leadership, enhance citizenship responsibilities, and provide other wholesome experiences for youth.

Section 5. The Assistant Superintendent for Vocational Education shall have reviewed all vocational classes based on required local plans, professional staff data (PSD) forms, and periodic evaluation visits. Only programs and classes approved by the Assistant Superintendent for Vocational Education shall receive weights under the weighted pupil

unit (WPU) distribution of State Foundation Program funds.

Section 6. Minimum and maximum class size shall be based upon program design, available facilities, and approval of the required local plan.

Section 7. The Assistant Superintendent for Vocational Education shall approve facilities and equipment prior to approving weighting under WPU for each vocational class. New approved programs must meet the minimum requirements prepared by the Assistant Superintendent for Vocational Education. Existing programs not meeting minimum requirements shall develop a plan to meet the requirements for facilities and equipment within a reasonable period of time.

Section 8. All secondary vocational teachers shall hold teaching certificates and meet other requirements of the Kentucky State Plan for the Administration of Vocational Education.

Section 9. Students shall be admitted for enrollment and receive instruction on the basis of their potential for achieving the objectives of such instruction.

Section 10. Secondary students enrolled in public or private schools shall be permitted to enroll in vocational programs within state-operated area vocational schools consistent with that school's student enrollment quota for cooperating local school districts. Secondary students shall be at least fifteen (15) years of age during the school year in which they enroll in a vocational preparation program. No lower age limit shall deny any student use of the facilities of vocational schools for career education experiences designed to produce occupational awareness, orientation, exploration, and limited work exposure. High school credit shall be permitted for students enrolled in vocational programs in vocational schools on the same basis as the equivalent time would be granted high school credit for programs offered in the secondary schools.

Section 11. Each local district shall provide adequate instructional supplies for each approved vocational education program. While the amount of supplies needed by each class will vary, the local district shall provide a minimum of \$300 for each full-time vocational teacher. The amount shall be prorated for teachers employed less than full-time as a vocational teacher.

Section 12. The cost of instructional supplies and maintenance of equipment shall not be shifted to student fees. [Student fees for classroom instruction for vocational students, exclusive of student organization dues and activity fees, shall not exceed five (5) dollars per year per class and not more than ten (10) dollars per student per year in a given vocational program area even though the student may be enrolled in several classes.] The student may be required to purchase items which will become the property of the student. *Students may also be charged student organization dues and activity fees.*

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:16 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Vocational Education**  
**As Amended**

**705 KAR 4:070. Agribusiness education.**

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish program standards for secondary agribusiness education programs.

Section 1. The following minimum requirements shall apply to those schools offering secondary agribusiness education programs:

(1) Instruction shall be for youth in secondary schools who are preparing for job entry in the field of agriculture. Classroom instruction and supervision of the students' occupational experience programs must be a part of the instructional program. Time shall be provided in the daily schedule for both class instruction and supervision.

(2) The curriculum shall be designed to offer training that will enable students to develop skills and competencies that are necessary for job entry and advancement in their chosen agricultural occupations.

(3) Each student shall plan and conduct, under the supervision of the teacher, an occupational experience program which contributes to his occupational objective.

(4) Each student enrolled in a preparatory program shall have a record of an occupational objective on file. It shall specify a planned sequence of instruction.

(5) Preparatory programs designed for eleventh and twelfth grade students shall be two (2) year programs that meet for a minimum two (2) hour block of instruction each school day.

(6) Any exception to the minimum requirements in this section shall have the approval of the Assistant Superintendent for Vocational Education.

Section 2. The Future Farmers of America (FFA) shall be the officially recognized student organization for secondary students enrolled in agribusiness education:

(1) Each approved program in agribusiness education shall have an active FFA chapter that provides leadership development for all its members as evidenced by its meeting the requirements for a standard chapter.

(2) Agribusiness education teachers shall serve as FFA chapter advisers. In multiple-teacher departments, each teacher shall share the FFA chapter responsibilities.

Section 3. (1) Teachers of agribusiness education shall be employed for a minimum of one (1) month beyond the normal school year. This month shall be spent supervising students' occupational experience programs, *approved in-service education*, [attending the state vocational education conference] attending and supervising students at the annual FFA convention, revising the course of study, purchasing teaching materials, planning and conducting classroom and laboratory improvements. Additional extended employment of up to full twelve (12) month employment shall be provided when the teacher of agribusiness education conducts a program that requires *full-time employment involved in some of* the following summer activities:

(a) Teaching secondary students during summer sessions

or during weeks of school extended beyond the normal school year.

(b) Supervision of students enrolled in vocational programs during the academic year.

(c) Placement and follow-up of graduates.

(d) Supervision of students' occupational experience programs.

(e) Supervision of students participating in local, regional, state, and national livestock shows and fairs that are a part of the agribusiness education program.

(f) Attending and supervising students during a week of leadership development at the Kentucky FFA Leadership Training Center.

(g) Participation in the in-service training provided and promoted by the agribusiness education unit.

(h) Planning and supervising summer activities of the FFA chapter.

(i) Conducting planned evaluation to ascertain the quality and validity of the instructional program.

(2) The number of months of extended employment granted shall be based on plans submitted with the annual local plan for vocational education. The plan shall include the objectives as well as the activities and percentage of time to be devoted to each. The period covered by this plan shall be July 1 to June 30 of the following year.

(3) By May 15, each agribusiness education teacher shall submit a schedule of extended employment activities for the summer.

Section 4. The schools offering agribusiness education shall provide facilities and equipment relevant to the program(s) being offered. (Example: greenhouse with related facilities and equipment for a horticulture program.) The facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.

Section 5. The minimum qualifications for employment of an agribusiness education teacher shall be: Agribusiness education teachers shall have valid certificate.

Section 6. Standards for cooperative education programs in agribusiness education, in addition to other regulations governing cooperative education programs, shall be:

(1) The student shall be placed on a farm, in an agricultural business, industry, processing plant, organization, or with a professional in agribusiness for cooperative work experience.

(2) A written training plan shall be agreed on by the cooperator, the trainee, the teacher, and the parents of the trainee.

(3) The trainee shall spend sufficient time in a salaried position to develop skills and competencies necessary to reach the occupational objective.

Section 7. The agribusiness education unit shall prepare course descriptions and criteria for distribution to local school districts when the criteria for approval are more specific than these program standards.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:17 a.m.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
As Amended

705 KAR 4:090. Business and office education.

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish program standards for secondary school vocational business and office education programs.

Section 1. The following minimum requirements shall apply for schools offering a secondary vocational business and office education program:

(1) The school shall offer a minimum of two (2) business and office occupational curriculum clusters in addition to a basic program. The clusters are secretarial, clerical, accounting-jr. management, and data processing.

(2) The program shall have a minimum of three (3) business teachers, two (2) of whom are approved as vocational teachers.

(3) A minimum total of fifteen (15) vocational business and office students are enrolled in the two (2) occupational clusters.

(4) Students shall have an occupational objective card on file specifying a planned sequence of instruction.

(5) Each student's curriculum shall consist of six (6) units of credit in business and office, four (4) of which must be classified as vocational.

Section 2. The Future Business Leaders of America (FBLA) shall be the official student organization for business and office education.

Section 3. All vocational business and office teachers shall have a minimum of one (1) week extended employment to *complete the activities of the program and participate in approved in-service education*. [attend the state vocational conference.] Minimum additional extended employment for the following shall be:

(1) First year co-op and model office coordinators: three (3) weeks.

(2) Experienced co-op and model office coordinators: two (2) weeks.

(3) FBLA advisers: one (1) week for attending officer training workshop.

(4) Business and office department chairmen in departments with five (5) or more business teachers: one (1) week.

Section 4. The business department shall consist of a minimum of three (3) classrooms with furniture and equipment appropriate for instruction for business occupations and equivalent to that used in business and industry. The facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for new facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.

Section 5. The minimum qualifications for a secondary vocational business and office education teacher shall be:

(1) A baccalaureate degree with a major or an area in business.

(2) A provisional high school certificate for Kentucky.

(3) One (1) year or 2,000 hours of work experience related to the occupation to be taught. The work experience shall be approved by the Assistant Superintendent for Vocational Education.

Section 6. Minimum standards for a cooperative education program in business and office education, in addition to general regulations governing cooperative programs, shall be as follows:

(1) The students enrolled in the cooperative education program shall have completed two (2) business courses and shall be completing the requirements for a vocational business and office occupational cluster.

(2) The student shall spend a minimum of fifteen (15) clock hours per week in a salaried position which provides work experience directly related to the student's educational program.

Section 7. A model office program shall meet the following minimum standards:

(1) The class shall meet for a two (2) hour block of instruction each school day for one (1) year.

(2) The program shall use a software simulation package approved by the Assistant Superintendent for Vocational Education.

(3) The program shall provide model office equipment and furniture arranged to simulate a realistic office environment.

(4) The students enrolled in the model office program shall have completed two (2) business courses and shall be completing the requirements for a vocational business and office occupational cluster.

Section 8. A vocational business and office education teacher shall have no more than three (3) different daily class preparations. *If additional preparations are necessary, two (2) planning periods will be required.*

Section 9. The business and office education unit shall prepare course descriptions and criteria and distribute to local school districts when the criteria for approval are more specific than these program standards.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:19 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Vocational Education**  
**As Amended**

**705 KAR 4:100. Health and personal service education.**

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish program standards for secondary school health and personal service education programs.

Section 1. The following standards shall apply for schools offering a secondary vocational health and personal service education program:

(1) The student enrollment shall not exceed the number established as approved for the available classroom and clinical facilities.

(2) The maximum student/teacher ratio for health occupations programs shall be fifteen (15) to one (1) per session and twenty (20) to one (1) for personal service programs unless otherwise approved in writing by the Assistant Superintendent for Vocational Education. In the event a licensure, certification, or registration board mandates a lower student/teacher ratio, the requirements of this board shall apply.

(3) Secondary health and personal service education classes normally meet for a minimum of three (3) hours per day. Innovative programs of shorter duration shall be approved in writing by the Assistant Superintendent for Vocational Education.

(4) The program shall meet the criteria required by state and national boards and associations that license, certify, or register the graduates of the program.

Section 2. Student leadership development activities shall be integrated into the educational program. These leadership development activities shall be provided through one (1) of the following:

(1) Affiliation with an organization associated with the career area for which the student is preparing.

(2) Establishment of a local student leadership organization.

(3) Affiliation with a recognized vocational student organization.

(4) Affiliation with community based leadership development organizations.

Section 3. All health and personal service education instructors shall be employed for a minimum of one (1) month beyond the regular school term to complete the activities of the program and participate in planned in-service meetings. [One (1) week of this month shall be utilized for attendance at the state vocational conference.]

Section 4. The facilities requirements are: (1) Schools offering health and personal service education shall have available for utilization educational facilities including lecture, laboratory, and classroom areas with furniture and equipment consistent with the instructional objectives of the program.

(2) The facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for new facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.

Section 5. An instructor in health and personal service education shall have at least a high school diploma, or its equivalent, determined by evidence of an acceptable score on a GED test administered by an approved testing center, be a graduate of an approved curriculum of vocational education in the area to be taught, and have at least three (3) years of work experience in the area. One (1) year of the work experience requirement may be substituted by one (1) year of additional education beyond the high school level in an approved postsecondary school. The minimum qualifications for an instructor shall be equivalent to those required by state and national boards and associations that license, certify, or register the graduates of

vocational programs. The work experience shall be approved by the Assistant Superintendent for Vocational Education. The teacher shall hold the Kentucky education certificate designated for the position. In a health careers program, at least one (1) instructor shall be a registered nurse licensed to practice in the Commonwealth of Kentucky.

Section 6. Guided clinical experience shall be an integral part of the health and personal service educational program.

(1) The guided clinical experience shall be appropriate to the level of the trainee's skill consistent with the educational objectives of the course and shall be integrated with the classroom instruction.

(2) The school shall have a written agreement with each cooperating agency specifying responsibilities and authority of each party to the agreement.

(3) A statement of understanding shall be signed by all students prior to assignment in a clinical area.

(4) Transportation shall be available to and from clinical facilities and reflected in the program plan and budget.

Section 7. The health and personal service education unit shall prepare class descriptions and criteria and distribute to local school districts when the criteria for approval are more specific than these program standards.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:20 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Vocational Education**  
**As Amended**

**705 KAR 4:110. Home economics; consumer and homemaking.**

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish program standards for secondary consumer and homemaking programs.

Section 1. The following minimum requirements shall apply for schools offering a secondary vocational program in consumer and homemaking education:

(1) The school shall offer instruction in the areas of child development, clothing and textiles, food and nutrition, housing, management-consumer education, and personal and family development.

(2) The minimum offerings shall be a two (2) year comprehensive program and shall include all areas of instruction listed above.

(3) Supervised extended learnings which make use of consumer and homemaking instruction shall be a part of the program.

(4) Teachers shall make visits to homes of [FHA] students.

Section 2. The Future Homemakers of America (FHA) shall be the official student organization for home

economics education and shall be an integral part of the instructional program. The organization shall be under the direction of the home economics teacher.

Section 3. The teacher shall be employed a minimum of one (1) month beyond the regular school term *to complete the activities of the program and participate in approved in-service education*. [One (1) week shall be used to attend the state vocational conference.] Any additional time shall be approved annually by the local school superintendent and the Assistant Superintendent for Vocational Education.

Section 4. Facilities and equipment necessary for teaching each of the areas of consumer and homemaking education shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.

Section 5. The teacher shall be certified to teach vocational home economics and shall keep up to date by participating in activities such as graduate study, state and regional conferences, and in-service workshops.

Section 6. The home economics unit shall prepare course descriptions and criteria for programs and distribute to local school districts when the criteria for approval are more specific than these program standards.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:21 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Vocational Education**  
**As Amended**

**705 KAR 4:120. Home economics; gainful.**

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish program standards for secondary gainful home economics programs.

Section 1. The following minimum standards shall apply for schools offering a secondary vocational program in gainful home economics:

(1) The curriculum shall be based on a job analysis of the occupation. It shall be specific and limited in scope to the learnings and skills related to the occupation or a cluster of closely related occupations.

(2) The class shall meet for a minimum of two (2) consecutive class periods daily or a total of 120 minutes daily.

(3) Supervised, practical experience shall be a part of the preparatory training program.

(4) Students shall be enrolled on the basis of their interest and aptitude for a specific occupation or a cluster of closely related occupations.

(5) Facilities shall be available to enable trainees to acquire marketable skills in the occupation.



Section 2. The student organization, FHA or FHA/HERO, shall be an integral part of the program.

Section 3. The teacher shall be employed a minimum of one (1) month beyond the regular school term *to complete the activities of the program and participate in approved in-service education.* [One (1) week shall be used to attend the state vocational conference.] Any additional time shall be approved annually by the local school superintendent and the Assistant Superintendent for Vocational Education.

Section 4. Facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.

Section 5. The minimum qualifications of a secondary gainful home economics teacher shall be:

- (1) A certificate to teach vocational home economics.
- (2) One (1) year or 2,000 hours work experience related to the occupation to be taught or one (1) year teaching experience, a course related to occupational instruction and approved additional experience or occupational experience in the area of home economics related to the occupation.

Section 6. A cooperative class shall meet the following minimum standards:

- (1) The student shall have completed at least one (1) semester in the gainful home economics occupation in which he will be placed for paid work experience.
- (2) A related class of at least one (1) hour per day shall be concurrent with the supervised occupational experience.
- (3) Supervised occupational experience shall consist of two (2) to three (3) hours per day or the equivalent number of hours per week in an approved training station for a semester or a year under the supervision of the cooperating employer and the teacher.

Section 7. The home economics education unit shall prepare course descriptions and criteria and distribute to local school districts when the criteria for approval are more specific than these program standards.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:22 a.m.

EDUCATION AND ARTS CABINET  
Department of Education  
Bureau of Vocational Education  
As Amended

705 KAR 4:130. Industrial education.

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish program standards for secondary school industrial education programs.

Section 1. The following minimum requirements shall apply for schools offering a secondary industrial education program:

(1) Classes having the objective of occupational preparation shall be organized to operate for three (3) consecutive hours including passing time on a daily basis during the school year. Any exception to this schedule will be made for the purpose of experimentation or research with the approval of the Assistant Superintendent for Vocational Education.

(2) Students enrolled in occupational preparatory programs shall be at least fifteen (15) years of age during the school year in which they enroll, and they shall be enrolled on the basis of their potential for achieving the specific occupational goal they have chosen.

(3) Courses of instruction shall be made up of specific occupational content and be of sufficient length to prepare students with entry-level skills in the occupation.

(4) Class size shall be determined by the number of individual work stations provided. No more than twenty (20) students shall be the responsibility of one (1) teacher at any given time.

Section 2. The Vocational Industrial Clubs of America (VICA) shall be the official youth organization for industrial education students. The organization shall function as an integral part of the instructional program.

Section 3. Industrial education teachers shall be employed at least one (1) month beyond the regular school term *to complete the activities of the program and participate in approved in-service education.* [one (1) week of the extended employment shall be spent attending the state vocational conference any year in which it is held ]

Section 4. Facilities for industrial education programs shall be of adequate size and design to accommodate the equipment, activities, and the number of work stations peculiar to each program. The equipment shall be equivalent to that used in industry. Facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.

Section 5. The minimum qualifications for employment of an industrial education teacher shall be:

- (1) A high school graduate or the equivalent with at least three (3) years of journeyman level experience in the occupation to be taught, which shall be approved by the Assistant Superintendent for Vocational Education; or an approved associate or bachelors degree in industrial education.

(2) A certificate endorsed to teach the specific preparatory program.

Section 6. The minimum standards for a cooperative industrial education program shall be, in addition to other regulations governing cooperative programs: Students shall spend time on the job equal to that spent in school on an alternate or rotating basis.

Section 7. The industrial education unit shall prepare course descriptions and criteria and distribute to local schools when the criteria for approval are more specific than these program standards.

LYMAN V. GINGER

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:24 a.m.

#### EDUCATION AND ARTS CABINET

Department of Education

Bureau of Vocational Education

As Amended

#### 705 KAR 4:140. Marketing and distributive education.

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish program standards for secondary school distributive education programs.

Section 1. The following minimum requirements shall apply for schools offering a secondary marketing and distributive education program:

(1) The school shall offer a three (3) year program of instruction beginning in grade ten (10).

(2) Simulated laboratory programs shall be two (2) hours in length and offered for seniors.

(3) Students shall have an occupational objective statement on file specifying a planned sequence of instruction.

Section 2. Distributive Education Clubs of America (DECA), the official student organization for marketing and distributive education, shall be an integral part of the instructional program.

Section 3. Teachers of marketing and distributive education shall have a minimum of one (1) month extended employment beyond the regular school year *to complete the activities of the program and to participate in approved in-service education* [one week of which shall be to attend the state vocational conference].

Section 4. The marketing and distributive education facilities shall include a classroom-laboratory, teacher's office, and storage room. The facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for new facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.

Section 5. The minimum qualifications for a secondary marketing and distributive education teacher shall be:

(1) A baccalaureate degree with a major or area in distributive education, business administration, or business education (accounting or general business).

(2) A provisional or standard high school certificate for Kentucky.

(3) One (1) year or 2,000 hours occupational experience in distributive occupations which shall be approved by the Assistant Superintendent for Vocational Education.

(4) Majors in business administration or business education must complete nine (9) semester hours in a planned in-service program, including a minimum of six (6) semester hours in professional distributive education and three (3) semester hours in relevant content preparation.

Section 6. Minimum standards for a cooperative education program in marketing and distributive education shall be a minimum of fifteen (15) clock hours per week in a salaried position which provides work experience directly related to the student's educational program, in addition to other regulations governing cooperative programs.

[Section 7. A full-time marketing and distributive education teacher shall have no more than three (3) different daily class preparations.]

[(1) A full-time teacher supervising sixteen (16) students or more working in an approved cooperative training station shall have a daily schedule consisting of three (3) classes of marketing and distributive education, one (1) planning period, and two (2) supervisory periods.]

[(2) A full-time teacher supervising fifteen (15) students or less working in an approved cooperative training station shall have a daily schedule consisting of three (3) classes of marketing and distributive education, one (1) planning period, one (1) supervisory period, and one (1) period with the approval of the Assistant Superintendent for Vocational Education to teach a fourth class or conduct student organization activities or serve as the vocational department head.]

[(3) Only one (1) teacher in a multi-teacher department will be approved for a period to conduct student organization activities.]

[(4) Full-time teachers of simulated laboratory programs shall have a daily schedule consisting of three (3) classes of marketing and distributive education and two (2) planning periods.]

Section 7. [8] The Marketing and Distributive Education Unit shall prepare program descriptions and criteria and distribute to local school districts when the criteria for approval is more specific than these program standards.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:25 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Vocational Education**  
**As Amended**

**705 KAR 4:160. Public service occupations.**

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish program standards for secondary public service education programs.

Section 1. The following minimum standards shall apply to those schools offering a vocational public service occupations education program at the secondary level:

(1) The school shall offer a two (2) year public service education program of instruction in grades eleven (11) and twelve (12).

(2) Students shall have an occupational card on file specifying a planned sequence of instruction.

(3) The public service occupations education class shall meet for three (3) hours of classroom instruction and work experience and/or supervised on-the-job training per day.

Section 2. The Vocational Industrial Clubs of America (VICA) shall be the official student organization for public service occupations students.

Section 3. All vocational public service occupations teachers shall have a minimum of *three (3) weeks* [one (1) week] extended employment to *complete the activities of the program and participate in approved in-service education* [attend the state vocational conference. Minimum additional extended employment shall be two (2) weeks].

Section 4. Teaching aids, required space, facilities, and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for new facilities and equipment shall be prepared and distributed by the Bureau of Vocational Education.

Section 5. The minimum qualifications for a secondary vocational public service occupations education teacher shall be:

(1) High school diploma.

(2) Three (3) years work experience related to the occupation to be taught which shall be approved by the Assistant Superintendent for Vocational Education.

(3) Teacher shall hold one (1) year vocational education certificate for public service occupations education and shall be approved by the Assistant Superintendent for Vocational Education.

Section 6. Supervised occupational work experience for students shall be three (3) hours per day. School attendance or work periods may be on alternate half ( $\frac{1}{2}$ ) days, weeks, or other periods of time in fulfilling the cooperative vocational education program which shall be approved by the Assistant Superintendent for Vocational Education.

Section 7. The public service occupations education unit shall prepare class descriptions and criteria and distribute to

local school districts when the criteria for approval are more specific than these program standards.

LYMAN V. GINGER,  
 Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:25 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Vocational Education**  
**As Amended**

**705 KAR 4:170. Special vocational education.**

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To establish program standards for special vocational education programs at the secondary level.

Section 1. The following minimum requirements shall apply for schools offering a secondary special vocational education program:

(1) The program shall be designed primarily to serve disadvantaged and handicapped individuals and those persons whose need for vocational education are unique in that new and innovative methods or combinations of various areas of vocational education are indicated as being required.

(2) The school shall establish the need for the program based on diagnosis of students' needs, interests, abilities, and opportunities for becoming employable.

(3) Records of identification shall be on file at the school for students enrolled in special vocational education programs designed for disadvantaged and handicapped.

(4) Students shall be from any level of the secondary school population or an ungraded class.

(5) The curriculum and teacher's schedule shall be flexible and designed to meet the unique learning needs of the students.

Section 2. Students in special vocational education programs shall be permitted to participate in student organizations within respective vocational program areas if they meet the membership qualifications as set forth by each organization.

Section 3. All special vocational education teachers involved in programs of orientation and exploration in the world of work, which have components of work experience and interlocking cooperative vocational education programs, shall have a minimum of one (1) week extended employment to *complete the activities of the programs and participate in approved in-service education* [attend the state vocational conference].

Section 4. The proposed program shall determine the type of classroom space (standard classroom, combination classroom-laboratory or mobile unit), furniture and equipment appropriate for instruction for special vocational programs. The facilities and equipment shall be approved by the Assistant Superintendent for Vocational Education. Minimum standards for new facilities and equipment shall



be prepared and distributed by the Bureau of Vocational Education.

Section 5. The minimum qualifications for a special vocational education teacher at the secondary level shall be:

- (1) A baccalaureate degree;
- (2) A provisional or standard certificate for Kentucky; and
- (3) One (1) year or 2,000 hours of wage-earning experience in business and industry. The work experience shall be approved by the Assistant Superintendent for Vocational Education prior to employment.

Section 6. The special vocational functions unit shall prepare course descriptions and criteria and distribute to local school districts when the criteria for approval are more specific than these program standards.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:26 a.m.

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

705 KAR 5:040. Steering committee.

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To establish responsibilities of steering committees for area vocational education centers.

Section 1. Each area vocational education center that is operated by the State Department of Education, Bureau of Vocational Education, shall have an official steering committee appointed by the Superintendent of Public Instruction upon recommendation of the Assistant Superintendent for Vocational Education. It shall provide systematic contact with and participation by responsible leaders in the cooperating local school districts. The center steering committee shall be composed of the superintendent of schools, one (1) member of the local board of education, the principal of a cooperating secondary school, and one (1) lay citizen from each participating local school district; and a member of the Regional Advisory Committee on Vocational Education.

Section 2. The center steering committee shall be authorized to consult, counsel, and advise with the coordinator of the area vocational education center, the regional director of vocational education and his staff, and the director of the Division of Program Management in the Bureau of Vocational Education, State Department of Education, on all matters pertaining to the operation of the center.

Section 3. The steering committee shall consult, counsel, and advise with the administrators responsible for the operation of the center on such things as: (1) Annual and long-range program planning for the center;

(2) Procedures to be followed in implementing the program plans; and

(3) Management procedures in handling the details pertaining to program operations.

Section 4. The management procedures referred to in the preceding section of this regulation include such areas as determining the programs to be offered, curriculum development, employment of personnel, in-service training of personnel, enrollment quotas for secondary school students from the different participating local school districts, discipline of students, class and school schedules; transportation of students, equipping and maintaining the facilities, program evaluation, student counseling and guidance, records and reports, and other areas of concern pertaining to the operation of the center.

Section 5. The center steering committee shall be used to provide for active exchange of information, views, problem identification, and future requirements for program improvements. It shall serve as a forum for the resolution of issues, identification of needs, and the development of common understandings and approaches, and serve as a catalyst for cooperative support and assistance. The committee shall supplement and assist, but not supplant, administrative and program responsibilities assigned to the Assistant Superintendent for Vocational Education and his staff.

Section 6. The center steering committee shall have a minimum of four (4) regularly scheduled meetings per school year and called meetings as needed.

Section 7. The chairperson shall develop and distribute a well-planned agenda to each member of the center steering committee prior to each meeting.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED September 10, 1975

RECEIVED BY LRC: September 30, 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  
(Proposed Amendment)

705 KAR 7:050. Adult program plan.

RELATES TO: KRS 156.070, 156.100

PURSUANT TO: KRS 13:082

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. *Page 13 of the Annual Program Plan is hereby amended, and attached hereto.*

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 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  
(Proposed Amendment)

#### 705 KAR 8:010. Administration.

RELATES TO: KRS 156.070, 163.030 [164.740 to 164.764]

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To establish responsibility for the administration of student financial aid to postsecondary students enrolled in public vocational education institutions.

Section 1. The administration of student financial aid to postsecondary students enrolled in public vocational education institutions shall be the responsibility of the Superintendent of Public Instruction or his designated agent, the Assistant Superintendent for Vocational Education. Administration of such financial aid programs shall be in compliance with rules and regulations as published in the Federal Register and any amendments thereto.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 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.

#### PUBLIC PROTECTION AND REGULATION CABINET Department of Labor Occupational Safety and Health (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 Standards Board hereby adopts 29 CFR Part 1910, the Occupational Safety and Health Standards, published in the Federal Register 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 29 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 conditions, 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.

(3) 29 CFR Part 1910.13 through 1910.16 relating to ship repairing, shipbuilding, shipbreaking, and longshoring, and 1910.167a relating to pesticides, as well as paragraph (a)(6) in Section 1910.267 which refers to Section 1910.167a, 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) The changes which have been adopted by the U. S. Department of Labor relating to 29 CFR Part 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 Part 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 Part 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 Part 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 Part 1910.106(d)(2)(iii) of the Federal Register, Volume 39, Number 125, June 27, 1974, shall be amended by adding Table H-12 [11-12] of the Federal Register, Volume 40, Number 18, p. 3982, January 27, 1975, a copy of which is attached hereto, is adopted by reference.

(10) 29 CFR Part 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, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available.*

(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.*

(11) *Recodification of 29 CFR Part 1910.93 through 1910.939 as 1910.1000 through 1910.1017 respectively, as published in the Federal Register, Volume 40, Number 103, May 28, 1975, a copy of which is attached hereto, is hereby adopted by reference.*

(12) 29 CFR Part 1910.141(d)(2)(i) of the Federal Register, Volume 40, Number 82, April 28, 1975 amended by deleting the last half of Table J-2, a copy of which is attached hereto, is hereby adopted by reference.

(13) The new Standard, adopted by the United States Department of Labor relating to Industrial Slings contained in 29 CFR Part 1910.184, published in the Federal Register, Volume 40, Number 125, June 27, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(14) 29 CFR Part 1910.94 which was amended by revoking paragraphs (b)(2)(i) and (b)(2)(ii) and by revising paragraph (b)(2), as published in the Federal Register, Volume 40, Number 111, June 9, 1975, a copy of which is attached hereto, is hereby adopted by reference.

GEORGE R. WAGONER, Commissioner

ADOPTED: August 28, 1975

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: October 6, 1975 at 10:45 a.m.

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

**PUBLIC PROTECTION AND REGULATION CABINET**  
**Department of Labor**  
**Occupational Safety and Health**  
**As Amended**

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

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

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, published in the Federal Register 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 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 shall apply.]

(3) [(4)] 29 CFR 1926.522(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.

(4) [(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 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 toe 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.]

(5) [(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.

(6) [(8)] 29 CFR 1926.400(h) shall read as follows:

(h) *Notwithstanding any other provision of this part, the requirement in section z10-7 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

ADOPTED: September 17, 1975

RECEIVED BY LRC: September 29, 1975 at 2:56 p.m.

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

**902 KAR 1:060. Sodium Pentobarbital.**

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to

be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Sodium Pentobarbital pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

**Section 1. Sodium Pentobarbital Capsule Pharmaceutical Products.** The following sodium pentobarbital capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Sodium Pentobarbital 100mg Capsule Form:

- (1) Nembutal Sodium: Abbott Laboratories;
- (2) Penbar: Vanguard Laboratories; and
- (3) Sodium Pentobarbital: Kasar Laboratories, Parke, Davis and Company, Purepac Pharmaceutical Co., Rondex Laboratories, Inc., Wyeth Laboratories, Inc.

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

ADOPTED: September 4, 1975

APPROVED:

C. LESLIE DAWSON, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

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

**902 KAR 1:070. Sodium Secobarbital.**

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Sodium Secobarbital pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

**Section 1. Sodium Secobarbital Capsule Pharmaceutical Products.** The following sodium secobarbital capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Sodium Secobarbital 100mg Capsule Form:

- (1) Sebar: Vanguard Laboratories;
- (2) Sodium Secobarbital: Kasar Laboratories, Parke, Davis and Company, Purepac Pharmaceutical Co., Rondex Laboratories, Inc., Wyeth Laboratories, Inc., and
- (3) Seconal: Eli Lilly and Company.

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

ADOPTED: September 4, 1975

APPROVED:

C. LESLIE DAWSON, Secretary

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

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

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

**902 KAR 1:080. Acetaminophen.**

RELATES TO: KRS 217.814 to 217.826,  
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Acetaminophen pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Acetaminophen Tablet Pharmaceutical Products. The following Acetaminophen tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Acetaminophen 325mg. Tablet Form:

- (1) Acetaminophen: Alliance Labs., Inc., Beecham-Massengill Pharmaceuticals, Mylan Pharmaceutical, Inc., Philips-Roxane Labs., Inc.;
- (2) APAP: Richie Pharmacal Company, Vanguard Laboratories;
- (3) Apenol: Purepac Pharmaceutical Co., Rondex Labs., Inc.;
- (4) Nebs: Eaton Laboratories;
- (5) SK-APAP: Smith, Kline & French Labs.;
- (6) *Tapar: Parke, Davis and Company;*
- (7) [(6)] *Tempra: Mead Johnson and Company;*
- (8) [(7)] *Tylenol: McNeil Laboratories;*
- (9) [(8)] *Valadol: E. R. Squibb & Sons, Inc.*

Section 2. Acetaminophen Drops Pharmaceutical Products. The following Acetaminophen drops pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Acetaminophen 60mg/0.6ml Drops:

- (1) *Tempra: Mead Johnson & Company; and*
- (2) *Tylenol: McNeil Laboratories.*

Section 3. Acetaminophen Liquid Pharmaceutical Products. The following Acetaminophen pharmaceutical products: liquid suspension 120mg/5ml and elixir 120mg/5ml are considered to be therapeutically equivalent, within the respective dosage form. CAUTIONARY NOTE: While all these products have been evaluated as being therapeutically equivalent on the basis of their active drug components, "appropriate dispensing precautions" should be exercised for those individuals who are either diabetic or on contra-indicated drugs. Acetaminophen Liquid Suspension and Elixir 120mg/5ml:

- (1) Acetaminophen Elixir: Abbott Laboratories, Beecham-Massengill Pharmaceuticals;
- (2) APAP Elixir: Richie Pharmacal Company, Vanguard Laboratories;
- (3) Cen-Apap: The Central Pharmacal Co.;
- (4) Nebs: Eaton Laboratories;
- (5) SK-APAP: Smith, Kline & French Labs.;

- (6) *Tapar: Parke, Davis and Company;*
- (7) [(6)] *Tempra Syrup: Mead Johnson and Company;*
- (8) [(7)] *Tylenol: McNeil Laboratories;*
- (9) [(8)] *Valadol Liquid: E. R. Squibb & Sons, Inc.*

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

ADOPTED: September 4, 1975

APPROVED: C. LESLIE DAWSON, Secretary

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

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

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

**902 KAR 1:140. Sulfisoxazole.**

RELATES TO: KRS 217.814 to 217.826,  
217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Sulfisoxazole pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Sulfisoxazole Tablet Pharmaceutical Products. The following sulfisoxazole tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Sulfisoxazole 500 mg. Tablet Form:

- (1) Gantrisin: Roche Laboratories;
- (2) SK-soxazole: Smith, Kline and French, Labs.;
- (3) *Sulfalar: Parke, Davis and Company;*
- (4) [(3)] Sulfisoxazole: Alliance Labs., Inc., Geneva Generics, Kasar Laboratories, Mylan Pharmaceuticals, Inc., Richie Pharmacal Company; and
- (5)/[(4)] V-sul: Vanguard Laboratories.

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

ADOPTED: September 4, 1975

APPROVED: C. LESLIE DAWSON, Secretary

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

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

DEPARTMENT FOR HUMAN RESOURCES  
Bureau for Health Services  
(Proposed Amendment)

**902 KAR 3:005. Definitions; alcohol programs.**

RELATES TO: KRS 222.210 to 222.230

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: Licensure or approval as applicable is required from the Department for Hu-

man Resources for organized programs offering or providing alcohol emergency care, alcohol intermediate care, alcohol outpatient care, outreach, aftercare, and consultation and education, related to treatment for persons who have problems associated with alcohol.

Section 1. Definitions. As used in 902 KAR 3:005 to 902 KAR 3:050 unless the context otherwise requires:

(1) "Department" means the Department for Human Resources.

(2) "Secretary" means the Secretary of the Department for Human Resources.

(3) "Triage" means prompt evaluation of all incoming clients to determine the nature of the problem, the level of urgency, identification of the kind of services needed and assignment for attention.

(4) "SID" means situation, identification and disposition services.

(5) "MAEDS" means medical alcohol emergency detoxification services.

[(6) "Para-Professional" means a service worker with current training in first aid who is also skilled in treating persons with problems associated with alcohol abuse and alcoholism.]

(6) [7] "Organized Programs" as cited in "Necessity and Function" means non-hospital, non-medical treatment services.

(7) [8] "Alcohol" means beverage alcohol.

(8) [9] "Resident" means a person in treatment in a facility.

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: October 15, 1975

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capital Annex,  
Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES**  
Bureau for Health Services  
(Proposed Amendment)

**902 KAR 3:010. Licensing procedures.**

RELATES TO: KRS 222.210 to 222.230

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: Licensure or approval as applicable is required from the Department for Human Resources for organized programs offering or providing alcohol emergency care, alcohol intermediate care, alcohol outpatient care, outreach, aftercare, and consultation and education, related to treatment for persons who have problems associated with alcohol.

Section 1. Licensing and approval procedures. Applications for approval and licensing shall be obtained from and submitted to the Department for Human Resources, Frankfort, Kentucky 40601.

(1) Applications for approval shall be obtained by a department, agency, or institution of the Commonwealth or any political subdivision thereof. Application for licensure shall be filed by all alcohol treatment programs with the following exceptions:

(a) Group meetings organized among alcoholics, *recovering* [recovered] alcoholics or alcohol abusers, held on a non-residential basis and without professional staff intervention, for the purpose of discussing problems related to use of alcohol where no fee is involved.

(b) Programs addressed solely to the public problems of drinking and driving where such programs are conducted independently of other programs subject to regulation.

(c) Programs conducted in a facility established and maintained by a licensed hospital, department, agency or institution of the federal government or the Commonwealth or of any political subdivision thereof.

(2) The department shall notify the applicant alcoholism program of any licensure action taken, and shall provide written reports containing recommendations for correction of observed deficiencies as they relate to the standards. Copies of these reports shall be forwarded to the head of the governing body, chief executive officer, and if applicable, the head of the organized medical or professional staff.

(3) Licensure is not transferable. Both the license holder and the new operator shall be responsible to notify the department when a licensed alcoholism program changes ownership or control or undergoes a major change in its capacity or in the category(ies) of services offered, with disclosure of all factors involved in the change. If it is the decision of the department that a re-application is in order the applicant shall apply within twenty (20) days of notification by the department. Failure to comply with these provisions shall result in loss of license.

(4) The department shall be notified in writing prior to the merger of a licensed alcoholism program with another program and an immediate request for licensure be filed with the department. The merged alcoholism program shall be surveyed within one (1) year of such notification. For the purposes of licensure, a merged alcoholism program is one with a single governing body, a single administration, a single staff, and, where applicable, a single set of bylaws, rules and regulations.

(5) A certificate of licensure shall be provided to an alcoholism program that is granted a license. The certificate shall specify all the service components and additional categories of service provided by the alcoholism program surveyed, and the year in which license is granted.

[(a) The initial certificate or new certificate reflecting a change in name of the alcoholism program or change in the service components or additional category (ies) of service licensed shall be provided without charge.]

(a) [(b)] An alcoholism program may be provided additional certificates upon payment of the cost of reproduction. The certificate and all copies shall remain the property of the department and must be returned to the department if the alcoholism program is issued a new certificate reflecting a change in name or services for which it is licensed, or if it loses its license for any cause.

(6) The department will periodically publish and distribute lists of licensed alcoholism programs.

(7) Approval to any department, agency, or institution of the Commonwealth or any political subdivision thereof shall be granted for a period not exceeding two (2) years and renewable for a like period, and subject to revocation for cause.

(8) Licenses to other programs shall be required and granted to individual non-government applications deemed responsible and suitable to carry out alcohol programs meeting applicable standards and requirements for a period not exceeding two (2) years and renewable for a like period, and subject to revocation for cause.

(9) Conditional, temporary, or limited licenses and approvals may be granted at the discretion of the secretary where extenuating circumstances justify.

(10) Two (2) types of licenses shall be issued:

(a) A comprehensive license shall be issued to a program which directly provides outpatient, outreach, aftercare, consultation and education services, plus, by either direct or through an affiliation agreement, emergency, and intermediate services. There shall be adequate documentation of this affiliation agreement.

(b) Unit license. An independent program that meets the requirements of individual components of service, such as emergency, intermediate, outpatient, outreach, aftercare, consultation and education. A program qualifying for a unit license may or may not affiliate with the comprehensive service.

(11) There shall be an appropriate fee schedule for licensure [approvals or licenses].

(12) Hearing procedures involving licenses shall be conducted in accordance with KRS 222.230(6).

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: October 15, 1975

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES  
Bureau for Health Services  
(Proposed Amendment)

**902 KAR 3:015. General program operation.**

RELATES TO: KRS 222.210 to 222.230

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: Licensure or approval as applicable is required from the Department for Human Resources for organized programs offering or providing alcohol emergency care, alcohol intermediate care, alcohol outpatient care, outreach, aftercare, and consultation and education, related to treatment for persons who have problems associated with alcohol.

Section 1. General Program Operation. (1) Each service component shall have a written description of its treatment philosophy, objectives, organization and triage process including:

(a) Specifications of the lines of authority.

(b) Definitions of the roles and responsibilities of all service personnel including the names of individuals in charge of each service component.

(c) Delineation of the inter-relationships of the service component and its personnel with other service providers.

(d) Hours of operation for each service component.

(e) The description of the triage process shall include but not be limited to a delineation of the methods by

which each service component, upon contact with incoming persons, identifies and evaluates the problem, determines its level of urgency, determines appropriate services to be performed, and assigns the person for appropriate attention.

(2) Services directly available on a twenty-four (24) hour basis shall include but not be limited to, triage processing and telephone information and referral.

(3) Each service component shall keep a record for each person receiving service. Sufficient information shall be provided to assure appropriate case management and statistical data to meet state and national data requirements.

(4) A written treatment plan and provisions made for modifying such plan when indicated shall be prepared for every person accepted for service, and regular evaluation of each person's progress toward and achievement of individual treatment goals shall be noted. Methods for measuring progress toward attainment of objectives shall be described.

(5) All counseling and group therapy approaches shall be coordinated and supervised by persons with demonstrated competence and training in these techniques. *There shall be a training program approved by the Department consisting of first aid training, alcohol emergency procedures, and basic group dynamics.*

(6) Before discharging a client from its services or program, the treatment agency shall review the client's case and prepare a written discharge plan. Periodic follow-up contacts after discharge shall be made and recorded.

(7) Every service component shall conduct a regular utilization review of program operations.

(8) Measures to ensure confidentiality shall be observed in compliance with applicable state and federal laws, and regulations, safeguarding against disclosure of private and privileged information.

(9) Admission and treatment policies shall be part of a written plan and shall ensure that no one shall be denied treatment [admission] because of race, creed, sex, age or national origin.

(10) Procedures shall be established and implemented to ensure continuity in referrals between intake points and other service elements either within or outside of the program.

(11) Provisions shall be made to develop and maintain effective relationships with community agencies such as law enforcement, judiciary, youth services, health departments, vocational rehabilitation and other civic groups, agencies or services.

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: October 15, 1975

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky, 40601.



DEPARTMENT FOR HUMAN RESOURCES  
Bureau for Health Services  
(Proposed Amendment)

**902 KAR 3:050. Specific program standards.**

RELATES TO: KRS 222.210 to 222.230

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: Licensure or approval as applicable is required from the Department for Human Resources for organized programs offering or providing alcohol emergency care, alcohol intermediate care, alcohol outpatient care, outreach, aftercare, and consultation and education, related to treatment for persons who have problems associated with alcohol.

Section 1. Alcohol Emergency Care. (1) Description. Provides twenty-four (24) hour availability of the following services to all persons and their families with problems related to alcohol use and abuse: immediate evaluation and care; supervision of the person by properly trained staff until they are no longer incapacitated by the effects of alcohol; evaluation of needs leading to the development of a plan for continuing care; and effective transportation services. These services must have medical support services on call or through immediate referral.

(2) Purpose. Provide immediate attention or treatment to a person incapacitated by the effects of alcohol.

(3) Situation, Identification and Disposition Services (SID):

(a) Description. Must have service availability twenty-four (24) hours a day where person with alcohol abuse problems can obtain sobering-up assistance as well as other appropriate assistance. The SID component must have overnight accommodations available to a person in need who is not referred to another component and cannot be cared for elsewhere in a period not to exceed five (5) days. In the process, the person's alcohol abuse situation will be assessed, immediate need identified and appropriate referral made by the SID service staff. When required, medical services will be provided through referral or on call arrangements with qualified medical organizations or physicians.

(b) Purpose. Provides an entry point into a system of treatment and rehabilitation services for persons with problems involving alcohol abuse and alcoholism; a sobering-up station as an alternative to incarceration; a means for screening individuals with apparent problems, to determine their needs and arrange appropriate disposition and a referral and information source to professionals and the community for alcoholism services. The SID provides an outreach capability through its identification of persons with problems, its relationships to many referral agencies in the community and its ability to enter its client easily into the entire service system. 1. The SID must have capability of immediate referral for medical support services. 2. Supervision of the person by properly trained staff until they are no longer incapacitated by the effects of alcohol. 3. Evaluation of needs leading to the development of a plan for continuing care.

(c) Standards of Operation. In addition to the applicable requirements of general program standards, the following

special program standards are established. 1. Admission, transfer, discharge, and referral procedures must be established in writing and adhered to in practice. Admission forms and referral forms approved by the Department must be used. 2. An operative referral agreement must be maintained with a MAEDS or other services. 3. Short-term counseling and therapy shall be provided as needed to eligible clients. 4. *Each SID shall provide regularly scheduled recreational activities.* [Each SID shall be equipped with recreational program capability.] 5. Alcohol education services shall be offered, as well as information to clients and to relatives about available community resources. 6. During the period of the client's stay, the SID service shall be equipped to provide *or arrange for* [on the premises] basic necessities; food, shelter, and clothing as needed. 7. Provisions shall be made for security for personal possessions of the clients and mechanisms for accounting for same. Staff taking responsibility for security must be bonded. 8. A SID must have a written description of its twenty-four (24) hour triage process.

(d) Staffing: 1. The total number of staff members to be determined according to administrative needs shall include no less than *five (5) [nine (9)]* recovery aides and one (1) unit manager, *at least two (2) of whom shall be on duty during hours of peak admissions.* This staff may include volunteers. 2. Staff shall be comprised of *persons* [para-professionals] with sufficient experience and training in alcohol abuse and ability to use good judgment and to spot life-threatening situations. 3. *Each staff member shall have a supervised training in* [a working knowledge of] *alcohol emergency procedures* and shall have received a minimum of *eight (8) [ten (10)]* hours of first aid *training prior to working alone on the unit* [procedures]. Within one (1) year of employment every staff member *shall* [should] have attended a school of alcohol studies approved by the Department.

(4) Medical Alcohol Emergency Detoxification Services (MAEDS). This unit will operate under current regulations adopted by the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board as applied to medical alcohol emergency detoxification services.

(5) Other Emergency Services. Standards for other emergency services for alcohol-related problems are cited in KRS Chapter 216 and KRS 222.240, and Kentucky Administrative Regulations adopted thereunder.

Section 2. Alcohol Intermediate Care. (1) General guidelines:

(a) Description. Alcoholism treatment services in a full twenty-four (24) hour residential milieu therapy setting, or a partial residential milieu therapy setting (less than twenty-four (24) hours).

(b) Purpose. To facilitate the rehabilitation of the alcoholic person by placing him in an organized therapeutic environment in which he may receive diagnostic services, counseling, vocational rehabilitation or work therapy while benefiting from the support which a full or partial residential setting can provide.

(c) Standards of Operation: 1. The intermediate care component shall have a written plan describing its treatment philosophy, objectives and organization. 2. There shall be documentation verifying that [a] *medical support services are available* [evaluation has been completed]. 3. An evaluation of the social/psychological needs of the

client shall be completed prior to the development and implementation of a treatment plan. 4. There shall be a written, individualized treatment plan based on the social/psychological evaluation and, if applicable, the medical evaluation. 5. There shall be trained staff and supporting personnel to perform the services of the intermediate care component. 6. There shall be documentation verifying the intermediate care component facility meets current federal, state and local laws and regulations concerning requirements for space, equipment and supplies. 7. The intermediate care component may provide an area in which patients can meet with outside community service providers, e.g., AA, Al-Anon, etc., who assist in fulfilling the goals and objectives of the treatment plan.

8. There shall be budgetary documentation verifying the sufficiency of funding for the intermediate care component.

(2) Full intermediate:

(a) Description. A program providing a therapeutic environment for full time residents for a designated period of time.

(b) Standards of operation. In addition to the applicable requirements of the general program standards, the following special program standards are established. 1. The program shall provide when indicated group counseling, family counseling, rehabilitative, vocational, occupational, recreational, and individual counseling opportunities for introduction to Alcoholics Anonymous, Al-Anon, Al-A-Teen. 2. Each resident admitted shall have a physical examination within forty-eight (48) hours unless there is evidence of a physical exam within five (5) days prior to admission, to include necessary laboratory and x-ray examinations. 3. Each resident admitted shall have a *social/psychological evaluation* [psychological examination] within *five (5) days* [ten (10)] of admission and, when indicated, a psychiatric evaluation. 4. No more than forty (40) residents shall be housed in any one facility of the program. 5. Each program shall offer an alcohol education program for residents. 6. Intensive group and individual counseling shall be conducted under the supervision of the qualified personnel. 7. Evidence shall be shown of contractual agreement and affiliate arrangements for follow-up. 8. Provisions shall be made for security for personal possessions of the residents and mechanisms for accounting for the same.

(c) Staffing: 1. The residential program shall have a full time staff of [or] at least *ten (10)* [twelve (12)] persons including the *unit* [resident] manager, per forty (40) residents. This staffing pattern may be reduced by one (1) staff person for every reduction for ten (10) residents, as long as logistical support is adequately provided. *This staff may include volunteers.* 2. The program shall be operated by staff specially trained in alcohol treatment procedures as certified by the Department.

(3) Partial Intermediate:

(a) Description. Category of treatment provided in a residential setting [for an unlimited stay] operating twenty-four (24) hours a day, seven (7) days a week and offering services to facilitate the rehabilitation of the alcoholic by placing him in an organized therapeutic environment in which he may receive counseling, vocational rehabilitation or work therapy.

(b) Standards of Operation. In addition to the applicable requirements of general program standards, the following special program standards are established. 1. Organization and administration. The aftercare residential program shall have *Unit* [resident] manager with proper qualifications

and an interim manager similarly qualified to assume responsibility in the manager's absence. 2. Admission, policies and procedures for client treatment and care. The program shall have written operating policies for admissions, transfers, discharges, resident rehabilitative programs, house rules, referrals, etc.

3. Progress of individual residents shall be reviewed at least quarterly.

(c) Support services. Adequate treatment coverage shall be provided in the following areas as needed through affiliation or cooperative arrangements: 1. Psychiatric supervision and consultation; 2. Emergency treatment; 3. Social services to include inter-agency coordination, family services, referral for financial assistance, etc.; 4. Rehabilitation services to include vocational guidance, counseling, job placement and coordination of vocational program information and activities; 5. Emergency medical and dental care; [(6) Nursing services and consultation,] (6) [7] Dietary supervision and consultation; and [(8) Medical, dental, and pharmaceutical consultation, and] (8) [9] Recreation to include an adequate program of creative activities for residents.

(d) Security provisions. Provisions shall be made for security for personal possessions of the clients and mechanisms for accounting for same.

(e) Staffing. Residence programs should include at least the following as permanent staff: 1. *Unit* [Resident] manager who is responsible for the day to day management of the program, for implementation of program policies and procedures, include planning, coordination, and supervision of residence affairs and activities for general program administration. 2. A relief manager with the same qualifications as the regular manager and available to serve in the absence of the regular manager. This will include vacation periods, sick leave, and normal off-duty hours.

Section 3. Alcohol Outpatient Care. (1) Description. The process of providing non-residential alcoholism treatment services on both a scheduled and non-scheduled basis. The treatment program offers therapeutic services for the treatment and rehabilitation of individuals with problems involving alcohol abuse and alcoholism. It may be on a basis of scheduled brief visits; it may be in a milieu therapeutic environment on a partial day or night basis or it may include unscheduled visits. As and when required, medical services will be provided through contractual arrangements or cooperating agreements with qualified physicians.

(2) Purpose. To provide a variety of diagnostic and primary alcoholism treatment services on a scheduled and non-scheduled basis according to a prescribed plan in an outpatient setting to alcoholic persons and their families whose physical and emotional status allows them to function in their natural environment.

(3) Standards of operation. In addition to the applicable requirements of the general program standards, the following special program standards are established:

(a) The program shall have an active community outreach capability for purposes of case-finding, early identification of problems, and treatment of alcohol abuse or alcoholism.

(b) The program shall include the development of contracts with other care-giving agencies for referral purposes. Developing and maintaining an up-to-date di-

rectory of all available resources in this and related fields is advisable where no such directory exists.

(c) The program shall include, but not be limited to, crisis intervention, individual and group therapy, counseling, appropriate contacts with families of clients, the presentation of possible and acceptable alternatives to drinking, involvement in community programs, inter-agency referral, follow-up.

Section 4. Outreach. (1) Description. Method of reaching into a community systematically for the purposes of identifying persons in need of services, alerting persons and their families to the availability of services, locating needed services, and enabling persons to enter and accept the service delivery system.

(2) Purpose. To facilitate identification (within a target population) of persons and their families who have problems related to the use of alcohol, enable procurement of alcoholism services, and alert all public and private human agencies, who serve the same target population, of the importance of early identification and easy access to the service delivery system.

(3) Standards of operation:

(a) The outreach component shall have a written plan describing its service philosophy, objectives and organization which includes a description of the role and responsibility of staff and lines of authority.

(b) The plan shall include a description of the objectives of the component's services. The indicators used to measure progress toward attainment of objectives shall be described.

(c) There shall be documentation of annual review, updating and approval of the organization plan, service philosophy and objectives of the governing body, executive director and representatives of the service and administrative staffs. There shall be documentation verifying that each staff member has received a copy of the written plan.

(d) There shall be documentation for: 1. Methods of identifying persons in need of services, locating services to meet their needs and assisting them in entering the service delivery system, insuring contact at the point of entry. 2. Alerting relevant agencies and individuals of the importance of early detection, especially with high risk populations and of their role as casefinders. 3. Maintaining liaison and interaction with all relevant community organizations and agencies.

Section 5. Aftercare. (1) Description. Designed to provide care to clients who have progressed sufficiently through emergency, intermediate, or outpatient services to a point in their recovery where they will benefit from a level of continued contact which will support and increase the gains made to date in the treatment process.

(2) Purpose. Continued support through regular or periodic contacts to assure to the client availability of services.

(3) Standards of operation. The aftercare component shall have a written plan describing its organization, service philosophy and objectives which:

(a) Describe the role and responsibility of staff and delineation of lines of authority.

(b) The plan shall include a mechanism for the care of clients who may require or desire services unavailable

through this component. Alternative resources for unavailable services shall be listed as described.

(c) The plan shall include a description of services. The indicators used to measure progress toward attainment of objectives shall be described.

(d) The service plan shall include but not be limited to the methods and procedures whereby the needs of the individual are met by the aftercare staff through direct services or assistance in contacting other community human service resources.

(e) The service plan shall have provisions for periodic review and updating.

(f) The plan shall include provision for referral to another aftercare agency in the event of client relocation, and a means for insuring contact.

Section 6. Consultation and Education. (1) Consultation:

(a) Description: The act of providing information or technical assistance to a particular group or individual seeking resolution of a specific problem.

(b) Purpose. Provide to the individual or group seeking aid the requisite skills to cope more adequately with issues involving care or program management.

(c) Standards of operation: 1. The consultation service shall have a written plan describing the procedures by which the consultation needs of community groups or agencies are assessed and the goals and objectives derived from the assessed needs and also describing the organization and procedures for implementing the goals and objectives. 2. There should be documentation verifying agreements between the consultation service and participating community groups or agencies. 3. There shall be a written plan for the training of all personnel in the consultation service. 4. There shall be budgetary documentation verifying the sufficiency of funding for the consultation service.

(2) Education:

(a) Description: The dissemination of relevant information specifically aimed at increasing the awareness, receptivity and sensitivity of the community and stimulating social action to increase the services provided for people with problems associated with the use of alcohol.

(b) Purpose. To convey on a regular and planned basis a philosophy that increases community understanding of the nature of the use and abuse of alcohol, its treatment and prevention, and the human and legal rights of the population at risk, as well as to inform the public of existing alcoholism resources and to gain public support for the development of additional resources.

(c) Standards of operation: 1. The education service shall have a written plan describing the philosophy and goals of the program, the services available and means by which the community's understanding of alcohol use and abuse is increased. 2. There shall be a written plan for the training of all personnel in the education service. 3. There shall be budgetary documentation verifying the sufficiency of funding for the education service.

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: October 15, 1975

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex,  
Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES  
Bureau for Health Services  
(Proposed Amendment)

**902 KAR 100:075. Group classifications.**

RELATES TO: KRS 152.105 to 152.190

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 152.105 to 152.190 to regulate the possession or use of any source of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. The purpose of this regulation is to classify specific diagnostic procedures using radioactive material into groups.

Section 1. Applicability. This regulation groups specific diagnostic procedures to facilitate the issuance of licenses for the medical use of radioactive material.

Section 2. Groups of Diagnostic Uses of Radioactive Material in Humans. Whenever an applicant has been approved, under the appropriate provisions of these regulations, to perform any one of the diagnostic procedures listed in the following groups, the applicant may [will] be approved to perform all the diagnostic procedures within that group.

(1) Group I. *Use of prepared radiopharmaceuticals for certain diagnostic studies involving measurements of uptake, dilution and excretion. This group does not include uses involving imaging and tumor localization.* [Uptake, dilution, and excretion studies (does not include imaging or tumor localization).]

(a) Iodine 131 or Iodine 125 as sodium iodide for thyroid uptake [function studies].

(b) Iodine 131 or Iodine 125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume and for studies of cardiovascular function and protein turnover.

(c) Iodine 131 or Iodine 125 as labeled rose bengal for liver function studies.

(d) Iodine 131 or Iodine 125 as labeled fats or fatty acids for fat absorption studies.

(e) Iodine 131 or Iodine 125 as labeled iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetri-zoate, or sodium iothalamate for kidney function studies.

(f) Chromium 51 as labeled human serum albumin for gastrointestinal protein loss studies.

(g) Chromium 51 as sodium chromate for determination of red blood cell volumes and studies of red blood cell survival time and gastro-intestinal blood loss.

(h) Iron 59 as chloride, citrate, or sulfate for iron turnover studies.

(i) Cobalt 57, Cobalt 58, or Cobalt 60 as labeled cyanocobalamin (vitamin B-12) for intestinal absorption studies.

(j) Potassium 42 as chloride for potassium space determinations.

(k) Sodium 24 as chloride for sodium space determinations.

(l) Technetium 99m as pertechnetate for blood flow studies.

(m) Mercury as chlormerodrin for kidney function studies.

(n) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake, dilution or excretion for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(2) Group II. *Use of prepared radiopharmaceuticals for diagnostic studies involving imaging and tumor localization.* [Imaging and tumor localizations.]

(a) Iodine 131 or Iodine 125 as sodium iodide for thyroid imaging.

(b) Iodine 131 as iodinated human serum albumin (IHSA) for brain tumor localizations and cardiac imaging.

(c) Iodine 131 as macroaggregated iodinated human serum albumin for lung imaging.

(d) Iodine 131 as colloidal (microaggregated) iodinated human serum albumin for liver imaging.

(e) Iodine 131 as labeled rose bengal for liver imaging.

(f) Iodine 131 as iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, or sodium acetri-zoate for kidney imaging.

(g) Iodine 131 as sodium iodipamide for cardiac imaging

(h) Iodine 131 as iodinated human serum albumin (IHSA) for placenta localization.

(i) [(h)] Chromium 51 as sodium chromate for spleen imaging.

(j) Chromium 51 as labeled human serum albumin for placenta localization.

(k) [(i)] Gold 198 in colloidal form for liver imaging.

(l) [(j)] Mercury 197 as labeled chlormerodrin for kidney and brain imaging.

(m) [(k)] Mercury 203 as labeled chlormerodrin for brain imaging.

(n) Selenium 75 as labeled selenomethionine for pancreas imaging.

(o) [(l)] Strontium 85 as nitrate or chloride for bone imaging in patients with suspected or diagnosed cancer

(p) [(m)] Technetium 99m as pertechnetate for brain imaging.

(q) [(n)] Technetium 99m as pertechnetate for thyroid imaging.

(r) [(o)] Technetium 99m as pertechnetate for salivary gland and blood pool imaging, including [other than] placenta localization.

(s) Technetium 99m as labeled sulfur colloid for liver, spleen and bone marrow imaging.

(t) Technetium 99m as labeled macroaggregated human serum albumin for lung imaging.

(u) Any radioactive material in a radiopharmaceutical prepared from a reagent kit listed in subsection (3)(c) of this Section for a use listed in that subsection.

(v) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving imaging for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(3) Group III. *Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing radioactive material for certain diagnostic uses.*

(a) Molybdenum 99/technetium 99m generators for the elution of technetium 99m as pertechnetate for:

1. Brain imaging,
2. Thyroid imaging,
3. Salivary gland imaging,

4. Blood pool imaging including placenta localization,
5. Blood flow studies,
6. Use with reagent kits for preparation and use of radiopharmaceuticals containing technetium 99m as provided in subsection (3)(c) and (d) of this Section.

(b) Technetium 99m as pertechnetate for use with reagent kits for preparation and use of radiopharmaceuticals containing technetium 99m as provided in subsection (3)(c) and (d) of this Section.

(c) Reagent kits for preparation of technetium 99m labeled:

1. Sulfur colloid for liver and spleen imaging,
2. Iron-ascorbate diethylenetriamine pentaacetic acid complex for kidney imaging,
3. Diethylenetriamine pentaacetic acid (Sn) for kidney imaging and kidney function studies,
4. Diethylenetriamine pentaacetic acid (Sn) for brain imaging,
5. Human serum albumin microspheres for lung imaging,
6. Polyphosphates for bone imaging,
7. Macroaggregated human serum albumin for lung imaging,
8. Distannous etidronate complex for bone imaging,
9. Stannous pyrophosphate for bone imaging.

(d) Any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material for which generator or reagent kit a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: October 15, 1975

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex,  
Frankfort, Kentucky 40601.

(The following three regulations, published originally in the May, 1975 issue [1 Ky.R. 1058-1060], were amended by the issuing agency following a hearing and comment. The regulations, as amended, will be considered by the Administrative Regulation Review Subcommittee at its November 12, 1975 meeting.)

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Health Services**  
**(As Amended)**

**902 KAR 105:010. Definitions.**

RELATES TO: KRS 211.870, 211.890, 211.993

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 211.870, 211.890 and 211.993 to regulate operators of sources of radiation other than licensed practitioners of the healing arts, including but not limited to: the classification and certification of operators; examinations; standards of training and experience; curricula standards for institutions teaching persons to operate sources of radiation; issuance, renewal, and revocation of certificates; the fixing of a reasonable schedule of fees and charges to be paid by applicants for

examinations, certificates and renewal certificates; and to set such other standards as may be appropriate for the protection of health and safety. The purpose of this regulation is to define terms that are applicable to all regulations adopted by the department relating to operators of sources of radiation.

Section 1. Definitions. As used in the department's regulations relating to the certification of operators of sources of radiation, the following terms shall have the meanings set forth below unless clearly indicated otherwise.

(1) "Certified" means the holding of a valid certificate as defined in these regulations.

(2) "Contrast study" means a study performed whereby contrast media is introduced into the human body to define a part(s) which is not normally visualized on a radiograph.

(3) "Department" means the Department for Human Resources.

(4) "General certificate" means a written authorization issued by the department authorizing an individual to perform all diagnostic radiographic procedures.

(5) "Individual" means any human being.

(6) "Licensed Practitioner" or "Licensed Practitioner of the Healing Arts" means an individual licensed to practice medicine, osteopathy, dentistry, chiropractic, podiatry or veterinary medicine in this state.

(7) "Limited certificate" means a written authorization issued by the department authorizing an individual to perform radiographic procedures, other than those involving contrast media, in his specific field of practice or operation.

(8) "National organization" means a professional association, approved by the department, that examines, registers, certifies or approves individuals and education programs relating to operators of sources of radiation.

(9) "Operator" or "operator of sources of radiation" means any individual, other than a licensed practitioner of the healing arts, who uses or operates a source(s) of radiation.

(10) "Provisional certificate" means a written authorization issued by the department temporarily allowing an individual to perform radiographic procedures, under the direct supervision of a licensed practitioner of the healing arts, where a certified operator is not available.

(11) "Radiation safety officer" means an individual in the field of radiation protection or a licensed practitioner of the healing arts who has the knowledge and responsibility to apply appropriate radiation practices.

(12) "Radiography" means the use of radiation producing equipment on human beings for diagnostic radiographic purposes under the supervision of a licensed practitioner of the healing arts or a certified operator.

(13) "Sources of radiation" means any device or equipment emitting or capable of producing ionizing radiation, when the associated high voltage is applied, for the purpose of performing human diagnostic radiographic examinations.

(14) "Sponsoring institution" means a hospital, educational or other facility or a division thereof offering or intending to offer a course of study for operators of sources of radiation.

(15) "Student" means an individual enrolled in a course of study for operators of sources of radiation.

(16) *Supervision:*

(a) "Direct personal supervision" means supervised by, and in the physical presence of, a licensed practitioner of the healing arts or a certified operator.

(b) "Direct supervision" means supervised by a licensed



practitioner or the healing arts or certified operator who is at all times available in the individual's place of employment or sponsoring institution.

(c) "General supervision" means supervised by a licensed practitioner of the healing arts or a certified operator who is available but not necessarily within the individual's place of employment or sponsoring institution.

(17) "Technical Director" means an individual designated by a sponsoring institution to assure that the training program for operators of sources of radiation is properly carried out.

(18) "Temporary certificate" means a written authorization issued by the department authorizing an individual, who has completed an appropriate course of study, to perform radiographic procedures while awaiting examination.

Section 2. Compliance with this Regulation. Full compliance with this Radiation Operators Certification regulation must be by January 1, 1976.

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: October 15, 1975

RECEIVED BY LRC: October 15, 1975 at 3:55 p.m.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Health Services**  
**(As Amended)**

**902 KAR 105:030. Teaching institutions' curricula.**

RELATES TO: KRS 211.870, 211.890, 211.993

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 211.870, 211.890 and 211.993 to regulate operators of sources of radiation other than licensed practitioners of the healing arts, including but not limited to: the classification and certification of operators; examinations; standards of training and experience; curricula standards for institutions teaching persons to operate sources of radiation; issuance, renewal, and revocation of certificates; the fixing of a reasonable schedule of fees and charges to be paid by applicants for examinations, certificates, and renewal certificates; and to set such other standards as may be appropriate for the protection of health and safety. The purpose of this regulation is to establish uniform curricula standards for institutions teaching persons to operate sources of radiation.

Section 1. Applicability. This regulation applies to curricula standards for institutions teaching persons to operate sources of radiation.

Section 2. Curricula Standards. All sponsoring institutions offering a course of study for operators of sources of radiation shall:

(1) Apply for approval on a form provided by the department;

(2) Supply all data requested for a complete evaluation of its administration, organization, faculty, physical facilities, student policies, and curriculum instruction;

(3) Have as the director of the course of study a licensed practitioner of the healing arts;

(4) Provide an adequate faculty;

(5) Provide at least one (1) certified operator [with at least three (3) years of education and experience] who shall be designated as the technical director of the training program. In addition to certification the individual must have a minimum of three (3) years of education or experience or a combination of education and experience in the appropriate field of practice;

(6) Provide a ratio of not more than three (3) students to one (1) full-time certified operator engaged in clinical instruction;

(7) Provide a course of study in radiography at facilities approved by the department;

(8) Provide appropriate facilities, sufficient volume, and a variety of diagnostic radiographic examinations to properly conduct the course of study;

(9) Prohibit students from applying radiation to human beings for diagnostic purposes until they have obtained practical experience using phantoms and have had their performance evaluated as satisfactory by the technical director;

(10) Provide direct personal supervision by a licensed practitioner of the healing arts or a certified operator to students upon their initial application of radiation to human beings;

(11) Prohibit students from being assigned night or week-end call or be placed in any other situation where they would be required to apply radiation to a human being while not under the direct supervision of a licensed practitioner of the healing arts [radiologist] or a certified operator except where they have completed at least fifty (50) percent of their course of study and had their performance evaluated and recorded as satisfactory by the technical director permitting radiographic procedures under general supervision;

(12) Prohibit all exposures to human beings from a source of radiation except for diagnostic purposes unless otherwise specified in the curriculum approved by the department;

(13) Keep records of each student's attendance, grades, examinations, and subjects completed;

(14) Designate a radiation safety officer; and

(15) Permit site inspections by representatives of the department.

Section 3. Compliance with this Regulation. Full compliance with this Radiation Operators Certification Regulation must be by January 1, 1976.

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: October 15, 1975

RECEIVED BY LRC: October 15, 1975 at 3:55 p.m.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Health Services**  
**(As Amended)**

**902 KAR 105:040 Medical or osteopathic physician supervision.**

RELATES TO: KRS 211.870, 211.890, 211.993

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 211.870, 211.890 and 211.993 to regulate operators of sources of radiation other than licensed practitioners of the healing arts,

including but not limited to: the classification and certification of operators; examinations; standards of training and experience; curricula standards for institutions teaching persons to operate sources of radiation; issuance, renewal, and revocation of certificates; the fixing of a reasonable schedule of fees and charges to be paid by applicants for examinations, certificates, and renewal certificates; and to set such other standards as may be appropriate for the protection of health and safety. The purpose of this regulation is to establish uniform standards for the certification of individuals who operate sources of radiation for human diagnostic radiographic purposes while under the supervision of a medical or osteopathic physician.

**Section 1. Applicability.** This regulation applies to individuals who operate sources of radiation for human diagnostic radiographic purposes while under the supervision of a medical or osteopathic physician.

**Section 2. General Certification Required to Perform Contrast Studies.** Only individuals holding a general certificate shall operate sources of radiation at facilities where contrast studies are performed.

**Section 3. Eligibility for a General Certificate.** No person shall be eligible for a general certificate as an operator of a source of radiation for human diagnostic radiographic purposes under the supervision of a medical or osteopathic physician unless he has:

(1) Satisfactorily completed a four (4) year course of study in a secondary school or passed a standard equivalency test; and

(2) Satisfactorily completed a twenty-four (24) months' course of study in medical or osteopathic radiography approved by the department. The course shall include a minimum of 410 hours of classroom work including the following subjects: x-ray physics, radiographic techniques, darkroom chemistry and techniques, anatomy and physiology, radiation protection, film critique and ethics; and shall include an adequate number of hours but not less than 2,200 hours to be devoted to clinical experience consisting of demonstrations, discussions, seminars and supervised practice; and

(3) Satisfactorily passed an examination conducted or approved by the department.

**Section 4. Eligibility for a Limited Certificate.** No person shall be eligible for a limited certificate as an operator of a source of radiation for human diagnostic radiographic purposes under the supervision of a medical or osteopathic physician unless he has:

(1) Satisfactorily completed a four (4) year course of study in a secondary school or passed a standard equivalency test; and

(2) Satisfactorily completed a limited course of study in medical or osteopathic radiography approved by the department. The course of study shall include not less than 180 hours of classroom work including the following subjects: x-ray physics, radiographic techniques, darkroom chemistry and techniques, anatomy and physiology, radiation protection, film critique and ethics; and shall include an adequate number of hours but not less than 300 to be devoted to clinical experience consisting of demonstrations, discussions, seminars and supervised practice; and

(3) Satisfactorily passed an examination conducted or approved by the department.

**Section 5. Grandfather Clause.** Persons actively engaged in the operation of sources of radiation before January 1, 1976, shall, upon proper application to the department and upon payment of the required application and certification fees, be issued an appropriate certificate without examination.

**Section 6. Temporary Certificate.** The department may, upon proper application and upon payment of the appropriate application and certificate fee, issue a temporary certificate to an applicant who has successfully completed an approved course of instruction in medical or osteopathic radiography and who meets all the other requirements of these regulations other than having taken the required examination.

**Section 7. Provisional Certificate.** The department may, under emergency conditions only, issue a provisional certificate to an applicant who works under the direct supervision of a medical or osteopathic physician provided:

(1) No certified operator is available;

(2) The physician accepts full responsibility for such applicant;

(3) The applicant has successfully completed a four (4) year course of study in a secondary school or passed a standard equivalency test;

(4) The applicant and the physician file a joint statement detailing the training and experience of the applicant, if any, and give [giving] an assurance that *a minimum of thirty (30) clock hours of* [such] training [and experience] will be forthcoming under the *direct* supervision of a *radiologist* [the physician] or other qualified person.

**Section 8. Compliance with this regulation.** Full compliance with this Radiation Operators Certification regulation must be by January 1, 1976.

WILLIAM P. MCELWAIN, Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: October 15, 1975

RECEIVED BY LRC: October 15, 1975 at 3:55 p.m.

## Emergency Regulations

**JULIAN M. CARROLL,**  
Executive Order 75-895  
September 30, 1975

### EMERGENCY REGULATION Department of Fish and Wildlife Resources

WHEREAS, the Mississippi Flyway Council and the U. S. Fish and Wildlife Service, Department of the Interior, have jurisdiction in the regulation of hunting throughout the several states; and

WHEREAS, all regulation of the hunting of waterfowl by the Kentucky Department of Fish and Wildlife Resources must comply with Mississippi Flyway and federal regulations; and

WHEREAS, the recent mandate of the Mississippi Flyway Council and the U. S. Fish and Wildlife Service that Kentucky initiate a commercial waterfowl hunter registration program makes it impossible for the Kentucky Department of Fish and Wildlife Resources to comply with normal filing procedures under Chapter 13 of the Kentucky Revised Statutes; and

WHEREAS, the Commissioner of the Department of Fish and Wildlife Resources, in conjunction with the Secretary of the Development Cabinet, pursuant to Kentucky Revised Statutes 150.025 and 150.600, has promulgated the attached Regulation;

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 of Fish and Wildlife 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

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

#### 301 KAR 2:055E. Pits and blinds; restrictions.

RELATES TO: KRS 150.025, 150.600

PURSUANT TO: KRS 13.082

EFFECTIVE: October 6, 1975

EXPIRES: January 1, 1976

NECESSITY AND FUNCTION: This regulation pertains to the establishment of pits or blinds on Ballard Wildlife Management Area, Peal Wildlife Management Area and [,] commercial [, leased and private] waterfowl shooting areas in a portion of Ballard County. This regulation is necessary for the continued protection and conservation of migratory waterfowl and to insure a permanent and continued supply of this wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of migratory waterfowl within reasonable limits based upon an adequate supply and to insure some uniformity of commercial [leased and private] waterfowl shooting area operating and reporting procedures. It has

*become necessary to amend this regulation in order to define the word "commercial" and obtain waterfowl harvest data weekly instead of monthly.*

Section 1. It is unlawful for any person or persons to establish or use any commercial blind or pit for the purpose of taking [of] waterfowl on commercial waterfowl shooting areas, the Ballard Wildlife Management Area and the Peal Wildlife Management Area within the area described [prescribed] herein, unless they conform with this regulation, except for the exemptions listed. A commercial waterfowl shooting area is any area of land and/or water, used in whole or in part for the taking, attempted taking, or the privilege of taking migratory waterfowl where a daily monetary charge is made. This regulation deals with commercial waterfowl hunting; non-commercial hunting is covered by another regulation.

Section 2. Designated Area Covered By This Regulation. This regulation applies only to the area described as follows: starting at the northwest city limits of the town of Wickliffe in Ballard County to the middle of the Mississippi River, and thence north along the Mississippi to the low water mark of the Ohio River along the Illinois shore to the Ballard-McCracken County line; thence along the county line south to state road 358; thence south along state road 358 to its junction with U.S. Highway 60 at LaCenter; thence following U.S. 60 southwest to the northeast city limits of Wickliffe.

Section 3. Required Permit. A commercial waterfowl permit issued by the Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601, must be obtained by any person or persons [all persons] operating a commercial waterfowl shooting area, as defined in Section 1 [by KRS 150.600]. Any person or persons operating more than one (1) commercial waterfowl shooting area must obtain a permit for each individual area. A land holding divided [split] by a public road may be operated as a commercial waterfowl shooting area under one (1) permit. Whenever a farm unit is divided [split] by land owned by others, a separate permit is required for each tract [unit] of land operated as a commercial waterfowl shooting area. An annual fee of twenty-five dollars (\$25) will be charged for each commercial waterfowl permit. [If operation is non-commercial, no permit is needed.]

Section 4. Record Keeping, Reporting and Violations. The holder of a commercial waterfowl permit shall:

(1) *Maintain and keep an accurate and complete daily hunter register and waterfowl kill record in duplicate on the hunting area on forms provided by the department [showing the license number and the name and address of hunters and the number and kind of migratory waterfowl taken by each person, including officers and employees, hunting on such land and water or land or water]. The original copy of said forms for the period Monday through Sunday must be mailed or taken to the Ballard Wildlife Management Area, Route 1, LaCenter, Kentucky 42056, at the close of shooting hours each Sunday during the waterfowl season, and must be postmarked no later than the following Monday or the day following the last day of the waterfowl season. Duplicate copies of these forms must be held at the*

place of registration. This [(such] daily register and kill record shall be exhibited to, and [shall be] open to inspection by conservation officers and other authorized employees of the Department of Fish and Wildlife Resources [)] and the United States Fish and Wildlife Service;

(2) Be responsible for any violation pertaining to his permit, or any other type of violation being committed on his premises that is under the permit, unless he reports immediately the violation to a conservation officer. [;]

[(3) Forward, at the end of each month for the taking of

migratory waterfowl, a report upon blanks furnished by the Department of Fish and Wildlife Resources of the number of each kind of waterfowl taken upon such land and water, or land or water.]

Section 5. Rules of [For] Compliance for Commercial Waterfowl Shooting Areas. (1) It is unlawful for any person or persons to shoot, take, or attempt to take, any waterfowl [wild ducks or geese] except from a blind or pit (see Section 10 for exemptions).

(2) It is unlawful for any person or persons to establish or use any blind or pit for the taking of waterfowl [wild ducks or geese] within 100 yards of any other blind or pit.

(3) It is unlawful for any person or persons with commercial intentions to establish or locate any blind or pit within 200 yards of any state waterfowl refuge, or within 100 yards of any state owned public shooting area or within 100 yards of any private property line. Blinds or pits on state property shall conform to boundary regulations.

(4) It is unlawful for more than four (4) persons, plus one (1) caller who shall not [cannot] shoot, to occupy a single blind or pit at the same time.

(5) No waterfowl hunting will be permitted along or on the Ohio River from a point 100 yards upstream from Dam 53, downstream to a point 100 yards below the downstream boundary of the Ballard County Wildlife Management Area (the downstream boundary being approximately one and one-half (1½) miles below the mouth of Humphrey Creek). Waterfowl hunting is allowed on or along the remainder of the Ohio and Mississippi Rivers as described in Section 2.

(6) No person or persons shall hunt, in any manner, or carry a gun on any licensed commercial waterfowl shooting area without first registering and checking in with the owner, operator or keeper of the shooting area.

(7) No shot larger than No. 2 will be allowed for hunting waterfowl. This rule applies statewide, including all of the department's wildlife management areas.

Section 6. Marking of Harvested Waterfowl. All persons engaged in any type of commercial enterprise where waterfowl, or other game must be harbored, or stored for a period of time, or temporarily, must identify each bird with a tag, giving the name and address of the owner and his license number.

Section 7. Revocation of Permit. Failure to comply with any part of this regulation shall constitute a violation by the holder of a commercial waterfowl permit, and shall constitute grounds for the revocation of his or her permit.

Section 8. Rules Applying Only to the Ballard Wildlife Management Area Located in Ballard County: (1) Not more than three (3) persons are allowed to occupy a single blind or pit at the same time.

(2) Only geese may be taken by hunters occupying a blind or pit in areas designated for goose hunting. Shooting, taking or attempting to take ducks from a pit or blind in designated goose hunting areas, will constitute a violation of this regulation.

(3) Only ducks may be taken by hunters occupying a blind or pit in areas designated for duck hunting. Shooting, taking, or attempting to take geese from a pit or blind in designated duck hunting areas, will constitute a violation of this regulation.

(4) No shot larger than No. 2 will be allowed for hunting waterfowl.

Section 9. Rules Applying Only to the Peal Wildlife Management Area Located Near Wickliffe in Ballard County: (1) Not more than three (3) persons are allowed to occupy a single blind or pit at the same time.

(2) Both ducks and geese may be taken by hunters occupying a pit or blind.

(3) Hunters may erect only temporary pits or blinds as long as they comply with the set back provisions and distances between blinds as provided in Section 5, subsection (2), of this regulation.

(4) Any hunter may occupy a privately erected temporary, or state erected permanent blind or pit on a first come first serve basis.

(5) No shot larger than No. 2 will be allowed for hunting waterfowl.

Section 10. Conditions and Locations Where Boat Is Considered A Blind. For purposes of this regulation, an anchored, stationary or drifting boat from which waterfowl are hunted, is considered to be [as] a blind [on those portions of the Ohio and Mississippi Rivers described in Section 2,] except for the area closed to waterfowl hunting as described in Section 5, subsection (5).

DR. ROBERT C. WEBB, Chairman  
Department of Fish and Wildlife Resources  
ARNOLD L. MITCHELL, Commissioner

ADOPTED: August 29, 1975

APPROVED: WILLIAM L. SHORT, Secretary  
RECEIVED BY LRC: October 6, 1975 at 10:20 a.m.

JULIAN M. CARROLL, GOVERNOR  
Executive Order 75-896  
September 30, 1975

EMERGENCY REGULATION  
Department of Fish and Wildlife Resources

WHEREAS, the Mississippi Flyway Council and the U. S. Fish and Wildlife Service, Department of the Interior, have jurisdiction in the regulation of hunting throughout the several states; and

WHEREAS, all regulations of the hunting of waterfowl by the Kentucky Department of Fish and Wildlife Resources must comply with Mississippi Flyway and federal regulations; and

WHEREAS, the recent mandate of the Mississippi Flyway Council and the U. S. Fish and Wildlife Service that Kentucky initiate a non-commercial waterfowl hunter registration program makes it impossible for the Kentucky Department of Fish and Wildlife Resources to comply with normal filing procedures under Chapter 13 of the Kentucky Revised Statutes; and

WHEREAS, the Commissioner of the Department of Fish and Wildlife Resources, in conjunction with the Secretary of the Development Cabinet, pursuant to Kentucky Revised Statutes 150.025 and 150.600, has promulgated the attached Regulation;

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 of Fish and Wildlife 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

**DEVELOPMENT CABINET**  
**Department of Fish and Wildlife Resources**

**301 KAR 3:070E. Goose harvest reporting.**

RELATES TO: KRS 150.025, 150.600

PURSUANT TO: KRS 13.082

EFFECTIVE: October 6, 1975

EXPIRES: January 1, 1976

**NECESSITY AND FUNCTION:** This regulation pertains to the rules, registration and reporting of the goose harvest in a designated portion of Ballard County. This regulation is necessary to determine the number of geese harvested in Ballard County as mandated by the Mississippi Flyway Council. The harvest data are to be utilized in determining the size of a future goose harvest quota. The function of this regulation is to provide accurate goose harvest data to serve as a basis for a forthcoming mandatory harvest quota.

Section 1. It is unlawful for any person or persons to shoot, take, or attempt to take any waterfowl on non-commercial lands and/or waters within the area described herein, unless they conform with this regulation. A non-commercial waterfowl shooting area is any area of land and/or water, used in whole or in part for the taking, attempted taking, or the privilege of taking migratory waterfowl where no daily monetary charge is made.

Section 2. Designated Area Covered By This Regulation. This regulation applies only to the area described as follows: starting at the northwest city limits of the town of Wickliffe in Ballard County to the middle of the Mississippi River, and thence north along the Mississippi to the low water mark of the Ohio River along the Illinois shore to the Ballard-McCracken County line; thence along the county line south to state road 358; thence south along state road 358 to its junction with U.S. Highway 60 at LaCenter; thence following U.S. 60 southwest to the northeast city limits of Wickliffe.

Section 3. General Rules Concerning Waterfowl Hunting and Spacing of Pits or Blinds on Non-commercial Waterfowl Shooting Areas:

(1) It is unlawful for any person or persons to shoot, take, or attempt to take, any waterfowl except from a blind or pit. For purposes of this regulation, an anchored, stationary or drifting boat from which waterfowl are hunted, is considered to be a blind, except for the area closed to waterfowl hunting as described in subsection (5) of this section.

(2) It is unlawful for any person or persons to establish or use any blind or pit for the taking of waterfowl within 100 yards of any other blind or pit.

(3) It is unlawful for any person to establish or locate any blind or pit within 200 yards of any state waterfowl refuge, or within 100 yards of any state-owned public shooting area.

(4) It is unlawful for more than four (4) persons, plus one (1) caller who shall not shoot, to occupy a single blind or pit at the same time.

(5) No waterfowl hunting will be permitted along or on the Ohio River from a point 100 yards upstream from Dam 53, downstream to a point 100 yards below the downstream boundary of the Ballard County Wildlife Management Area (the downstream boundary being approximately one and one-half (1½) miles below the mouth of Humphrey Creek). Waterfowl hunting is allowed on or along the remainder of the Ohio and Mississippi Rivers as described in Section 2 of this regulation.

Section 4. Free Permit and Rules for Persons Controlling Land and/or Water, and/or the Waterfowl Hunting Rights and Privileges Pertaining to Said Land and/or Water Used, or Intended to be Used, for Hunting of Geese on a Non-commercial Basis:

(1) Any person or persons controlling land and/or water and/or the waterfowl hunting rights and privileges pertaining to said land and/or water, within the designated area covered by this regulation, used or intended to be used, in whole or in part, for the taking of geese on a non-commercial basis must apply to the Ballard Wildlife Management Area, Route 1, LaCenter, Kentucky 42056, for a free Migratory Goose Hunting Area permit.

(2) The holder of a free migratory goose hunting area permit may be:

(a) The landowner, his tenant or any designated representative, who controls the land and/or water and/or the waterfowl hunting rights and privileges pertaining to said land and/or water upon which goose hunting is permitted;

(b) Any other person to whom individuals, as defined in paragraph (a) of this subsection, have assigned exclusive goose hunting rights or privileges, in writing, on forms provided by the department.

(3) The free migratory goose hunting area permit shall:

(a) Be displayed openly on the property for which it was issued;

(b) Be open for inspection by conservation officers or other authorized employees of the Department of Fish and Wildlife Resources and members of the United States Fish and Wildlife Service;

(c) Expire each year on the day after the end of the waterfowl season.

(4) The holder of a free migratory goose hunting area permit shall:

(a) Make available and maintain at all times during the waterfowl season, the daily hunter register forms in duplicate provided by the department on the area for which the permit is issued;

(b) Require all waterfowl hunters to register each time they hunt on the daily register forms provided by the department prior to hunting on any permit area;

(c) Require all waterfowl hunters to record the numbers and kinds of geese taken on the permit area immediately before leaving the hunting area;

(d) Mail or take the original daily register form for the period Monday through Sunday to the Ballard Wildlife Management Area, Route 1, LaCenter, Kentucky 42056, at



the close of shooting hours each Sunday during the waterfowl season, and it must be postmarked no later than the following Monday or the day following the last day of the waterfowl season, even if no geese were killed or hunted;

(e) Hold duplicate forms from past weeks for a period of two (2) months after the end of the waterfowl season;

(f) Exhibit to, and allow inspection of, the daily register by conservation officers and other authorized employees of the Department of Fish and Wildlife Resources and the United States Fish and Wildlife Service.

Section 5. Any person hunting, taking or attempting to take geese within the area designated by this regulation shall:

(1) Write on a daily register form the date, and their name and address before entering any lands and/or waters to hunt geese;

(2) Immediately upon returning from any lands and/or waters, register the numbers and kinds of geese taken, including a negative or zero report if failing to kill any geese.

Section 6. Ohio and Mississippi River Waterfowl Hunters. Persons hunting or taking geese on the Ohio and Mississippi Rivers and their overflow areas within the designated area covered by this regulation shall apply for a

season's supply of daily register forms at the Ballard Wildlife Management Area, Route 1, LaCenter, Kentucky 42056.

(1) A daily register form must be carried on the person of each goose hunter if hunting alone, or by one (1) hunter in a party while hunting, taking or attempting to take geese on these two (2) rivers and their overflow areas. The form must be filled out during each hunt in the same manner as described in Section 5. When hunting in a party where only one (1) person possesses a daily register form, all members of the hunting party may register on that person's daily register.

(2) The original copy of the daily register form must be mailed or taken to the Ballard Wildlife Management Area as described in Section 4, subsection (4)(d).

(3) The duplicate daily register form must be held as described in Section 4, subsection (4)(e).

(4) The daily register form must be exhibited and allowed to be inspected as described in Section 4, subsection (4)(f).

DR. ROBERT C. WEBB, Chairman

Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

ADOPTED: August 29, 1975

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: October 6, 1975 at 10:20 a.m.

## Proposed Regulations

### COUNCIL ON PUBLIC HIGHER EDUCATION

#### 13 KAR 1:010. Licensing of private institutions.

RELATES TO: KRS 164.945 to 164.947(4)

PURSUANT TO: KRS 13.082, 164.947

NECESSITY AND FUNCTION: These regulations are being promulgated pursuant to the mandate of KRS 164.945 to 164.947 and Executive Order 74-633 which require that the Council on Public Higher Education license nonpublic institutions to protect bona fide institutions and to protect citizens of the Commonwealth from fraudulent practices, unfair competition or substandard educational programs.

Section 1. General Requirements. Except as hereinafter provided, all colleges, institutions or other agencies which award degrees, diplomas, or other statements of recognition, purporting to indicate a level of collegiate attainment beyond the completion of secondary school, including all colleges, institutions, or other educational agencies which are chartered, organized, or have their principal locations outside Kentucky, and which desire to offer courses or conduct academic programs in Kentucky, shall be required to have a license issued by the Council on Public Higher Education:

(1) The exclusion from the provisions of KRS 164.945 to 164.947 of those colleges which operate under the provisions of KRS 317.430, 317.480, 331.010, 314.121 and statutes governing the proprietary schools is acknowledged. Such statutes, however, do not authorize the awarding of degrees. Therefore, any college which

awards a degree shall be subject to these regulations if it awards any associate degree, bachelor's degree, master's degree, or any doctorate or other degree, whether such degree be earned or honorary. In the event that licensing or approval of a college is also required by another agency in the state, the council shall attempt to work closely with such agency in performing its licensing functions.

(2) Application for licensure shall be in the form and manner prescribed by the Council on Public Higher Education, pursuant to KRS 164.947 and Executive Order 74-633, August 20, 1974, and shall be submitted to the Council on Public Higher Education within sixty (60) days from the effective date of these regulations. Any application from a college which is chartered, organized, or which has its principal location outside Kentucky shall be required to establish the need for the proposed program in Kentucky, and the Council on Public Higher Education shall determine that such need cannot reasonably be met by colleges located in Kentucky before a license shall be granted. Providing false or misleading information on any application may be deemed as sufficient grounds for denying licensure.

(3) No new college, division, or branch, which is created after the effective date of these regulations, shall offer instruction until a license has been granted by the Council on Public Higher Education.

(4) A college which is licensed under the provisions of KRS 164.945 to 164.947 is prohibited from offering any degrees other than those which are specifically authorized in the license, including honorary degrees.

(5) The instructional program of a college which is licensed under the provisions of KRS 164.945 to 164.947

shall be restricted to those degree programs or majors, and other concentrations and specialties, which are specifically authorized in the license. The Council on Public Higher Education shall be notified in writing at least sixty (60) days prior to the date that additions or deletions of such degree programs or majors, and other concentrations and specialties are planned. The council may determine that such proposed actions necessitate a supplementary application, in which case the council shall indicate the form and manner of such supplementary application and shall take whatever action it deems appropriate on the basis of the supplementary application. In no case shall such college offer instruction in a new degree program or major, or other concentration or specialty, without prior written approval from the Council on Public Higher Education.

(6) The use of the title "college" or "university" shall be restricted to institutions which offer degrees and which are Licensed under the provisions of KRS 164.945 to 164.947, or to institutions which were in operation on March 25, 1972, and which contained the designation "college" or "university" in their title on such date.

**Section 2. Exceptions to General Requirements.** Notwithstanding the provisions of Section 1, any college which is chartered, organized, or has its principal location in Kentucky and to which the provisions of KRS 164.945 to 164.947 are applicable, shall be presumed by the Council on Public Higher Education as being in compliance with the licensure requirements of these regulation on the following conditions:

(1) If such college is fully accredited by a regional or a national institutional accrediting agency which is recognized by the U. S. Office of Education, and which accreditation is accepted by the council, and it may be considered as continuing in compliance so long as such accreditation is maintained;

(2) If such college is fully accredited by an agency which is recognized by the U. S. Office of Education, and which accreditation is accepted by the Council on Public Higher Education as being appropriate to the instructional program or programs of the college, and it may be considered as continuing in such compliance so long as such accreditation is maintained;

(3) If such college does not award degrees of any kind or level, and if it is fully accredited, licensed or otherwise approved by an agency of the State of Kentucky which is recognized by the Council on Public Higher Education as being appropriate for such accreditation, licensure, or approval, the college may be considered as continuing in compliance so long as such accreditation, licensure, or approval is maintained;

(4) A college to which the provisions of subsections (1) and (2) of this section are applicable shall submit to the Council on Public Higher Education, within thirty (30) days of its receipt of reports or other communications from such recognized and accepted accrediting agency regarding the status of the college's accreditation, whether or not such reports or communications are favorable or unfavorable toward the college, a report of the action taken by the accrediting agency. The council may request for stated reasons that the college submit copies of such reports or communications.

(5) Notwithstanding the provisions of subsections (1) and (2) of this section the Council on Public Higher Education may proceed, for stated cause, with respect to

any particular college as though it were not accredited by an agency which is recognized by the U. S. Office of Education and accepted by the council.

**Section 3. Procedure and Standards for Licensure.** The Council on Public Higher Education shall observe the following procedures, and shall determine that the following requirements or standards are met, in considering applications for licensure and for license renewal under these statutes:

(1) Financial stability: The college shall present evidence of financial stability, including the following:

(a) A financial statement including assets and liabilities, prepared by a licensed accountant, on forms prescribed by the Council on Public Higher Education; and

(b) The name of a bank or other financial institution as reference.

(2) Surety bond:

(a) A college shall be responsible for the actions of its agents and shall file a surety bond with the Council on Public Higher Education, covering the institution and such agents, before a license may be issued. The names of agents shall be included in the application for licensure. The surety bond shall be for the protection of contractual and other rights of students, or of their parents or guardians, and shall be executed by a surety company qualified and authorized to do business in Kentucky, and shall be made payable to the Commonwealth of Kentucky. The minimum amount of the bond shall be based on the total maximum head count enrollment during the previous year, or on the estimated maximum head count enrollment for the current year, whichever is larger, and shall be as follows:

Maximum Enrollment	Minimum Bond
0-50	\$ 5,000
51-100	10,000
101-200	20,000
201-300	30,000
301-400	40,000
401-and over	50,000

(b) In the event the surety bond is terminated, the college shall so notify the Council on Public Higher Education, and the license shall automatically expire with the bond, unless replacement bond is provided without a lapse in such bonding.

(3) Personnel requirements:

(a) The Council on Public Higher Education may require the applicant college to furnish information regarding the administrative officers, the directors, the owners, and the faculty.

(b) The chief administrator shall hold at least an earned baccalaureate degree from a recognized college or university and shall have a sufficient background of experience to qualify for the position.

(c) Members of the faculty shall possess academic, scholarly and teaching qualifications appropriate and requisite to their respective positions and teaching assignments.

(d) Faculty members for programs in which degrees are awarded shall possess the level of qualifications usually required for faculty in accredited colleges which offer degrees at comparable levels.

(e) There shall be a sufficient number of full-time faculty to insure continuity and stability of the educational program.

(f) Teaching loads of faculty members shall be consistent with recognized educational practices, and shall be appropriate to the field, the variety of courses assigned, class size, and other related factors.

(4) Facilities and equipment:

(a) The institution shall be maintained and operated in compliance with all local, city, and county ordinances, and federal and state law, including rules and regulations adopted pursuant thereto, relative to the safety and health of all persons upon the premises.

(b) Adequate and appropriate space shall be maintained for instruction in classrooms and laboratories. Enrollment shall not exceed the design characteristics of the facilities. The instructional program shall not be conducted in substandard housing, and the quality and quantity of equipment shall be adequate and appropriate for a good instructional program.

(5) Library: The library shall be appropriate to the type of programs of the college:

(a) The collection of books, periodicals, newspapers, teaching aids, and other instructional materials and equipment shall be adequate in relation to the needs of the educational program, shall be appropriately housed, and shall be readily accessible to the faculty and students.

(b) A program for continuous acquisition of current library materials and for the recording of all library holdings shall be clearly outlined and maintained, with a pattern of expenditures in relation to the total fiscal operational budget consistent with that commonly observed in recognized colleges of similar types.

(c) A professionally trained and competent library staff adequate to serve the needs of the students, and in keeping with the purposes and objectives of the educational program of the college, shall be provided.

(d) Space for seating and work space for quiet and reflective study and research, sufficient for a reasonable proportion of the faculty and students to be accommodated at one time, shall be provided.

(3) The physical environment of the library shall be conducive to reflective intellectual pursuits common to institutions of higher learning.

(6) Curriculum. The institution shall have a systematic program of curriculum revision in order to maintain the general standards of accredited institutions in similar programs.

(7) Program supervision and instructional support. In addition to the requirements set forth in Section 3, and regardless of location, type of program, method of instruction, or other characteristics, any instructional program for which degree credit is awarded shall include the following:

(a) Adequate supervision by the college; and

(b) Such other instructional support as may be required to maintain a program of acceptable quality.

(8) Site visits. Within thirty (30) days of the receipt of a full and complete application for licensure or license renewal, the Council on Public Higher Education shall conduct, or shall have conducted, a site visit at the location or locations where the applicant college offers, or proposes to offer courses of instruction. Personnel conducting such site visit shall possess the expertise appropriate to the type of college to be visited. The purpose of such visit shall be to make an assessment of the instructional program, library, faculty, student services, administration, financial status,

facilities and equipment and of such other factors which are of significance in determining the college's qualifications for licensure.

(9) Council action on applications. Within thirty (30) working days of completion of such site visit, or within ten (10) working days following the date on which the Council on Public Higher Education formally considers an application, in those cases in which such formal action is deemed necessary, the Council on Public Higher Education shall do one (1) of the following:

(a) Issue a license;

(b) Deny application for license; or

(c) Notify the applicant college of deficiencies which must be overcome before a license can be issued.

(10) License fee. The Council on Public Higher Education may establish a nominal fee schedule for licensure and for license renewal. Each application for licensure or for license renewal shall be accompanied by such fee, which fee is nonrefundable whether or not the college is granted a license, such fee to be deposited in the state treasury, trust and agency account of the Council on Public Higher Education, and shall be applied to the cost of administering KRS 164.945 to 164.947.

(11) Cost of site visits. A college which applies for licensure or license renewal, or a college to which a site visit is necessary in the course of administering KRS 164.945 to 164.947, shall bear the cost of such site visit. However, such costs may not exceed \$100 per day, plus expenses, for each person conducting such site visit, and the total cost to a college for a single site visit shall not exceed \$500, except that any college chartered, organized, or having its principal location outside Kentucky shall bear the full cost of such site visit. The estimated cost of such visit, as determined by the Council on Public Higher Education, shall be deposited with the council in advance of such visit, and final settlement regarding actual expenses incurred shall be made within thirty (30) days following the site visit. Failure to pay these costs may result in license suspension or revocation.

(12) Documents to accompany application. Each application for licensure or license renewal shall be accompanied by copies of the college's charter, catalog, constitution and by-laws, and student enrollment application, contract or agreement.

(13) New colleges. In the case of a proposed new college, the Council on Public Higher Education may grant a license if it determines that there is evidence that the college may reasonably be expected to meet the standards set forth in these regulations:

(a) Within three (3) years if the college proposes to offer an associate degree.

(b) Within five (5) years if it proposes to offer a baccalaureate degree. Annual reports shall be submitted to the council demonstrating the progress being made in meeting these standards, during the first three (3) years for a college offering an associate degree, and during the first five (5) years for a college offering the baccalaureate degree.

(14) Truth in advertising. A college licensed under the provisions of KRS 164.945 to 164.947 shall observe the following standards in its advertising:

(a) Shall not utilize advertising of any type which is untrue, deceptive, or misleading;

(b) Shall not utilize advertising of any type to indicate that the college is "supervised," "recommended," "endorsed," or "accredited" by the Commonwealth of Kentucky, by the Council on Public Higher Education, or

by any other state agency. Such advertising statement, if any, shall be in exactly the following form: " (Name of College) is licensed by the Kentucky Council on Public Higher Education;" and

(c) Shall not use such terms as "employment," "business opportunities," or "earnings" in the recruitment of students, regardless of financial assistance or other benefits available to them, but shall use only such terms as "education," "college," "instruction," or "preparation."

(15) Recruitment and enrollment procedures:

(a) A college shall furnish the following to each student prior to enrollment:

1. A copy of the college's policies on grades, attendance and conduct;

2. A copy of a description of the instructional program in which the prospective student has expressed an interest, with a detailed schedule of all charges, rentals, and deposits, along with a copy of the schedule of refunds of all such charges, rentals, and deposits; and

3. A copy of the college's student enrollment application, contract, or agreement.

(b) After a student has **officially enrolled he may** withdraw without penalty and with full refund within ten (10) days of such enrollment, except that the college may retain a reasonable application fee which is set forth in the catalog and in the enrollment application, contract, or agreement. Such withdrawal, however, must occur at least thirty (30) days prior to the date the student is scheduled to begin classes.

(16) Quality of degrees. Earned degrees awarded by colleges licensed under the provisions of KRS 164.945 to 164.947 shall be bona fide academic degrees and the courses offered in degree programs shall be of collegiate quality as determined by the Council on Public Higher Education using the following criteria:

(a) Courses offered in degree programs shall be such as are generally transferable for credit among accredited colleges in programs of corresponding degree levels, and for credit toward the baccalaureate degree if such programs are at the associate degree level, as determined by the Council on Public Higher Education; or

(b) The Council on Public Higher Education may determine that because of the uniqueness of a program, or for other valid educational reasons, that courses are not usually transferable but are of collective quality.

(c) In the case of associate degrees and baccalaureate degrees, a reasonable percentage of the total credits for such degrees shall be earned in general education, including science-mathematics, social behavioral sciences, and humanities. A college which offers an interdisciplinary general education program, a block-type program, or other unique general education program shall be considered to be in compliance with the general education requirement stated above if the Council on Public Higher Education determines that such program content and distribution are appropriately related to the degree and institutional purposes.

(d) A college which is licensed under the provisions of KRS 164.945 to 164.947 shall not offer a master's degree, a doctoral-level degree, or any other graduate-level degree, as determined by the Council on Public Higher Education, unless such college is accredited by a regional institutional accrediting agency or a national accrediting agency which is recognized by the U. S. Office of Education, and which accreditation is accepted by the council.

(e) Any new college, and any existing college which initiates a new associate degree or baccalaureate degree

program or major, or other concentration or specialty, after the effective date of these regulations, shall comply fully from the outset with the general education requirements as set forth herein.

(f) Any college which is offering a degree program as of the effective date of these regulations shall comply fully with the general education requirements, as set forth herein, within twelve (12) months of the effective date of such regulations.

(17) Student affairs:

(a) Students admitted to the college shall have completed a state-approved secondary school program or its equivalent.

(b) A student who is admitted to an instructional program shall have demonstrated a readiness for such instruction in the field or specialty, and the student's preparation, aptitude, and interest shall be such as to provide reasonable assurance that the student has the potential to benefit from the training offered.

(c) The college shall provide qualified academic counseling to each student at the time of admission, and a reasonable amount of time of qualified faculty and staff shall be made available to students for counseling purposes throughout the program.

(d) Assistance and counseling shall be made available by the college to each student who completes a technical or vocational program, for the purpose of assisting the student with an appropriate job placement or with transfer.

(e) The college shall maintain sufficient records of each student to provide an understanding of his background, to record his progress through the instructional program, and for reference purposes for employers and prospective employers for a reasonable time after the student leaves the college. Administrative officers of the college shall keep informed regarding federal and state laws and regulations concerning the disclosure of information on students and shall comply with such laws and regulations.

(f) The college shall establish suitable policies and procedures whereby a student is assured due process.

(18) College policies:

(a) The college shall maintain records in an orderly manner and make them available for inspection by the Council on Public Higher Education, the council staff, or designated representatives of the council.

(b) A catalog shall be published at least every two (2) years and shall include general information, administrative policies, and academic policies of the college such as is indicated below:

1. General information:

a. Official name and address of the college, name of the chief administrative officers, members of the governing body, and names of principal owners.

b. The college's calendar for the period covered by the catalog, such calendar to include beginning and ending dates of each term or semester, registration and examination dates, legal holidays, and other important dates.

c. Names of faculty, including relevant education and experience.

d. Full disclosure with respect to the philosophy and purpose of the institution and its capacity to fulfill these objectives.

2. Administrative policies:

a. Admission policies and procedures, applicable to the various programs, including policies regarding granting of credit for previous education.

b. Policies and procedures regarding student conduct and behavior and the process for dealing with cases which

culminate in probation or dismissal.

c. Schedules for all tuition and instructional charges, and refund schedules for such tuition and instructional charges.

d. Statement of financial aids available to students.

e. Procedures for obtaining transcripts in a timely fashion and at reasonable cost.

3. Academic policies:

a. Policy on class attendance.

b. Description of grading system.

c. Description of the various degree, diploma, certificate and other programs, including the course requirements and the time normally required to complete each.

d. Full description of the nature and objectives of all degrees offered.

(c) Refund policy on tuition and other instructional charges: the refund policy shall meet the following minimum requirements:

1. If tuition and other instructional charges are collected in advance of entrance and the student fails to enter, then not more than \$100, or not more than ten (10) percent of such tuition and other instructional charges for a term or semester, whichever is less, shall be retained by the college.

2. If notification of withdrawal is given by the student, the college shall comply with at least the following refund schedule:

a. During the first twenty-five (25) percent of the course or semester, at least seventy-five (75) percent of tuition and other instructional charges shall be returned to the student;

b. During the second twenty-five (25) percent of the course or semester, at least fifty (50) percent of the tuition and other instructional charges shall be returned to the student;

c. After completion of fifty (50) percent of the course or semester, the college is not required to make refunds of tuition or other instructional charges;

d. In all other cases, including illness or accident, the college shall make a settlement which is fair and reasonable; and

e. Refunds shall be made within thirty (30) days after notification of withdrawal has been received by the college.

3. Notwithstanding the provisions as set forth herein, if the college is accredited by an accrediting agency which is recognized by the U. S. Office of Education, and if that accrediting agency has a specific refund policy which is more favorable to the student, then such policy shall be followed.

4. A college which is chartered, organized, or which has its principal location outside Kentucky, shall refund in accordance with the policies indicated herein unless their policy is more favorable to the student, in which case the latter shall be followed.

(19) Other requirements for license renewal:

(a) An annual report from each licensed college shall be submitted to the Council on Public Higher Education, and it shall contain the following:

1. A financial statement including assets and liabilities, as well as a profit and loss statement for the previous twelve (12) months in the case of proprietary colleges, shall be submitted to the Council on Public Higher Education. Such statements shall be prepared by a licensed accountant on forms prescribed by the Council on Public Higher Education, and such reports shall be due no later than sixty (60) days following the end of the previous academic year;

2. A current list of the college's agents; and

3. Such annual license renewal fee as may be established by the council.

(b) An application for license renewal, to be accom-

panied by the license renewal fee as established by the council, or a supplementary application in such form and manner as may be prescribed by the Council on Public Higher Education, may be required within sixty (60) days following any of these developments:

1. A change in the name of a college;

2. A change in the principal location of a college;

3. A change in ownership or governance of a college;

4. Major curricular additions or deletions of such nature as to result in a fundamental change in the focus of the college;

5. Action by a nationally recognized accrediting agency which results in a college being placed in a probationary status for more than one (1) year, or which results in the loss of the college's accreditation.

6. Determination by the Council on Public Higher Education that other sufficient cause exists which requires a supplementary application or an application for license renewal.

(c) As pertains to licensure under the provisions of KRS 164.945 to 164.947, the Council on Public Higher Education may at its discretion require that:

1. All colleges so licensed shall apply for license renewal at established time intervals from the date of original licensure, which time interval shall not exceed five (5) years;

2. Certain types of colleges so licensed shall apply for license renewal at established time intervals of less than five (5) years from the date of original licensure;

3. Individually identified colleges, due to their stage of development, financial circumstances, or for other stated reasons, shall apply for license renewal at established time intervals from the date of original licensure; and

4. Time intervals referred to herein need not be uniform, but each license shall indicate the time interval which is applicable in the case of that college.

Section 4. Hearings and Appeals. (1) As pertains to licensure under the provisions of KRS 164.945 to 164.947, the Council on Public Higher Education may, for cause, require the chief administrative officer or officers of a college so licensed, to appear for a hearing before the council or a designated committee or officer of the council, in order to determine the facts in the case. At such hearings the officer or officers of the college may be accompanied by counsel of their own choosing and at their expense. If the findings warrant, the council may impose such sanctions as are hereinafter authorized.

(2) A college which is sanctioned as a result of the actions of an officer or a committee of the Council on Public Higher Education may appeal to the full council. Notice of such appeal shall be made in writing to the council within ten (10) days of notification of such sanctions. Implementation of such sanctions shall be held in abeyance until appeal is heard and such appeal shall be scheduled on a timely basis.

(3) Sanctions: probation, suspension of license, or revocation of license:

(a) If the Council on Public Higher Education determines, on the basis of a hearing as described herein, that the public interest requires that sanctions be imposed, the council may take one or more of the following steps:

1. Place the college's license in a probationary status for a designated period not to exceed one (1) year;

2. Suspend the college's license for a period not to exceed one (1) year;

3. Revoke the college's license; or



4. Refer the case to other officials for appropriate action.

(b) A college which is sanctioned by the Council on Public Higher Education, whether such sanction is probation, suspension of license, or revocation of license, shall comply with the terms of such sanction.

(c) Any expense incurred in site visits, and for other purposes related to the removal of such sanctions, shall be borne by the college, notwithstanding the provisions of Section 3(11).

A. D. ALBRIGHT, Executive Director

ADOPTED: July 9, 1975

RECEIVED BY LRC: October 15, 1975 at 4:05 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Harry M. Snyder, Legal Counsel, Council on Public Higher Education, Capital Plaza Tower, Frankfort, Kentucky 40601.

**DEPARTMENT OF TRANSPORTATION  
Division of Aeronautics and Airport Zoning**

**602 KAR 15:010. Airport development loans.**

RELATES TO: KRS 183.200 to 183.213

PURSUANT TO: KRS 13.082, 183.024, 183.213

NECESSITY AND FUNCTION: KRS 183.213 provides that the department shall promulgate regulations governing airport loans made under KRS 183.200 to 183.213 and this regulation is promulgated in compliance with said statute.

Section 1. Definition. "Airport Development Loan" means a loan authorized by KRS 183.200 to 183.213 and regulations promulgated thereunder.

Section 2. An airport board that seeks an airport development loan shall file an original and two (2) copies of an application with the Director, Division of Aeronautics and Airport Zoning, Frankfort, Kentucky 40601.

Section 3. Content of Application. The following information and exhibits shall be included in the application:

- (1) Name and address of the airport board.
- (2) The amount of airport development loan requested from the department.
- (3) The description of the proposed airport project by attaching an exhibit showing an engineer's plat of the site boundaries with the planned location or improvement of airstrips, facilities, servicing utilities, access roads and total acreage indicated thereon.
- (4) An exhibit showing the ownership and encumbrances on the land described in subsection (3) of this section.
- (5) An exhibit stating the itemized detail cost or estimated cost of the land and all proposed improvements, the engineering and legal expenses, and any other expenses necessary to the determination of the cost of the airport project.
- (6) An exhibit that states the method and amount of the financing for the proposed project including federal, state and local participants with the percentage of the total project cost contributed by each. This exhibit shall show evidence of the availability of funds from each source; the proposed terms of an airport development loan and schedule of repayment; the percentage of the total project cost to be covered by an airport development loan; and

evidence that funds are not available in the amount necessary to establish the project without an airport development loan.

(7) An exhibit with documentation of the financial standing of the airport board in the form of a current financial statement containing a full disclosure of all assets, liabilities, and income.

(8) A statement when the proceeds of the loan will be needed and a proposed schedule for site acquisition or development.

Section 4. The rate of interest to be charged on an airport development loan shall be four (4) percent per annum on all loans made pursuant to applications on file prior to December 31, 1975 and at a rate of interest of five (5) percent per annum on loans made to airport boards that file applications after December 31, 1975.

Section 5. Determination Standards. Standards for determining the soundness and feasibility of projects shall be as follows:

- (1) Whether funds for the project can be obtained from federal, local or other sources, or
- (2) Whether the proceeds for the loan are to be expended for initial construction of an airport facility or the improvement of the safety or adequacy of an existing airport facility, or
- (3) Whether the airport development project will generate adequate revenue to repay the loan, or
- (4) Whether the airport master plan demonstrates that such facilities are needed to enable the airport to give better service to the aircraft operators anticipated to use the airport facility.

Section 6. Terms of Loan. The airport development loan agreement entered into between the airport board and the department shall have the following terms in addition to those stated in KRS 183.210:

- (1) That the principal amount loaned shall be repaid to the department in annual installments plus accrued interest or as otherwise provided in the agreement.
- (2) That the first installment payment shall be due within one (1) year after the proceeds of the loan are paid to the airport board.
- (3) That the airport board may repay any or all of the unpaid balance without penalty provided that the interest shall be computed to the date said advance repayment is made.
- (4) That all payments on principal and interest shall be made to the Office of the Director, Division of Aeronautics and Airport Zoning, or as otherwise provided in the agreement.
- (5) That the loan shall be used by the airport board for the purpose stated in the application and for no other purpose.
- (6) The agreement may contain any other terms agreed upon by the airport board and the department.

JOHN C. ROBERTS, Secretary

ADOPTED: August 29, 1975

RECEIVED BY LRC: September 18, 1975 at 6:28 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Director, Division of Aeronautics and Airport Zoning, Frankfort, Kentucky 40601.

**DEPARTMENT OF TRANSPORTATION**  
**Division of Aeronautics and Airport Zoning**

**602 KAR 20:025. Airport safety bulletin.**

RELATES TO: KRS 183.090, 183.121(1)

PURSUANT TO: KRS 13.082, 183.024

**NECESSITY AND FUNCTION:** The purpose of this regulation is to provide the Department of Transportation the means to notify all aircraft owners and pilots operating aircraft in this state of the airports which have been issued Landing Area Designations in the interest of safety of air navigation.

Section 1. The Department of Transportation, Division of Aeronautics and Airport Zoning, shall publish annually a bulletin styled "Kentucky Airport Safety Bulletin." The bulletin shall set forth the name and location of all airports in this state which have been issued landing area designations. It shall be available to aircraft owners and pilots and other interested persons.

Section 2. The department may publish supplements to the annual bulletin as the need arises. The bulletin shall be a notice to aircraft owners and pilots of the safety and adequacy of the airports in this state.

Section 3. The bulletin may be used in conjunction with the "Kentucky Airport Directory," aeronautical charts and other publications issued in the interest of aviation safety.

JOHN C. ROBERTS, Secretary

ADOPTED: August 29, 1975

RECEIVED BY LRC: September 18, 1975 at 6:27 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Director, Division of Aeronautics and Airport Zoning, Frankfort, Kentucky 40601.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Administration and Finance**

**702 KAR 4:100. Emergency school loan construction fund; repayments.**

RELATES TO: KRS 160.599(4)

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

**NECESSITY AND FUNCTION:** To establish procedures for the handling and repayments of loans made from the Emergency Revolving School Loan Fund Account.

Section 1. The total amount of the loan will be forwarded to the district upon approval of plans and specifications, and a proposed contract has been approved by the Division of Buildings and Grounds.

Section 2. The entire amount of the loan shall be deposited directly into a separate account designated as the "Emergency School Loan Construction Fund."

Section 3. The fund shall be kept in a depository selected by the board of education. The money shall be invested in direct obligations of the United States until such time as cash funds shall be needed.

Section 4. All expenditures from this fund shall be made solely for the purposes approved by the Director of the Division of Buildings and Grounds.

Section 5. The board of education shall cause to be made annually an audit of this fund by a certified public accountant or by an accountant approved by the State Department of Education.

Section 6. One-tenth (1/10) of the loan shall be payable to the "State Emergency Revolving School Loan Fund Account" on each anniversary date of the loan for the next ten (10) consecutive years. This payment shall be forwarded to the Director, Division of Finance, State Department of Education.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 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.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Pupil Personnel Services**

**703 KAR 2:060. Saturday teaching in emergency.**

RELATES TO: KRS 158.060

PURSUANT TO: KRS 13.082

**NECESSITY AND FUNCTION:** This regulation is necessary for efficient management when cases of emergency exist and local boards of education apply for approval to teach on Saturdays.

Section 1. The State Board of Education does hereby declare that an emergency may exist from time to time in a number of school districts of the Commonwealth and hereby authorizes the Superintendent of Public Instruction to approve teaching on Saturday, provided that, in the superintendent's judgment, an emergency does exist.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 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 3:280. Professional performance improvement project.**

**RELATES TO:** KRS 156.095

**PURSUANT TO:** KRS 13.082, 156.070, 156.130, 156.160

**NECESSITY AND FUNCTION:** KRS 156.095 authorizes the state Board of Education to establish a state-wide program for the improvement of professional school personnel in the public common schools. This regulation establishes the procedures and processes for establishing and maintaining such a program.

Section 1. Each local board of education shall provide for the involvement of every professional school employee in an individualized program of self-evaluation and performance improvement through the application of the Kentucky Plan for Improving the Professional Performance of School Personnel.

Section 2. The Kentucky Plan for Improving the Professional Performance of School Personnel shall be defined as the process described below:

(1) To initiate the process, each person studies and clarifies the expectations of the job he is assigned to perform and determines the priority of the components of the assignment wherein he desires to improve his level of performance.

(2) Each person consults with a professional colleague to refine further the performance objectives and to develop jointly a plan of action for their accomplishment.

(3) A written plan of action is evolved which:

(a) Identifies the specific performance objectives;

(b) Schedules the steps or actions to be taken by the person and the supporting actions to be taken by others for the achievement of the performance objectives;

(c) States the means by which it will be determined that the performance objectives have been accomplished; and

(d) Includes dates for subsequent meetings.

(4) The person and his colleague maintain appropriate records and each consultation period thereafter is utilized for:

(a) Progress review and modification of the original plan of action, as appropriate; and

(b) Repeating the process as additional performance objectives are identified.

Section 3. Each local board of education shall develop and implement a plan for improving the performance of all professional school personnel based upon the Kentucky plan. The local board of education shall incorporate the local plan within its official policies or else adopt appropriate policies for the implementation of the plan. The local plan shall include provisions for:

(1) A local implementation committee to include majority representation selected by the professional association representing a majority of the professional employees within the school system.

(2) A definition of terms used in the local plan, examples of forms and reports to be used, and procedures to be followed.

(3) A mutually-acceptable grievance procedure for the protection of the personal and professional rights of all school personnel in the district.

(4) The application of the Kentucky plan to every professional school employee in the district.

Section 4. Each local board of education shall submit annually to the Superintendent of Public Instruction for approval the proposed local school district plan for improving the professional performance of school personnel on such forms and dates as he shall determine.

Section 5. The Superintendent of Public Instruction shall be authorized to approve an alternate local school district plan for the improvement of professional performance of school personnel that is not based on the Kentucky plan provided the proposed alternate plan is submitted in written form and provided the proposal is in keeping with the philosophy expressed in KRS 156.095.

Section 6. The Superintendent of Public Instruction shall appoint an Advisory Committee for Improving the Professional Performance of School Personnel to include representation from such professional organizations, lay organizations, and institutions as he deems appropriate. The Advisory Committee for Improving the Professional Performance of School Personnel shall have the following duties:

(1) Make recommendations to the Superintendent of Public Instruction for the implementation of these regulations;

(2) Provide a continuous liaison and communications function between the institutions and organizations and the Department of Education;

(3) Conduct a continuing study of the various approaches to the improvement of professional personnel in operation in other states and to study the progress and the effectiveness of the application of the Kentucky project within the state and to make recommendations from time to time for the further refinement and improvement of the project in Kentucky;

(4) Assist in the efforts to evaluate the effectiveness of the Kentucky Project for Improving the Professional Performance of School Personnel.

Section 7. This regulation shall become effective on July 1, 1976.

LYMAN V. GINGER,

Superintendent of Public Instruction

**ADOPTED:** September 10, 1975

**RECEIVED BY LRC:** September 30, 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.

**EDUCATION AND ARTS CABINET****Department of Education  
Bureau of Instruction**

**704 KAR 10:020.** Evaluation of elementary, middle and secondary schools.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.130

NECESSITY AND FUNCTION: To establish general standards to be used in the evaluation of elementary, middle and secondary schools.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education by KRS 156.070 and 156.160, the Kentucky Standards for Grading, Classifying and Accrediting Elementary, Middle and Secondary Schools are presented herewith for filing with the Legislative Research Commission, and incorporated by reference.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 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.

**PUBLIC PROTECTION AND REGULATION CABINET****Department of Labor  
Occupational Safety and Health**

**803 KAR 2:032.** Adoption of 29 CFR Part 1928.

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 Agriculture.

Section 1 (1) The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1928, the Occupational Safety and Health Standards, published in the Federal Register April 25, 1975 edition, Volume 40, Number 81, Government Printing Office, Washington, D. C. 20402. These standards are hereby adopted by reference with the following additions, exceptions, and deletions:

(2) 29 CFR Part 1921.1 shall read as follows:

This part contains Occupational Safety and Health standards applicable to Agriculture operations. The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1928 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021.

GEORGE R. WAGONER, Commissioner

ADOPTED: August 28, 1975

APPROVED: ELIJAH M. HOGGE, Secretary

RECEIVED BY LRC: October 6, 1975 at 10:45 a.m.

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

**DEPARTMENT FOR HUMAN RESOURCES****Drug Formulary Council**

**902 KAR 1:200.** Phenazopyridine Hydrochloride Tablet.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Phenazopyridine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Phenazopyridine Hydrochloride Tablet Pharmaceutical Products. The following phenazopyridine hydrochloride tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Phenazopyridine Hydrochloride 100 mg. Tablets:

- (1) Phen Azo: Vanguard Laboratories;
- (2) Phenazopyridine Hydrochloride: Midway Medical Co.; and
- (3) Pyridium: Warner/Chilcott.

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

ADOPTED: October 6, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Kentucky Drug Formulary Council**

**902 KAR 1:210. Nitroglycerin Tablet.**

RELATES TO: KRS 217.814 to 217.826,  
 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Nitroglycerin pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

- (1) Nitroglycerin 0.3 mg. Tablet Form:
  - (a) Nitroprn: Warner/Chilcott;
  - (b) Nitroglycerin: Eli Lilly and Co.;
  - (c) Nitrostat: Parke Davis and Co.
- (2) Nitroglycerin 0.4 mg. Tablet Form:
  - (a) Nitroprn: Warner/Chilcott;
  - (b) Nitroglycerin: Eli Lilly and Co.;
  - (c) Nitrostat: Parke Davis and Co.
- (3) Nitroglycerin 0.6 mg. Tablet Form:
  - (a) Nitroprn: Warner/Chilcott;
  - (b) Nitroglycerin: Eli Lilly and Co.;
  - (c) Nitrostat: Parke Davis and Co.

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

ADOPTED: October 6, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Kentucky Drug Formulary Council**

**902 KAR 1:220. Propantheline Bromide Tablet.**

RELATES TO: KRS 217.814 to 217.826,  
 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Propantheline Bromide pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

- (1) Propantheline Bromide 7.5 mg. Tablet Form:
  - (a) Pro-Banthine: Searle Laboratories;
  - (b) Propantheline Bromide: Philips-Roxane Labs., Inc.
- (2) Propantheline Bromide 15 mg. Tablet Form:
  - (a) Pro-Banthine: Searle Laboratories;
  - (b) Propantheline Bromide: Geneva Drugs, Ltd., Midway Medical Co., Pace-Bond Drug Co., Paramount Surgical Supply Co., Philips-Roxane Labs., Inc., Ritchie Pharmacal, and Zenith Laboratories.

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

ADOPTED: October 6, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Kentucky Drug Formulary Council**

**902 KAR 1:230. Dimenhydrinate Tablet.**

RELATES TO: KRS 217.814 to 217.826,  
 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Dimenhydrinate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Dimenhydrinate Tablet Pharmaceutical Products. The following dimenhydrinate tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Dimenhydrinate 50 mg. Tablet Form:

- (1) Dimenhydrinate: Kasar Laboratories, Midway Medical Company, Ritchie Pharmacal Co;
- (2) Dramamine: Searle Laboratories;
- (3) Motion-Aid: Vanguard Laboratories.

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

ADOPTED: October 6, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

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



**DEPARTMENT FOR HUMAN RESOURCES**  
**Kentucky Drug Formulary Council**

**902 KAR 1:240. Aminosalicic Acid Tablet.**

RELATES TO: KRS 217.814 to 217.826,  
 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Aminosalicic Acid pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Aminosalicic Acid Tablet Pharmaceutical Products. The following aminosalicic acid tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Aminosalicic Acid 0.5 mg. Tablet Form:

- (1) Aminosalicic Acid: Eli Lilly and Co.;
- (2) Pamisyl: Parke Davis and Co.

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

ADOPTED: October 6, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Kentucky Drug Formulary Council**

**902 KAR 1:250. Dextroamphetamine Sulfate Tablet.**

RELATES TO: KRS 217.814 to 217.826,  
 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Dextroamphetamine Sulfate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Dextroamphetamine Sulfate Tablet Pharmaceutical Products. The following dextroamphetamine sulfate tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Dextroamphetamine Sulfate 5 mg. Tablet Form:

- (1) Dexedrine: Smith, Kline, and French;
- (2) Dextroamphetamine Sulfate: Geneva Drugs, Ltd., Kasar Laboratories, Pace-Bond Drug Co., Paramount Surgical Supply Corp., Zenith Laboratories.

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

ADOPTED: October 6, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Kentucky Drug Formulary Council**

**902 KAR 1:260. Isoniazid Tablet.**

RELATES TO: KRS 217.814 to 217.826,  
 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Isoniazid pharmaceutical products by the generic and brand names that have been determined by the council to be therapeutically equivalent.

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

(1) Isoniazid 100 mg. Tablet Form:

(a) Isoniazid: Columbia Medical Co., Eli Lilly and Co.;

(b) Niconyl: Parke Davis and Co.;

(c) Nydrazid: E. R. Squibb and Sons.

(2) Isoniazid 300 mg. Tablet Form: Columbia Medical Co., Eli Lilly and Co.

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

ADOPTED: October 6, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Kentucky Drug Formulary Council**

**902 KAR 1:270. Pseudoephedrine Hydrochloride Tablet.**

RELATES TO: KRS 217.814 to 217.826,  
 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Pseudoephedrine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

(1) Pseudoephedrine Hydrochloride 30 mg. Tablet Form:

(a) Pseudoephedrine Hydrochloride: Geneva Drugs, Ltd., Midway Medical Co., Pace-Bond Drug Co., Paramount Surgical Supply Corp., Zenith Laboratories;

(b) Sudafed: Burroughs Wellcome.

(2) Pseudoephedrine Hydrochloride 60 mg. Tablet Form:

(a) Pseudoephedrine Hydrochloride: Geneva Drugs, Ltd., Midway Medical Co., Pace-Bond Drug Co., Paramount Surgical Supply Corp., Zenith Laboratories;

(b) Sudafed: Burroughs Wellcome.

(3) Pseudoephedrine Hydrochloride 30 mg/5 ml Syrup Form:

(a) Decofed: National Pharmaceutical Manufacturing Co.;

(b) Novafed (Cautionary note: contains alcohol): Dow Pharmaceuticals;

(c) Pseudoephedrine Hydrochloride: Midway Medical Co.;

(d) Sudafed: Burroughs Wellcome.

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

ADOPTED: October 6, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

#### DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council

##### 902 KAR 1:280. Chloral Hydrate Capsules.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Chloral Hydrate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Chloral Hydrate Capsules Pharmaceutical Products. The following Chloral Hydrate Capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Chloral Hydrate 500 mg. Capsule Form (Cautionary note: sugar content not determined):

(1) Chloral Hydrate: Barre Drug Co., Inc., Columbia Medical Company, Geneva Generics, Kasar Laboratories, Midway Medical Corp., National Pharmaceuticals, Parke,

Davis and Company, Phillips-Roxane Labs., Inc., Purepac Pharmaceuticals Co.;

(2) Noctec: E. R. Squibb and Sons, Inc.;

(3) Somnos: Merck, Sharp and Dohme;

(4) V-Clor: Vanguard Laboratories.

Section 2. Chloral Hydrate Syrup Pharmaceutical Products. The following Chloral Hydrate Syrup pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Chloral Hydrate Syrup 500 mg/ml (Cautionary note: sugar content not determined):

(1) Chloral Hydrate Syrup: Abbott Laboratories, Barre Drug Company, Inc., Midway Medical Corp., National Pharmaceuticals, Richie Pharmacal Co.;

(2) Noctec Syrup: E. R. Squibb and Sons, Inc.;

(3) Somnos Syrup: Merck, Sharp and Dohme;

(4) V-Clor Syrup: Vanguard Laboratories.

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

ADOPTED: August 27, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

#### DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council

##### 902 KAR 1:290. Ferrous Sulfate Tablet.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Ferrous Sulfate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Ferrous Sulfate Tablet Pharmaceutical Products. The following ferrous sulfate tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Ferrous Sulfate Tablets 5 gr.:

(1) Enseals: Eli Lilly and Company;

(2) Feosol: Smith, Kline and French, Labs.;

(3) Ferrous Sulfate: Columbia Medical Company, Geneva Generics, Phillips Roxane Labs., Inc., Purepac Pharmaceutical Co., Rondex Laboratories;

(4) Film Seals: Parke, Davis and Company;

(5) Neo-Vadrin: First Texas Pharmaceuticals.

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

ADOPTED: August 27, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Mrs. Dorothy Barnes, Kentucky Drug Formulary Council, 275 East Main Street, Frankfort, Kentucky 40601.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Kentucky Drug Formulary Council**

**902 KAR 1:300. Dioctyl Sodium Sulfosuccinate Capsule.**

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists Dioctyl Sodium Sulfosuccinate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Dioctyl Sodium Sulfosuccinate Capsule Pharmaceutical Products. The following Dioctyl Sodium Sulfosuccinate Capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Dioctyl Sodium Sulfosuccinate 50 mg. Capsule Form:

(a) Colace: Mead Johnson Labs.;

(b) Dioctyl Sodium Sulfosuccinate: Phillips-Roxane Labs., Inc.;

(c) D-S-S: Parke, Davis and Company.

(2) Dioctyl Sodium Sulfosuccinate 100 mg. Capsule Form:

(a) Colace: Mead Johnson Labs., Inc.;

(b) Comfolax: Searle Laboratories;

(c) Dioctyl Sodium Sulfosuccinate: Geneva Generics, Kasar Laboratories, Midway Medical Corp., Phillips-Roxane Labs., Inc., Purepac Pharmaceutical Co.;

(d) D-S-S: Parke, Davis and Company;

(e) Pro Sof: Vanguard Laboratories;

(f) Provilax: Reid-provident Labs., Inc.;

(g) Regul-Aids: Columbia Medical Company.

(3) Dioctyl Sodium Sulfosuccinate 250 mg. Capsule Form:

(a) Dioctyl Sodium Sulfosuccinate: Geneva Generics, Kasar Laboratories, Midway Medical Corp., Purepac Pharmaceutical Co.;

(b) Pro Sof: Vanguard Laboratories.

Section 2. Dioctyl Sodium Sulfosuccinate Liquid Pharmaceutical Products. The following Dioctyl Sodium Sulfosuccinate Liquid pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Dioctyl Sodium Sulfosuccinate Liquid 20 mg/ml:

(1) Diocto Syrup: National Pharmaceuticals;

(2) Dioctyl Sodium Sulfosuccinate: Mead Johnson Labs., Inc., Midway Medical Corp., Richie Pharmacal Company;

(3) Pro Sof: Vanguard Laboratories;

(4) Regul-Aid: Columbia Medical Company.

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

ADOPTED: August 27, 1975

APPROVED: C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: October 15, 1975 at 3:00 p.m.

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

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Health Services**

**902 KAR 3:200. Drug abuse treatment and education (DATE) centers.**

RELATES TO: KRS 210.610 to 210.680, 210.990(3)

PURSUANT TO: KRS 13.082, 194.050

SUPERSEDES: DMH - 29

NECESSITY AND FUNCTION: KRS 210.610 to 210.680 and 210.990(3) directs the Department for Human Resources to regulate Date Centers, i.e., Drug Abuse Treatment and Education Centers. This regulation establishes uniform standards for the issuance of permits to operate Date Centers in Kentucky.

Section 1. Citation of Regulation. This regulation may be cited as the "Date Center Regulation."

Section 2. Application for Permit. (1) Application for a permit to operate a Date Center shall be filed with the Department for Human Resources, Bureau for Health Services, 275 East Main Street, Frankfort, Kentucky 40601.

(2) All applicants for a permit shall indicate the type of Date Center permit sought as defined by KRS 210.610(4) and describe in detail the character and range of services to be provided.

(3) All applicants for permits shall, as a condition precedent to obtaining a permit, be in compliance with all applicable federal and state controlled substances laws and regulations and with the provisions of KRS 210.610 to 210.680 and 210.990(3) and with the provisions of this regulation.

Section 3. Minimum Standards Applicable to All Date Centers. All date centers shall:

(1) Have a governing authority legally responsible for the conduct of the center;

(2) Have an administrator to whom the governing authority delegates the responsibility for the operation of the center;

(3) Provide the services of personnel who are qualified and trained in the drug rehabilitation field;

(4) Maintain a current and complete record of services provided to each client in such a manner as to render data auditable and suitable for standardized coding;

(5) Have a client system of referral to other appropriate agencies; and

(6) Provide for the systematic evaluation of the effectiveness of services provided to clients.

Section 4. Residential Rehabilitation Date Centers.

(1) The primary purpose of a residential rehabilitation center shall be:

(a) To improve the client's internal adjustment to enable him to achieve economic self-sufficiency at a feasible level and to maintain such level;

(b) To achieve and maintain personal independence and self-determination;

(c) To strengthen family ties by providing family planning services, if appropriate, and services deemed appropriate to prevent child neglect or abuse;

(d) To develop a pattern of abstinence from immoderate and improper drug usage.

(2) The methods and procedures to be followed by a residential center shall include the following:

(a) Initial phase. Obtain sufficient information upon initial contact to clearly identify the client, the source of referral and the disposition;

(b) Orientation phase:

1. Orient the client with sufficient information to enable him to make an informed decision regarding admission to the program;

2. Evaluate on an established regular basis, the minimal standards of any applicable regulations with the client, his productivity and his participation in the program.

(d) Supportive services. Provide individual and group counseling for spouses, parents and others with whom the client retains close relationships and provide such other supportive services as meets the needs of the individual client;

(e) Program completion criteria:

1. Provide the means for ongoing review of the degree to which each client is meeting his treatment goals and after the client has received the optimum benefit, plan his discharge in consultation with him;

2. Use as a criteria for successful completion of the program, the following standards: that the client is no longer dependent for social activity upon those who abuse drugs or upon the residential facility; that his avocational interests and behavior have become established in socially accepted recreational and social pursuits; that he has assumed responsibility for himself and has completed his treatment goals; and that he has demonstrated either job stability or responsibility in seeking employment or financial independence by legitimate activity;

3. Document the client's meeting of the criteria for discharge in the final case review.

(f) Aftercare. Provide appropriate assistance to the client in such matters as job placement, living arrangements, resumption of education and continue outpatient treatment, if indicated;

(g) Referral procedures. Provide client with lists of services available in the community together with telephone numbers and names of contracts.

#### Section 5. Non-residential Day Care Date Centers.

(1) The primary purpose of a non-residential day care date center shall be:

(a) To facilitate the emotional and social maturation of the client by helping him develop adequate mental hygiene;

(b) To help the client develop insight into his behavior and develop the ability to rationally evaluate the consequences thereof;

(c) To assist the client in becoming economically self-sufficient;

(d) To provide necessary support services for the client's habilitation or rehabilitation including:

1. Vocational rehabilitation;

2. Family counseling; and

3. Medical, dental, and psychological services.

(2) The methods and procedures to be followed by a non-residential day care date center shall include the following:

(a) Initial phase. Obtain sufficient information upon initial contact to clearly identify the client, the source of referral and the disposition;

(b) Orientation phase:

1. Orient the client with sufficient information to enable him to make an informed decision regarding admission to the program;

2. Obtain the optimum information regarding the client including the following: Social history, medical examination when appropriate, psychological evaluation, and current drug usage by urinalysis when appropriate;

3. After careful consideration admit or refuse to admit the client to the program.

(c) Treatment phase:

1. Develop and document a treatment plan from the offset of acceptance into the program;

2. Evaluate on an established regular basis, meeting the minimal standards of any applicable regulation with the client, his productivity and his participation in the program.

(d) Supportive services. Provide individual and group counseling for spouses, parents and others with whom the client retains close relationships and provide such other supportive services as meets the needs of the individual client;

(e) Program completion criteria:

1. Provide the means for ongoing review of the degree to which each client is meeting his treatment goals and after the client has received the optimum benefit, plan his discharge in consultation with him;

2. Use as a criteria for successful completion of the program the following standards: that the client is no longer dependent for social activity upon those who abuse drugs or upon the day care facility; that his avocational interests and behavior have become established in socially accepted recreational and social pursuits; that he has assumed responsibility in seeking employment or financial independence by legitimate activity;

3. Document the client's meeting of the criteria for discharge in the final case review.

(f) Aftercare. Provide appropriate assistance to the client in such matters as job placement, living arrangements, resumption of education and continue outpatient treatment, if indicated;

(g) Referral procedures:

1. Provide client with lists of services available in the community together with telephone numbers and name contacts;

2. Document all referrals in client's case record.

(h) Methadone treatment programs. All methadone treatment programs shall be operated in accordance with all applicable state and federal laws and regulations relating thereto.

#### Section 6. Communication Centers or Rap House Date Centers. (1) The overall goals of a communication center or rap house shall be:

(a) To provide a center for social interaction among actual and potential drug misusers, primarily youths, with a structure and operation conducive to development of constructive mentally and socially healthy lifestyle; and

(b) To promote maturation with proper emotional and social development.

(2) Methods and procedures. The methods and procedures to be followed by a communication center or rap house shall include the following:

(a) The physical plant shall be such as to promote group interaction and recreation where included in specific program plans and those on the staff must be of such character and mental health as to promote the overall goals;

(b) Adequate referral sources shall be available for clients including, but not limited to, referral to:

1. Social agencies;

2. Vocational rehabilitation agencies;

3. Public defenders and legal aid agencies; and
4. Medical care sources.

Section 7. Residential Rehabilitation Date Centers. Residential rehabilitation date centers shall comply with the provisions of Sections 2 and 3 of this regulation.

Section 8. Hotlines. (1) No date center shall maintain a hotline unless specifically authorized to do so in the permit issued by the department.

(2) The following minimum standards shall apply to all date centers that operate hotlines:

(a) The administrator shall establish appropriate written standards for screening and approving all telephone workers using the following minimum criteria: character, maturity and dependability.

(b) The administrator shall establish appropriate training standards for workers in writing and shall provide, or cause to be provided, such training to the workers.

(c) Records of all phone calls shall be kept when pertinent to drugs or drug abuse, including alcohol.

(d) There shall be a documented evaluation of each telephone worker after one (1) month of service.

(e) All hotlines shall maintain an appropriate referral system including, but not limited to, referral to appropriate medical, social, legal and emergency agencies.

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: October 15, 1975

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

SUBMIT COMMENT FOR REQUEST OR HEARING

TO: Secretary for Human Resources, Capitol Annex, Room 201, Frankfort, Kentucky 40601.

(A duplicate of the following regulation was submitted on an Emergency basis on October 21, 1975, expiring February 18, 1976. The full text and the declaration of emergency will be printed in the December issue of the Register.)

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

#### 904 KAR 2:012. Unemployed fathers' program.

RELATES TO: KRS 205.222, 205.223

PURSUANT TO: KRS 13.082, 194.050

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 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 30 days; or

(b) On strike, or unemployed as a result of involvement in a labor dispute when such involvement would disqualify the individual for unemployment insurance in accordance with KRS 341.360; 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. HEUCKER, Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: October 15, 1975

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

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

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

**904 KAR 2:045. Conditions under which adverse action is taken.**

RELATES TO: KRS 205.200(2), 205.245

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer public assistance programs under Title IV-A and XIX of the Social Security Act, namely Aid to Families with Dependent Children, hereinafter referred to as AFDC, and Medical Assistance, hereinafter referred to as MA. In addition, the department has responsibility to provide supplementation to certain aged, blind and disabled individuals as required by Title XVI, as amended and by KRS 205.245. 45 C.F.R. section 205.10 (a)(4) and C.F.R. section 206.10 (a)(4) require that applicants or recipients be provided adequate notice of adverse action in written form citing applicable state regulations. This regulation sets forth the conditions under which an application is denied or assistance is decreased, suspended or discontinued.

Section 1. Reasons for Adverse Action: An application is denied or assistance discontinued, suspended or decreased when:

(1) Income or resources exceed the standard for the specific assistance program, or when income of a recipient increases;

(2) Technical eligibility does not exist or ceases to exist:

(a) Deprivation of the needy child does not exist;

(b) The needy child is not living in the home of a relative within the specified degree of relationship;

(c) The needy child becomes twenty-one (21), or if eighteen (18) to twenty-one (21), is not attending school;

(d) The needy child is receiving supplemental security income;

(e) The needy individual is neither aged, blind or disabled;

(f) The individual is residing in a public, non-medical institution, or if under age sixty-five (65), a tuberculosis hospital or, if between age twenty-one (21) and sixty-five (65) a psychiatric hospital.

(3) The applicant or recipient has failed to comply with a technical requirement:

(a) The applicant or recipient has failed to furnish a Social Security number, or to permit application to be made for such member, for one or more persons for whom application has been made or assistance granted, resulting in ineligibility of the non-enumerated member(s);

(b) The caretaker relative has failed to assign all rights of support to the bureau, resulting in ineligibility of such relative;

(c) The caretaker relative has failed to cooperate in respect to establishing paternity, locating an absent parent and/or obtaining support, resulting in ineligibility of such relative;

(d) The non-exempt applicant or recipient has failed to register for and/or participate in the Work Incentive Program, resulting in ineligibility of the non-exempt individual;

(e) The applicant or recipient has failed to provide sufficient information or clarify conflicting information for a determination of eligibility.

(4) Other reasons:

(a) Request of client, or formal withdrawal of application;

(b) Bureau staff unable to locate applicant or recipient;

(c) Applicant or recipient no longer domiciled in Kentucky;

(d) Change in program policy has adversely affected the recipient.

Section 2. Denial of Applications: Whenever an application is denied, the applicant is given written notification of the denial including the reason for the denial and the right to a fair hearing.

Section 3. Decreases, Suspensions and Discontinuances: Whenever a change in circumstances indicates that a money payment should be reduced, suspended or discontinued, or that medical entitlement should be discontinued or curtailed to any or all members, the recipient is given ten (10) days advance notice of the proposed action in writing, explaining the reason for the proposed action, and extending the opportunity to confer with the worker or to request a fair hearing. Hearing requests received during the advance notice period result in delay of the decrease, suspension or discontinuance pending the hearing officer's decision.



Section 4. Exceptions to the Advance Notice Requirement: An advance notice of proposed action is not required, but written notice is given, whenever the decrease, discontinuance or suspension results from:

- (1) Information reported by the recipient and the recipient has signed a waiver of the notice requirement;
- (2) The bureau has received a clear, written statement, signed by the recipient, that he no longer wishes assistance;
- (3) AFDC-FC is being discontinued;
- (4) The aged, blind or disabled recipient has died;
- (5) Whereabouts of the recipient are unknown and mail addressed to him has been returned;
- (6) Assistance has been accepted in another state;
- (7) The AFDC child has been removed from the home and placed in foster care;
- (8) The aged, blind or disabled supplementation recipient has entered a chronic care facility resulting in vendor payment status;
- (9) The recipient has entered a penal institution or if under sixty-five (65) a tuberculosis hospital, or if between twenty-one (21) and sixty-five (65), a mental hospital;
- (10) A special allowance, or time limited assistance is terminated and the recipient has been informed in writing at the time the allowance or assistance was granted of the automatic termination at the end of a specified period or under specific conditions.

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

ADOPTED: October 15, 1975

RECEIVED BY LRC: October 15, 1975 at 3:55 p.m.

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

## DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

### 904 KAR 2:055. Hearings and appeals.

RELATES TO: KRS 205.231

PURSUANT TO: KRS 13.082, 194.050

SUPERSEDES: PA-50.2 and PA-74.1

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility under 45 C.F.R. section 205.10 and KRS 205.231 to provide for a system of hearings to be available to any applicant for or recipient of an assistance program who is dissatisfied with any action or inaction on the part of the bureau. This regulation sets forth the method by which the hearing requirement is fulfilled.

Section 1. Informing the Applicant or Recipient of his Rights: Each applicant or recipient shall be informed orally and in writing at the time of application and in writing at the time of any action affecting his claim of his right to a hearing, the method by which he may obtain a hearing and that he may be represented by an authorized representative, such as legal counsel, relative, friend or other spokesman, or he may represent himself.

Section 2. Request for a Hearing: Any applicant or recipient or an authorized representative acting on his behalf, may request a hearing by filing with either the local office or central office of the Bureau for Social Insurance a written or oral (later reduced to writing) statement clearly indicating a desire for a hearing.

Section 3. Time Limitation for Request: To be considered timely, a written or oral request must be received by the Bureau within forty (40) days of the date of the advance notice of adverse action as it affects recipients or within thirty (30) days of the notice of denial of an application except that an additional thirty (30) days may be granted if it is determined by the hearing officer that the delay was for good cause in accordance with the following criteria:

- (1) The applicant/recipient was away from home during the entire filing period; or
- (2) The applicant/recipient is unable to read or to comprehend the notice of adverse action and right to request a hearing; or
- (3) The applicant/recipient moved resulting in delay in receiving or failure to receive notice of adverse action; or
- (4) Serious illness of the applicant/recipient; or
- (5) The delay was no fault of the applicant/recipient.

Section 4. Continuation of Assistance: If the request results from dissatisfaction regarding a proposed discontinuance, suspension or decrease and is received within ten (10) days of the date on the advance notice of adverse action, assistance shall be continued through the month in which the hearing officer's decision is rendered. If the request is received within twenty (20) days of the date on the advance notice of adverse action and it is established that the reason for delay meets the good cause criteria as contained in Section 3, assistance shall be reinstated and continued through the month in which the hearing officer's decision is rendered.

Section 5. All Hearing Requests Shall Be Acknowledged by the Hearing Branch: The acknowledgment letter shall contain information regarding the hearing process, including the right to case record review prior to the hearing, the right to representation, and a statement to the effect that the local office can provide information regarding the availability of free representation by legal aid or welfare rights organizations within the community. Subsequent notification shall include the time and place the hearing will be held. Hearings shall be scheduled on a timely basis to assure that no more than ninety (90) days shall elapse from date of request to date of decision except that hearings in which the issue relates to the Emergency Assistance Program shall be given priority handling with a decision rendered within thirty (30) days of the request.

Section 6. Withdrawal or Abandonment of Request: The applicant or recipient may withdraw his request for a hearing at any time prior to release of the hearing officer's decision. A hearing request shall be considered abandoned if the applicant or recipient fails, without prior notification, to report for the hearing and is unable to establish that such failure was for good cause as determined by the criteria as contained in Section 3.

**Section 7. Applicant's or Recipient's Rights Prior to a Hearing:** All applicants/recipients are informed of their right to legal counsel or other representation, of the right to case record review relating to the issue and of the right to submit additional information in support of the claim. When the hearing involves medical issues, a medical assessment by other than the person or persons involved in the original decision shall be obtained at bureau expense if the hearing officer considers it necessary.

**Section 8. Corrective Action:** If after a review of the case record, but prior to scheduling the hearing, the hearing officer believes that action taken or proposed to be taken, is incorrect, he shall confer with the Director of Field Services. Upon concurrence of the director, he shall authorize corrective action in the form of assistance to which the applicant or recipient would have been entitled but for the incorrect decision or, for proposed action, authorized continuing assistance. The applicant/recipient shall be then given the opportunity to withdraw the hearing request, but notwithstanding the corrective action, the hearing shall be scheduled if the applicant/recipient wishes to pursue the request.

**Section 9. Conduct of Hearing:** (1) The hearing shall be conducted by an impartial hearing officer at a place where the applicant/recipient may attend without undue inconvenience.

(2) The applicant/recipient, his representative and any other party to the hearing may present such evidence as shall be pertinent to the issue on which the adverse action was taken and question and cross-examine witnesses.

(3) The hearing officer shall, if necessary to secure full information on the issue, examine each party who appears and his witnesses. The hearing officer may take any additional evidence which he deems necessary; but if additional evidence is taken, all interested parties shall be afforded the opportunity of examining or rebutting such additional evidence.

(4) The parties to the hearing, with the consent of the hearing officer, may stipulate the facts involved, in writing. The hearing may be decided on the basis of such stipulation or the hearing officer may schedule a hearing and take such additional evidence as is deemed necessary.

(5) All hearings shall be conducted informally and in such a manner as to determine the substantial rights of the parties. The parties and their witnesses shall testify under oath or affirmation. All facts relevant to the issue appealed shall be considered and passed upon.

(6) Subpoenas may be issued by the hearing officer to compel attendance of any witness or the production of records except that subpoenas requested by the applicant/recipient shall be issued only on a sworn statement of need thereof by the applicant/recipient.

(7) The hearing officer may in his discretion, direct or grant a continuance of a hearing in order to secure necessary evidence.

**Section 10. The Decision:** After the hearing is concluded, the hearing officer shall set forth in writing his finding of facts and issues, specifying the reasons for the decision and identifying the supporting evidence and regulations. A copy of the decision shall be mailed to the applicant/recipient and his representative. The decision, with respect to the issues considered, shall be final unless

further appeal to the appeal board is initiated under KRS 205.231(4) within twenty (20) days from the date of mailing of the decision.

**Section 11. Appeal from Decision of Hearing Officer:** Any applicant/recipient or his authorized representative wishing to appeal the decision of a hearing officer may do so by filing an appeal to an appeal board appointed in accordance with KRS 205.231(3). To be timely, such request must be received in a county office or the central office of the Bureau for Social Insurance within twenty (20) days of the date on which the hearing officer's decision was mailed, except that a request received within thirty (30) days of the hearing officer's decision will be considered timely if the criteria in Section 3 is met. The request shall be filed in writing or orally, later reduced to writing, and shall be considered filed on the day it is received.

**Section 12. Applicant's or Recipient's Rights Prior to Appeal Board Consideration:** All appeals shall be acknowledged in writing to the application/recipient and his authorized representative. The acknowledgment shall offer the opportunity to file briefs or submit new and additional proof and the tentative date on which the board will consider the appeal.

**Section 13. Appeal Board Review:** All appeals to the appeal board shall be considered upon the records of the bureau and the evidence and exhibits introduced before the hearing officer unless the applicant/recipient specifically requests permission to file additional proof. When an appeal is being considered on the record, the parties may, if they desire, present written arguments and at the board's discretion be allowed to present oral arguments. In addition, the appeal board may direct the taking of additional evidence before it, if needed, in order to resolve the appeal. Such evidence shall be taken by the board after seven (7) days notice to the parties.

**Section 14. The Appeal Board Decision:** The decision of the appeal board, duly signed by members of the board, shall set forth in writing the facts on which the decision is based and shall be irrevocable in respect to the issues in the individual case unless set aside through the judicial review process as provided in KRS 205.234.

**Section 15. Payments of Assistance:** Payments of assistance to carry out decisions of hearing officers or the appeal board shall be made to the month of application or to the month in which incorrect action of the bureau adversely affected the applicant/recipient providing it is established that the applicant/recipient was eligible during the entire period in which assistance was withheld.

**Section 16. Limitation of Fees:** (1) Although the department and its officers and employees, either in their official or personal capacity, are not liable for payment of any attorneys fees, the department does, in accordance with KRS 205.237, set the maximum fee that an attorney may charge the applicant or recipient for representation in all categories of public assistance as follows:

(a) Seventy-five Dollars (\$75) for preparation and appearance at hearing before a hearing officer.

(b) Seventy-five Dollars (\$75) for preparation and presentation (briefs included) of appeals to the appeal board.

(c) One hundred seventy-five Dollars (\$175) for preparation and presentation, including pleadings, and appearance in court, of appeals to the Circuit Court.

(d) Three hundred Dollars (\$300) for preparatory work and briefs and all other matters incident to appeals to the Court of Appeals.

(2) The fee agreed to by the representative and his client within the above maximums shall be deemed to have the approval of the bureau.

(3) Enforcement of payment of such fee shall be a matter entirely between such counsel or agent and the

applicant/recipient. Such fee shall not be deducted either in whole or in part, from the benefit checks otherwise due and payable to the applicant/recipient.

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

ADOPTED: October 15, 1975

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

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

## Reprinted Regulations

(As a convenience to subscribers the following regulations, which became effective on October 8, 1975, are being reprinted here. All were published originally in Volume 1 of the Administrative Register but are not included in the bound volumes of the KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.)

### EDUCATION AND ARTS CABINET Department of Education Bureau of Administration and Finance

#### 702 KAR 4:020. Plans and specifications for construction.

RELATES TO: KRS 162.060

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To prepare plans and specifications for school building construction.

Section 1. After approval of an application on forms provided by the State Board of Education containing program and financial information, the architect shall prepare sketches of the proposed construction which upon approval of the local board of education shall be submitted to the Superintendent of Public Instruction for review and approval.

Section 2. Upon approval of proposed sketches or program plans, the preliminary plans, outline specifications, and estimated cost shall be submitted to the Superintendent of Public Instruction for approval on forms provided by the State Board of Education.

Section 3. Preliminary plans shall include the type of construction, a general vicinity plan, and a plot plan which show the location of existing and proposed buildings, existing and proposed contour lines, utility lines and easements, driveways and highways, floor plan of building, preliminary design of mechanical, electrical and structural systems, sections through the building and elevations of the buildings. The architect shall include a one-fourth (¼) inch scale drawing of all special areas with the preliminary plans. These drawings shall show all equipment proposed in each special area. After approval of preliminary plans, the local board of education may authorize the architect or engineer to prepare completed plans and specifications.

Section 4. Approval of the completed plans and specifications shall be given in writing by the Superintendent of Public Instruction prior to advertisement for bids. Completed plans and specifications shall include all the provisions required in the preliminary plans plus detailed information concerning site development, plumbing, heating, ventilation, electrical and structural design. The specifications shall provide for contract documents, insurance, performance bonds, prevailing wage scale and technical specifications.

Section 5. Until such time that construction is finally completed and/or occupied by the local board of education, the contractors shall carry any and all insurance required by law, regulation, and custom to hold the board safe from loss. Such insurance shall include but not be limited to liability, builders' risk, including the perils of fire and extended coverage, vandalism, and malicious mischief and such boiler and machinery insurance as may be required by the law or the contract documents. The architect shall attest to the board in writing the schedule of such coverage. In the event the board of education elects to carry a portion of the necessary insurance, a plan for such coverage shall be submitted to the Superintendent of Public Instruction for his approval.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:27 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Administration and Finance**

**702 KAR 4:050. Building sites; inspection, approval.**

RELATES TO: KRS 162.010

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To provide for the location of school buildings in accordance with the program approved by the Superintendent of Public Instruction.

Section 1. The Superintendent of Public Instruction shall cause an inspection to be made of each proposed school building site or site addition and shall approve each site. All school sites shall be in agreement with the Educational Facilities Survey recommendations as approved by the Superintendent of Public Instruction and shall have the approval of the Superintendent of Public Instruction prior to initiation of an application for approval of a construction project.

Section 2. The minimum size of school sites shall be as follows:

(1) Elementary School: Five (5) acres plus an additional acre for each 100 or fraction of 100 students of anticipated enrollment.

(2) Middle School, Junior High School, and High School: Ten (10) acres plus an additional acre for each 100 or fraction of 100 students of anticipated enrollment.

Section 3. Prior to contracting for the purchase of a school site, the following information shall be provided to and approved by the Superintendent of Public Instruction:

(1) A fee simple title shall be obtained in conformance with KRS 162.010. A copy of the deed and attorney's title certificate shall be furnished the Superintendent of Public Instruction for approval of the title to the site.

(2) Water supply and sewage disposal shall be approved by the Department of Natural Resources and Environmental Protection.

(3) Access to adequate public roads or streets to accommodate anticipated school traffic.

Section 4. A permanent monument (four (4) by four (4) by eighteen (18) inches deep concrete with a brass pin) shall be set in the boundary line of the site at a point which will provide a starting point for initial and final plot of metes and bounds which will circumscribe the site.

LYMAN V. GINGER,  
 Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:31 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Administration and Finance**

**702 KAR 5:020. Program cost calculation.**

RELATES TO: KRS 157.370, 157A.090

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To set out the method and steps for completion of the calculation of the districts' pupil transportation program cost in order to determine the amount of pupil transportation reimbursement that each district is to receive under the Minimum Foundation Program.

Section 1. A county district's net transported pupil density shall be determined by dividing the district's net ADA for pupils transported one (1) mile or more to school by the number of square miles in this district's primarily served area.

Section 2. The net ADA for this district's pupils transported one (1) mile or more to school shall be determined from the superintendent's Annual Statistical Report for the district.

Section 3. The number of square miles in the primarily served area of the district shall be determined by deducting from the total square mile area of the county, the square mile area of any independent districts located within the county, and by deducting the square mile area of any portions of the district located more than one (1) mile from one of the district's pupil transportation vehicle routes.

Section 4. A county district's gross transported pupil density shall be used in constructing a graph required by KRS 157.370. This density shall be determined by dividing the district's gross ADA for all pupils transported as shown on the superintendent's Annual Statistical Report for the district by the number of square miles in the district's primarily served area.

Section 5. An independent district's net transported pupil density shall be determined by dividing the district's net ADA for pupils transported one (1) mile or more to school by the number of square miles in this district's primarily served area.

Section 6. The net ADA for this district's pupils transported one (1) mile or more shall be determined from the superintendent's Annual Statistical Report for the district.

Section 7. The number of square miles in the primarily served area of the district shall be determined by deducting from the total square mile area of the district, the square mile area of any portions of the district that are located more than one (1) mile from one of the district's pupil transportation vehicle routes.

Section 8. An independent district's gross transported pupil density shall be used in constructing the graph required by KRS 157.370. This density shall be determined by dividing the district's gross ADA for all pupils transported as shown on the superintendent's Annual Statistical

Report for the district by the number of square miles in the district's primarily served area.

Section 9. In calculating the amount to be added each year to the district's pupil transportation program cost for pupil transportation vehicle depreciation, only those wholly district-owned vehicles shown on the district's pupil transportation vehicle inventory for each year as having a rated pupil seating capacity of twelve (12) or more and as being less than nine (9) model years old shall be included. Pupil transportation vehicles used exclusively for activity purposes or that are not properly equipped and maintained in safe and satisfactory condition for the transportation of pupils shall not be included in the district's pupil transportation vehicle depreciation schedule.

Section 10. The rated seating capacity for all vehicles used for pupil transportation shall be determined by using the same amount of seating space per pupil that is used to determine the rated pupil seating capacity of conventional school buses.

Section 11. In calculating the depreciation cost for a completely new pupil transportation vehicle purchased by a district during any school year, the model year of the vehicle chassis shall be considered to be the model year of the vehicle with the exception that, for inventory and calculation purposes by the Division of Pupil Transportation, all pupil transportation vehicles purchased new and shown by the district as having been added to its pupil transportation vehicle inventory during the school year shall be considered to be of the same model year regardless of when said vehicles were delivered during that school year or manufacturer's model year designation. The model year of all said vehicles to be the same as the year shown on the cover of the booklet containing the Kentucky Minimum Specifications for School Buses; Revised, that were in effect during the first half of the school year in which said vehicle was added to the district's inventory.

Section 12. The annual depreciation cost for any pupil transportation vehicle shown on the district's annual school transportation vehicle inventory that is within the eight (8) year depreciation schedule shall not be calculated unless said vehicle is maintained by the district in a safe and satisfactory condition for transporting pupils to and from school.

Section 13. The amount to be added each school year to the district's pupil transportation program cost for pupil transportation vehicle depreciation shall be determined by:

(1) (a) Multiplying the number of qualifying vehicles of the same rated pupil seating capacity purchased new in any school year by one-eighth (1/8) of the bid price of a pupil transportation vehicle of the same rated pupil seating capacity purchased through the State Bid Price Contract Plan in the same school year when an average vehicle delivery cost of forty dollars (\$40) has been added to said bid price. The annual depreciation amount for each pupil transportation vehicle shall be calculated to the nearest whole dollar.

(b) Starting with the 1971-72 school year transportation cost calculation, a district that purchases a new pupil transportation vehicle during any school year of a rated pupil seating capacity or type that was not purchased by any district through the State Bid Price Contract Plan during that same school year shall furnish the Division of

pupil Transportation with certain qualifying information including the price paid for said vehicle from which said division shall establish a reasonable price to be used for the purpose of calculating the annual depreciation on said vehicles over an eight (8) year period based on the number of seats and other major cost factors.

(c) The amount calculated for the depreciation for all qualifying vehicles on the district's inventory shall be determined in the manner prescribed in subsection (1) of this section. The model year of the vehicle chassis shall determine the number of years that these vehicles remain within the eight (8) year depreciation schedule except where exceptions are shown in other sections of this regulation.

(2) Whenever a district purchases a used pupil transportation vehicle of a model year that would place it within the eight (8) year depreciation schedule and which meets the safety requirements of the Kentucky Minimum Specifications for School Buses; Revised, for the model year in which the vehicle was manufactured, certain qualifying information and the price paid for said vehicle shall be reported to the Division of Pupil Transportation. Depreciation of said vehicle shall be calculated for each school year for which said vehicle remains within the eight (8) year depreciation schedule by adding one-eighth (1/8) of the price paid for said vehicle to the district's pupil transportation vehicle depreciation schedule. In no case shall this amount exceed the annual amount of depreciation calculated for a vehicle of the same model year and rated pupil seating capacity category that was purchased new through the State Bid Price Contract Plan. For inventory and calculation purposes by the Division of Pupil Transportation, the model year of the older component, either chassis or body, shall be considered to be the model year of the vehicle and shall determine the number of years that said used vehicle remains within the eight (8) year depreciation schedule.

(3) Whenever a district purchases a new school bus chassis and has its district-owned used school bus body installed thereon or purchases a new school bus body and has it installed on its district-owned used school bus chassis, certain qualifying information and the price paid for said new component shall be reported to the Division of Pupil Transportation. For inventory and calculation purposes by the Division of Pupil Transportation, the model year of such vehicle shall be considered to be the model year of the older component, chassis or body, and the depreciation shall be calculated for the number of years the vehicle remains within the eight (8) year depreciation schedule on the same basis as a new vehicle of the same rated pupil seating capacity purchased through the State Bid Price Contract Plan during that particular model year.

(4) The amounts calculated for pupil transportation vehicle depreciation under subsections (1), (2), and (3) of this section shall be added together or make up the district's annual cost for pupil transportation vehicle depreciation.

Section 14. The final step in the district's tentative cost calculation shall be made by multiplying the district's graph adjusted cost per pupil per day by the aggregate number of days attendance of the district's pupils transported one (1) mile or more to school.

Section 15. The graph adjusted pupil transportation cost per pupil per day shall be determined by applying the district's transported pupil density to the graph as provided in KRS 157.370.

Section 16. The aggregate number of days the district's pupils were transported one (1) mile or more to school shall be determined by multiplying the average daily attendance of these pupils by the number of days the district's schools were in session up to the number required under the foundation program.

Section 17. When the net average daily attendance of foundation transported pupils in any district for the first two (2) months of the current school year is greater than it was for the first two (2) months of the previous school year, the district is eligible to apply for an adjustment for the current year increase.

Section 18. Application for an adjustment increase or a report on the absence of an increase shall be made by each district board prior to December 1 each year.

Section 19. The net average daily attendance of the district's foundation transported pupils computed for the first two (2) months of the previous school year shall be compared with the same two (2) month period of the current school year and the percent of growth determined.

Section 20. The district's tentative formula adjusted cost for pupil transportation shall then be multiplied by the percent of growth to determine the additional cost to be added as a current year increase.

Section 21. The calculated amount for current year increase shall then be added to the district's tentative pupil transportation cost calculation to make up the district's final formula adjusted cost for pupil transportation for the current school year.

Section 22. During the school year in which any independent school district starts to provide pupil transportation when said district's schools open, said district's adjustment for current year growth shall be calculated by multiplying said district's net average daily attendance of foundation transported pupils for the first two (2) months that said district's schools are in session by the average calculated cost per pupil per year for all independent school districts as shown in the pupil transportation tentative cost calculations bulletin dated for that school year. The amount calculated for growth shall be the only pupil transportation program cost considered for Minimum Foundation Program allotment purposes for said district for that school year.

Section 23. During the school year in which any independent school district starts to provide pupil transportation after said district's schools have been in session for two months or more, there shall be no adjustment calculated for current year growth for said district for Minimum Foundation Program allotment purposes for that school year.

Section 24. During any school year following the school year in which any independent school district started to provide pupil transportation that the average daily attendance for the first two (2) months that said district's schools were in session shows a growth in Foundation Program transported pupils of 100 percent or less, the adjustment for current year growth shall be calculated as provided in Sections 17, 18, 19, 20 and 21 of this regulation. If said district's growth in foundation transported pupils for the first two (2) months shows a growth of more than 100 percent, the adjustment for current year growth shall be calculated first as provided in Sections 17, 18, 19, 20 and 21 of this regulation; and secondly, by multiplying the net increase in the average daily attendance of foundation transported pupils by the average calculated cost per pupil per year for all independent districts as shown in the Pupil Transportation Tentative Cost Calculation bulletin dated for that school year. The lesser of the two (2) amounts shall then be added to said district's Pupil Transportation Tentative Cost Calculation for Minimum Foundation Program allotment purposes.

LYMAN V. GINGER,  
Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:32 a.m.

**EDUCATION AND ARTS CABINET**  
**Department of Education**  
**Bureau of Vocational Education**

**705 KAR 4:020. Extended employment; local districts.**

RELATES TO: KRS 156.070, 163.030

PURSUANT TO: KRS 13.082

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To identify purpose, uses, and request procedures for extended employment of vocational teachers employed by local school districts.

Section 1. Extended employment, provided under the Kentucky Foundation Program to permit local school districts to employ personnel beyond the normal school year of nine and one-fourth (9 ¼) months, shall be used by certified vocational personnel for the primary purpose of improving the education program.

Section 2. Extended employment time shall be used for the following type of activities: (1) Teaching secondary students during summer sessions or during weeks of school extended beyond nine and one-fourth (9 ¼) months;

(2) Supervision of students enrolled in vocational programs during the academic year including such activities as:

(a) Placement and follow-up of graduates and dropouts,

(b) Placement and supervision of vocational students employed during the summer months.

(3) Supervision of student organization activities occurring during the summer;

(4) Planned occupational experience in business and industry which is directly related to the teacher's teaching responsibility and approved for a specific period of time;



(5) Planned in-service experiences such as conferences and workshops called at the state or regional level. Attendance at the summer conferences is significant enough that any teacher not attending shall present justification to the local superintendent and, if approved locally, a request must be made to the Assistant Superintendent for Vocational Education for approval.

(6) Planned evaluation to ascertain the quality and continued validity of the instructional program;

(7) Other activities such as: curriculum committees, laboratory organization, conducting manpower surveys, and planning or improvement of the course of study;

(8) For twelve (12) month employees, up to ten (10) days of planned educational experience in an institution of higher education shall be permitted when the courses are of mutual benefit to the teacher and to the program. Upon special request of the teacher and approved by the superintendent, teachers with less than twelve (12) months employment shall be considered for approval by the Assistant Superintendent for Vocational Education;

(9) For twelve (12) month employees, vacation time shall be consistent with local board policies for all twelve (12) month employees. This means that vocational teachers employed for twelve (12) months shall work at all times the superintendent's office is open and shall be eligible for sick leave and vacation time appropriate for other twelve (12) month employees. When local board policies do not cover teachers' vacations, a maximum of two (2) weeks shall be approved from extended employment time;

(10) Teachers shall not permit vacation and college education to interfere with the essential extended employment activities of the vocational program such as: conferences, student supervision, and student organization activities.

Section 3. Plans for extended employment shall be submitted with the annual local plan for vocational education. The plans shall include the objectives as well as the activities and percentage of time to be devoted to each objective. These plans shall be for the period from July 1 to June 30.

Section 4. By May 15, each teacher shall submit a schedule of extended employment activities for the summer. The schedule shall be approved and retained by the local superintendent. Upon request of a program unit director, copies of the schedule shall be forwarded to the Bureau of Vocational Education for approval.

Section 5. Periodic reports to show actual use of extended employment shall be submitted as requested by the Bureau of Vocational Education.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:15 a.m.

## EDUCATION AND ARTS CABINET

### Department of Education

#### Bureau of Education for Exceptional Children

#### 707 KAR 1:040. Programs for deaf-blind children.

RELATES TO: KRS 167.210 to 167.240

PURSUANT TO: KRS 13.082, 156.070, 156.160

EFFECTIVE: October 8, 1975

NECESSITY AND FUNCTION: To repromulgate State Board of Education Regulation for Programs for Deaf-Blind Children pursuant to KRS 13.082.

Section 1. The program for deaf-blind children shall be operated pursuant to KRS 167.210 – 167.240, inclusive, and the criteria listed below:

(1) Definition: As used in KRS 167.210 to 167.240, unless the context otherwise requires, "deaf-blind children" includes any child whose combination of handicaps of deafness and blindness prevents him from profiting satisfactorily from educational programs provided for the blind child or the deaf child.

(2) Evaluation: Before educational placement for deaf-blind children can be considered, appropriate evaluations of the child shall be made by qualified personnel and a copy of the evaluation report forwarded to the Bureau of Education for Exceptional Children:

(a) The Kentucky State Department of Education is authorized to expend available funds for the purpose of providing evaluation and diagnostic services for deaf-blind children. Such funds are administered through the Bureau of Education for Exceptional Children.

(b) Arrangements for evaluations shall be made by contacting the Bureau of Education for Exceptional Children.

(3) Educational Placement:

(a) If results of the evaluation indicate that the child should be enrolled in an educational facility for deaf-blind children, the parents or guardians shall make application to an appropriate school.

(b) A statement that the child has been, or will be accepted by the school, must be submitted to the Bureau of Education for Exceptional Children. This bureau shall have the final responsibility for determining if the selected school is appropriate to the special educational needs of the child.

(4) Eligibility: The eligibility of the child for placement in a special educational facility for deaf-blind children is based upon the following criteria:

(a) The child has both a vision and hearing loss so severe that he cannot make educational progress in existing state residential programs for the deaf or for the blind.

(b) All efforts have been exhausted for provision of educational programs for the child in a public school program for the deaf or for the blind.

(c) All efforts have been exhausted for placement of the child in existing state-supported programs offering special adaptations of standard educational programs and practices.

(d) The parents have followed through on the recommendations made by medical, psychological, and/or educational evaluations.

(5) Transportation: Funds will be provided by the Department of Education for the transportation of the deaf-blind child and one (1) parent to and from the school at the beginning and end of the academic year and at the beginning and end of Christmas holidays. If it is necessary

for more than one (1) person to accompany the child, requests shall be submitted to the Bureau of Education for Exceptional Children.

(6) Selection: The selection of children to receive aid through this program will be made on the basis of a review of all applications and on the availability of state funds. The Bureau of Education for Exceptional Children shall make this selection.

LYMAN V. GINGER,

Superintendent of Public Instruction

ADOPTED: September 10, 1975

RECEIVED BY LRC: September 30, 1975 at 11:00 a.m.

(The following regulations appeared originally in the May issue of the Register [1 Ky.R. 1158, 1160-1161]. The issuing agency conducted a hearing on the regulations and resubmitted them without change. They will be considered by the Administrative Regulation Review Subcommittee at its November 12, 1975 meeting.)

#### DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

##### 902 KAR 105:020. General requirements.

RELATES TO: KRS 211.870, 211.890, 211.993

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 211.870, 211.890 and 211.993 to regulate operators of sources of radiation other than licensed practitioners of the healing arts, including but not limited to: the classification and certification of operators; examinations; standards of training and experience; curricula standards for institutions teaching persons to operate sources of radiation; issuance, renewal, and revocation of certificates; the fixing of a reasonable schedule of fees and charges to be paid by applicants for examinations, certificates, and renewal certificates; and to set such other standards as may be appropriate for the protection of health and safety. The purpose of this regulation is to establish uniform general requirements for the certification of operators of sources of radiation.

Section 1. General Applicability. The Department for Human Resources' regulations relating to radiation operators require the certification of all operators of sources of radiation, other than licensed practitioners of the healing arts, for which a specific regulation has been adopted requiring certification within a particular field of practice or operation. The regulation of sources of ionizing or electronic product radiation and the handling and disposal of radioactive waste are not covered by these regulations. Nothing contained in these regulations shall be deemed to require the certification of students enrolled in an approved course of instruction in relation to the healing arts or allied health sciences and employees of the Federal Government while engaged in the performance, within this state, of their official duties

Section 2. Application for Certification. (1) All applications for certification as an operator of sources of radiation shall be filed with the Department for Human Resources, Radiation Operators Certification Section, 275 East Main Street, Frankfort, Kentucky 40601. All applications shall be submitted on forms provided by the department.

(2) All applicants for certification shall, as a condition precedent to certification, be in compliance with the applicable regulations of the department relating to their particular field of practice or operation.

(3) General and Limited Certificates shall expire on the last day of the month, two (2) years after the date of issuance.

(4) Temporary and provisional certificates shall expire on the last day of the month, one (1) year after the date of issuance and are not renewable.

Section 3. Examinations. (1) A general or limited certificate shall be issued upon successful passage of an appropriate examination, approved by the department, in the field of practice or operation for which certification is sought. All examinations shall be divided into appropriate sections and a minimum grade of seventy-five (75) percent is required for the passage of each respective section. An individual who fails a particular section shall be required to retake that section; provided, however, individuals who fail two (2) or more sections shall be required to retake the entire examination.

(2) The department may accept, in lieu of an examination conducted by the department, a valid certificate from a national organization acceptable to the department, provided that the holder is otherwise qualified for certification and has earned his certificate by passing an appropriate examination.

(3) The department may accept, in lieu of an examination conducted by the department, a valid certificate from another state or political subdivision acceptable to the department, provided that the holder is otherwise qualified for certification and has earned his certificate by passing an appropriate examination.

(4) Acceptance of an examination from a national organization shall be contingent upon the annual submission of a current examination together with an outline by subject and an item analysis of each examination section relative to individuals graduating from teaching institutions within this state. Acceptance of an examination from a state or political subdivision shall be contingent upon the submission, by request, of a current examination together with an outline by subject and an item analysis of each examination section. The department shall hold such examination information confidential and only make its contents available to authorized representatives of the department.

(5) The department may accept, in lieu of the examination requirements for a general certificate, an individual's current certificate from a national organization acceptable to the department that was issued prior to the effective date of these regulations.

Section 4. Fee Schedule. The following fees shall be paid in connection with the certification of operators of sources of radiation other than licensed practitioners of the healing arts:

- (1) Application for Certification (non-refundable) . . \$15
- (2) Issuance of a General or Limited Certificate . . . . .20
- (3) Issuance of a Temporary or Provisional Certificate 10
- (4) Renewal of a General or Limited Certificate . . . . .20
- (5) Duplicate Certificate . . . . .5

Section 5. Continuing Education Requirements for Renewal. (1) The continuing education requirements of this section shall be a condition precedent to the renewal of a general or limited certificate.

(2) A certificate holder shall, during each twenty-four (24) month period that he holds his certificate, obtain a minimum of twelve (12) clock hours of continuing education approved by the department. Clock hours may be accrued by attending seminars, lectures, or courses relating to the individual's field of practice or operation.

(3) Certificate holders attending or participating in continuing education related to their field of practice or operation shall send documented evidence of attendance or participation to the department. Such evidence shall include the certificate holder's name, subject title, date(s) attended, clock hours of instruction and the instructor's name and title.

(4) Operators of sources of radiation may receive up to six (6) clock hours credit, on an hour-for-hour basis, toward certificate renewal for continuing education lectures if they are the instructor.

Section 6. General Requirements. (1) It shall be the responsibility of each employer to insure that all of his employees operating sources of radiation are certified as set forth in these regulations.

(2) The department may, by order, impose upon any operator of sources of radiation or institutions teaching individuals to operate or use sources of radiation such requirements, in addition to those established in these regulations, as it deems appropriate or necessary to minimize danger to public health or safety.

(3) Only individuals holding a general certificate shall be employed as an operator of sources of radiation at facilities where contrast studies are performed.

(4) It shall be the responsibility of a certified operator to notify the department within sixty (60) days regarding any change of name or address.

(5) An individual certified as an operator of sources of radiation shall prominently display his certificate at his primary place of employment.

Section 7. Compliance with this Regulation. Full compliance with this radiation operators certification regulation must be by January 1, 1976.

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: April 15, 1975

RECEIVED BY LRC: April 15, 1975 at 4:03 p.m.

#### DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

902 KAR 105:050. Chiropractor supervision.

RELATES TO: KRS 211.870, 211.890, 211.993

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: The Department for Human Resources is empowered by KRS 211.870, 211.890

and 211.993 to regulate operators of sources of radiation other than licensed practitioners of the healing arts, including but not limited to: the classification and certification of operators; examinations; standards of training and experience; curricula standards for institutions teaching persons to operate sources of radiation; issuance, renewal, and revocation of certificates; the fixing of a reasonable schedule of fees and charges to be paid by applicants for examinations, certificates, and renewal certificates; and to set such other standards as may be appropriate for the protection of health and safety. The purpose of this regulation is to establish uniform standards for the certification of individuals who operate sources of radiation for human diagnostic radiographic purposes while under the supervision of a chiropractor.

Section 1. Applicability. This regulation applies to individuals who operate sources of radiation for human diagnostic radiographic purposes while under the supervision of a chiropractor.

Section 2. Eligibility for a Limited Certificate. No person shall be eligible for a limited certificate as an operator of a source of radiation for human diagnostic radiographic purposes under the supervision of a chiropractor unless he has:

(1) Satisfactorily completed a four (4) year course of study in a secondary school or passed a standard equivalency test; and

(2) Satisfactorily completed a limited course of study in chiropractic radiography approved by the department. The course of study shall include not less than 180 hours of classroom work including the following subjects: x-ray physics, radiographic techniques, darkroom chemistry and techniques, anatomy and physiology, radiation protection, film critique and ethics; and shall include an adequate number of hours but not less than 300 to be devoted to clinical experience consisting of demonstrations, discussions, seminars and supervised practice; and

(3) Satisfactorily passed an examination conducted or approved by the department.

Section 3. Grandfather Clause. Persons actively engaged in the operation of sources of radiation before January 1, 1976, shall, upon proper application to the department and upon payment of the required application and certification fees, be issued an appropriate certificate without examination.

Section 4. Temporary Certificate. The department may, upon proper application and upon payment of the appropriate application and certificate fee, issue a temporary certificate to an applicant who has successfully completed an approved course of instruction in chiropractic radiography and who meets all the other requirements of these regulations other than having taken the required examination.

Section 5. Compliance with this Regulation. Full compliance with this radiation operators certification regulation must be by January 1, 1976.

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: April 15, 1975

RECEIVED BY LRC: April 15, 1975 at 4:04 p.m.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Health Services**

**902 KAR 105:060. Podiatrist supervision.**

RELATES TO: KRS 211.870, 211.890, 211.993  
 PURSUANT TO: KRS 13.082, 194.050, 211.090

**NECESSITY AND FUNCTION:** The Department for Human Resources is empowered by KRS 211.870, 211.890 and 211.993 to regulate operators of sources of radiation other than licensed practitioners of the healing arts, including but not limited to: the classification and certification of operators; examinations; standards of training and experience; curricula standards for institutions teaching persons to operate sources of radiation; issuance, renewal, and revocation of certificates, the fixing of a reasonable schedule of fees and charges to be paid by applicants for examinations, certificates, and renewal certificates; and to set such other standards as may be appropriate for the protection of health and safety. The purpose of this regulation is to establish uniform standards for the certification of individuals who operate sources of radiation for human diagnostic radiographic purposes while under the supervision of a podiatrist

**Section 1. Applicability.** This regulation applies to individuals who operate sources of radiation for human diagnostic radiographic purposes while under the supervision of a podiatrist.

**Section 2. Eligibility for a Limited Certificate.** No person shall be eligible for a limited certificate as an operator of a source of radiation for human diagnostic radiographic purposes under the supervision of a podiatrist unless he has:

(1) Satisfactorily completed a four (4) year course of study in a secondary school or passed a standard equivalency test; and

(2) Satisfactorily completed a limited course of study in podiatric radiography approved by the department. The course of study shall include not less than sixty-five (65) hours of classroom work including the following subjects: x-ray physics, radiographic techniques, darkroom chemistry and techniques, anatomy and physiology, radiation protection, film critique and ethics; and shall include an adequate number of hours but not less than ten (10) to be devoted to clinical experience consisting of demonstrations, discussions, seminars and supervised practice; and

(3) Satisfactorily passed an examination conducted or approved by the department.

**Section 3 Grandfather Clause.** Persons actively engaged in the operation of sources of radiation before January 1, 1976, shall, upon proper application to the department and upon payment of the required application and certification fees, be issued an appropriate certificate without examination

**Section 4. Temporary Certificate.** The department may, upon proper application and upon payment of the appropriate application and certificate fee, issue a temporary certificate to an applicant who has successfully completed an approved course of instruction in podiatric radiography and who meets all the other requirements of these regulations other than having taken the required examination.

Section 5. Compliance with this Regulation. Full compliance with this radiation operators certification regulation must be by January 1, 1976.

WILLIAM P. MCELWAIN, Commissioner  
 C. LESLIE DAWSON, Secretary

ADOPTED: April 15, 1975

RECEIVED BY LRC: April 15, 1975 at 4:05 p.m.

**DEPARTMENT FOR HUMAN RESOURCES**  
**Bureau for Health Services**

**902 KAR 105:070. Violations and enforcement.**

RELATES TO: KRS 211.870, 211.890, 211.993  
 PURSUANT TO: KRS 13.082, 194.050, 211.090

**NECESSITY AND FUNCTION:** The Department for Human Resources is empowered by KRS 211.870, 211.890 and 211.993 to regulate operators of sources of radiation other than licensed practitioners of the healing arts, including but not limited to: the classification and certification of operators; examinations; standards of training and experience; curricula standards for institutions teaching persons to operate sources of radiation; issuance, renewal and revocation of certificates; the fixing of a reasonable schedule of fees and charges to be paid by applicants for examinations, certificates, and renewal certificates; and to set such other standards as may be appropriate for the protection of health and safety. The purpose of this regulation is to establish uniform enforcement procedures applicable to the department's regulations relating to the certification of operators of sources of radiation.

**Section 1. Applicability.** This regulation relates to the enforcement procedures of the department pertaining to the certification of operators of sources of radiation.

**Section 2. Denial, Revocation, and Suspension of Certificates.** The department may deny, revoke, or suspend the certificate of any person who:

(1) Has engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(2) Becomes a drug dependent person or drug abuser as defined in KRS 222.011(8);

(3) Becomes an alcoholic person who suffers from alcoholism as defined in KRS 222.011(3);

(4) Develops such physical or mental disability or other condition that continued practice or performance of his duties may be dangerous to patients or the public; or

(5) Fails to comply with any regulation of the department relating to the certification of operators of sources of radiation.

**Section 3. Hearings.** The department shall furnish the certificate holder with written notice setting out the substance of each offense charged with sufficient detail to reasonably appraise such person of the nature, time and

place thereof. The certificate holder shall have the right to be present in person or be represented by counsel and to present evidence and to be heard in opposition to the charges which may be instituted. The department shall make a finding of fact and conclusion of law. The hearing may be conducted by a Hearing Officer appointed by the Secretary of the Department for Human Resources.

Section 4. Compliance with this Regulation. Full compliance with this radiation operators certification regulation must be by January 1, 1976.

WILLIAM P. MCELWAIN, Commissioner  
C. LESLIE DAWSON, Secretary

ADOPTED: April 15, 1975

RECEIVED BY LRC: April 15, 1975 at 4:05 p.m.

## ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

### Minutes of October 8, 1975 Meeting

(Subject to Subcommittee approval at its next meeting November 12, 1975.)

The Administrative Regulation Review Subcommittee held its sixteenth meeting on Wednesday, October 8, 1975, at 10 a.m. EDT in Room 327 of the Capitol. Present were:

Members: Representatives James A. Davis and Bobby H. Richardson.

LRC Staff: Phillip R. Patton, E. Hugh Morris, Mabel D. Robertson, Paula D. Lay, and Garnett Evins.

The minutes of the meeting of September 10, 1975 were approved.

The following regulations were withdrawn at the request of the issuing agency:

725 KAR 1:010, Education and Arts Cabinet, Library and Archives, Records officer.

725 KAR 1:020, Education and Arts Cabinet, Library and Archives, Reproduction of records.

725 KAR 1:030, Education and Arts Cabinet, Library and Archives, Disposition of records.

725 KAR 1:040, Education and Arts Cabinet, Library and Archives, Distribution of publications and reports.

The following regulations were approved and ordered filed:

### EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

#### Travel Expenses and Reimbursement

200 KAR 2:050. Transportation. (Amended)

#### Division of Occupations and Professions

##### Board of Auctioneers

201 KAR 3:005. Name required on advertising.

201 KAR 3:015. Experience requirements for principal auctioneers.

201 KAR 3:025. Reciprocity requirements.

##### Board of Barbering

201 KAR 14:050. Apprentice's license; qualifications. (Amended)

##### Board of Nursing Education and Nurse Registration

201 KAR 20:050. Practical nurse schools. (Amended)

### DEPARTMENT OF TRANSPORTATION

#### DIVISION OF AERONAUTICS AND AIRPORT ZONING

##### Airport Safety Standards

602 KAR 20:010. Definitions. (Amended)

602 KAR 20:030. Standards applicable to all airports. (Amended)

602 KAR 20:100. Special and public use heliport.

602 KAR 20:110. Restricted use heliport.

#### Bureau of Highways

##### Traffic

603 KAR 5:095. Truckway classifications. (Amended)

### DEPARTMENT OF EDUCATION

#### BUREAU OF FINANCE AND ADMINISTRATION

##### Buildings and Grounds

702 KAR 4:020. Plans and specifications for construction.

702 KAR 4:030. Local board's contract with architect, engineer. (Amended)

702 KAR 4:040. Contract completion; changes; retainage. (Amended)

702 KAR 4:050. Building sites; inspection; approval.

##### Pupil Transportation

702 KAR 5:020. Program cost calculation.

#### Bureau of Vocational Education

##### Fiscal Management

705 KAR 2:030. Foundation program units. (Amended)

##### Instructional Programs

705 KAR 4:010. General standards. (Amended)

705 KAR 4:020. Extended employment; local districts.

705 KAR 4:060. Secondary vocational education standards. (Amended)

705 KAR 4:070. Agribusiness education. (Amended)

705 KAR 4:090. Business and office education. (Amended)

705 KAR 4:100. Health and personal service education. (Amended)

705 KAR 4:110. Home economics; consumer and homemaking. (Amended)

705 KAR 4:120. Home economics; gainful. (Amended)

705 KAR 4:130. Industrial education. (Amended)

705 KAR 4:140. Marketing and distributive education. (Amended)

705 KAR 4:160. Public service occupations. (Amended)

705 KAR 4:170. Special vocational education. (Amended)

#### Bureau of Education for Exceptional Children Exceptional and Handicapped Programs

707 KAR 1:040. Programs for deaf-blind children.

#### Education and Arts Cabinet

##### Library and Archives

725 KAR 2:010. Public libraries.

### PUBLIC PROTECTION AND REGULATION

#### Department of Labor

##### Occupational Safety and Health

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

#### Department of Alcoholic Beverage Control

##### Advertising Malt Beverages

804 KAR 2:025. Novelties and specialties. (Amended)

#### Department of Banking and Securities

##### Administration

808 KAR 1:041. Repeal 808 KAR 1:040.

The meeting adjourned at 11 a.m. to meet again at 10 a.m. on Wednesday, November 12, 1975 in Room 327 of the Capitol.





# *Administrative Register <sup>of</sup> kentucky*

## **Cumulative Supplement**

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