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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

Administrative Register of Kentucky

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Public Hearing Scheduled

PUBLIC PROTECTION AND REGULATION CABINET Department of Insurance

The Department of Insurance has scheduled a public hearing at 9 a.m. EST April 5, 1977 at the Department of Insurance, Capital Plaza Tower, 2nd Floor, Frankfort, Kentucky 40601 on the following proposed regulations, published in this issue:

806 KAR 17:040. Premium refunded to purchaser. [3 Ky.R. 000]
806 KAR 21:010. Notification of intention to cancel or terminate blanket bonds. [3 Ky.R. 000]

Emergency Regulations Now In Effect

JULIAN M. CARROLL, GOVERNOR
Executive Order 77-200
March 9, 1977

EMERGENCY REGULATION Department of Personnel Rules for Unclassified Service Employees

WHEREAS, there is a need to provide unclassified service employees annual leave, sick leave, and other benefits comparable to those available to classified service employees; and

WHEREAS, classified service employees' leave benefits were improved by action of the Administrative Regulation Review Subcommittee on March 2, 1977, and, dissimilar benefits now are available to classified and unclassified employees; and

WHEREAS, the Department of Personnel has determined and finds that an emergency exists and that there is an immediate necessity to provide by regulation for comparable benefits to affected State employees; and

WHEREAS, the Commissioner of the Department of Personnel, in conjunction with the Secretary of the Cabinet, pursuant to KRS 13.082 and 18.220, has promulgated regulation changes hereinabove referenced:

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

JULIAN M. CARROLL, Governor
DREXELL R. DAVIS, Secretary of State

SECRETARY OF THE CABINET
Department of Personnel
(Proposed Amendment)

101 KAR 1:200E. Rules for unclassified service.

RELATES TO: KRS 18.220
PURSUANT TO: KRS 13.082, 18.220
EFFECTIVE: March 10, 1977
EXPIRES: July 8, 1977

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

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

Years of Service	Annual Leave Days
0-5 years	1 leave day per month; 12 per year
5-10 years	1 ¼ leave days per month; 15 per year
10-15 years	1 ½ leave days per month; 18 per year
15 years and over	1 ¾ leave days per month; 21 per year

An employee must have worked more than half of the work days in a month to qualify for annual leave. *In computing years of total service for the purpose of allowing annual leave, only those months for which an employee earned annual leave shall be used. Employees serving on a part-time basis who work more than 100 hours a month shall be allowed four (4) hours annual leave for each month of service. Employees serving on a part-time basis who work less than 100 hours a month or per-diem basis shall not be entitled to annual leave. Part-time employees who work more than 100 hours a month shall not be allowed to carry forward annual leave from one calendar year to the next.*

(2) Annual leave may be accumulated and [; however, not more than thirty (30) working days of accumulated leave may be] carried forward from one (1) calendar year to the next[.] *not to exceed the following maximum amounts:*

<i>Years of Service</i>	<i>Maximum Amount</i>
0-5 years	Thirty (30) work days
5-10 years	Thirty-seven (37) work days
10-15 years	Forty-five (45) work days
15-20 years	Fifty-two (52) work days
Over 20 years	Sixty (60) work days

However, leave in excess of *the above maximum amounts* [thirty (30) work days] may be carried forward for a period of six (6) months if the appointing authority justifies in writing the reasons which made it impossible to allow an employee to take accumulated annual leave in a timely manner. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

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

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

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

(6) Annual leave shall accrue only when an employee is working or on authorized leave with pay. *Annual leave shall not accrue when an employee is on educational leave with pay.*

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

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

(9) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed *the maximum amounts as set forth in Section 1(2) above* [thirty (30) working days], when separated by proper resignation, layoff, retirement or when granted leave without pay in excess of thirty (30) working days. The effective date of the separation shall be the last work day and the employee's amount of accumulated annual leave shall be listed in the remarks section of the advice effecting the separation. A supplemental pay voucher shall be submitted on accumulated annual leave.

(10) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed *the maximum amounts as set forth in Section 1(2) above* [thirty (30) working days].

(11) Upon the death of an employee, his estate shall be entitled to *receive* pay for the unused portion of the employee's accumulated annual leave not to exceed *the maximum amounts as set forth in Section 1(2) above* [thirty (30) working days].

Section 2. Sick Leave. (1) Each employee in the state service, except an emergency, *part-time, or per-diem* employee, shall be allowed sick leave with pay at the rate of one (1) working day for each month of service. *Employees serving on a part-time basis who work more than 100 hours a month shall be allowed four (4) hours sick leave for each month of service.* An employee must have worked more than half of the work days in a month to qualify for sick leave with pay. Employees serving on a part-time basis who work less than 100 hours a month or per-diem basis shall not be entitled to sick leave.

(2) Employees completing ten (10) years of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of ten (10) years of service. *In computing years of total service for the purpose of crediting ten (10) additional days of sick leave, only those months for which an employee earned sick leave shall be used.* The total service must be verified in writing before the leave is credited to the employee's record.

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

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay. *Sick leave shall not accrue when an employee is on educational leave with pay.*

(5) An appointing authority shall grant accrued sick leave with pay when the employee:

(a) Receives medical, dental or optical examination or treatment;

(b) Is disabled by sickness or injury;

(c) Is disabled by pregnancy and/or confinement limited to a maximum of three (3) calendar months;

(d) Is required to care for a sick or injured member of his immediate family for a reasonable period of time;

(e) Would jeopardize the health of others at his duty post, because of exposure to a contagious disease.

(f) Has lost by death a parent, child, brother or sister, or the spouse of any of them, or any person related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority. At the termination of sick leave with pay, the appointing authority shall reinstate the employee to his former position.

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

(7) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours or one-half ($\frac{1}{2}$) hours.

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

(9) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. The employee's amount of accumulated sick leave shall be listed in the remarks section of the advice effecting the separation. Former employees who are reinstated or re-employed may have *up to five (5) days* of their accumulated and unused sick leave balances revived *upon appointment* [after sixty (60) days of work] and placed to their credit upon request of the appointing authority, and approval of the commissioner. *Any additional balance may be revived after sixty (60) days of work upon similar request.*

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

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

(12) Supporting evidence:

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

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

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

Section 4. Compensatory Leave. (1) *Accumulated compensatory time shall be granted by the appointing authority in accordance with agency needs and requirements and, insofar as practicable, in accordance with the employee's request. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing the employee's compensatory time balance, an appointing authority may direct an employee to take accumulated compensatory time off from work.* [The maximum amount of compensatory leave that can be accumulated by an employee shall be one hundred (100) hours. Upon separation from the state service or transfer to another agency, unused compensatory leave shall be forfeited unless, in the case of a transfer, the receiving agency is willing to accept

the compensatory leave balance.]

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

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

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

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

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

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

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

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

Section 8. Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefor to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave and [.] deduction of pay may be made for

each period of such absence [and]. Such absence may constitute grounds for disciplinary action.

ADDIE D. STOKLEY, Commissioner
ADOPTED: March 8, 1977
APPROVED: JULIAN M. CARROLL, Governor
RECEIVED BY LRC: March 10, 1977 at 2:25 p.m.

JULIAN M. CARROLL, GOVERNOR
EXECUTIVE ORDER 77-193
March 4, 1977

EMERGENCY REGULATION
Secretary of the Cabinet
Board of Claims

WHEREAS, a large backlog of citizens' claims against the Commonwealth has existed in the Board of Claims for several years; and

WHEREAS, more than 250 claims have been filed with the Board during the current fiscal year; and

WHEREAS, existing regulations do not provide for claims to be settled expeditiously; and

WHEREAS, the Board of Claims and the Secretary of the Cabinet find that an emergency exists and that there is an immediate necessity to establish new regulations to simplify and improve the handling of citizens' claims against the Commonwealth; and

WHEREAS, the Board of Claims and the Secretary of the Cabinet have promulgated regulations pursuant to Kentucky Revised Statutes 13.082 and Kentucky Revised Statutes 44.080:

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 Board of Claims and the Secretary of the Cabinet that an emergency exists and direct that the attached regulations become effective immediately upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor
DREXELL R. DAVIS, Secretary of State

SECRETARY OF THE CABINET
Board of Claims

108 KAR 1:010E. Board operation and claim procedure.

RELATES TO: KRS 44.070, 44.080, 44.086, 44.090

PURSUANT TO: KRS 13.082, 44.080

EFFECTIVE: March 7, 1977

EXPIRES: July 5, 1977

NECESSITY AND FUNCTION: KRS 44.080 requires the Board of Claims to establish rules for its government and for the regulation of the method of pleading and practice before it. The purpose of this regulation is to establish rules for procedures for claims and rules for operation of the board.

Section 1. Meetings. (1) Meetings of the board may be called by the chairman or a majority of the board at such

times and places as the call directs.

(2) Three (3) members of the board shall constitute a quorum.

(3) The board shall be considered in continuous session to enter orders.

(4) The Executive Director of the Board of Claims shall serve as secretary to the board and shall have authority to order the submission of briefs, set hearings, and issue such other orders as the board may direct.

Section 2. Filing of Claims; Response to Claims. (1) Claims shall be legibly written, typed or printed and mailed or delivered to the Board of Claims office in Frankfort, Kentucky.

(2) Each claim shall contain the name and address of the claimant, the amount he is claiming and a statement of facts sufficiently clear to show that the claimant is entitled to relief under the provisions of KRS 44.070 and to enable the defendant to investigate the claim and prepare its defense.

(3) Claims may be filed by the claimant or by an attorney or legal representative acting in the claimant's behalf.

(4) The board's secretary shall promptly furnish a copy of each claim to the head of the affected agency and to the Attorney General. Within thirty (30) days, the agency concerned shall investigate the matter and shall answer the charges in writing to the board and to the claimant.

(5) If the Attorney General wishes to enter the matter, he shall file such response as he desires with the board.

(6) If the response filed by the affected agency admits liability, the secretary shall submit the matter to the board at an early meeting.

(7) If the affected agency fails to respond to the board concerning its investigation within thirty (30) days, the secretary shall submit the matter to the board at an early meeting.

(8) If the response filed by the affected agency denies liability, the secretary shall set a hearing before a hearing officer and shall notify the claimant and the head of the affected agency (or their attorney) of the time and place of the hearing.

Section 3. Hearings. (1) Hearings shall be open to the public. The proceedings of hearings shall be taken by a stenographer. The hearing officer shall cause the hearing to be conducted with decorum.

(2) The proof required to support a claim shall be that required to support a claim in any court of competent jurisdiction.

(3) All testimony and proof shall be presented at the hearing before the hearing officer, or within thirty (30) days thereafter by deposition, with the exception of medical or expert testimony.

(4) If either party desires to submit medical or expert testimony by deposition, that party shall be allowed thirty (30) days after the hearing for that purpose. The second party shall then be allowed thirty (30) days, after which the first party shall be allowed five (5) days for rebuttal, unless otherwise ordered by the hearing officer.

(5) If the claimant fails to appear at a scheduled hearing of which he has notice and fails to show good cause within five (5) days for failure to appear, the board may order the claim dismissed. If the affected state agency fails to appear at the hearing, the hearing officer in his discretion may take the testimony of any witnesses present.

(6) The hearing officer shall furnish a finding of fact to

the board within thirty (30) days after the record is completed.

Section 4. Board Decision. (1) Each claim shall be submitted to the board at an early meeting following the hearing officer's report.

(2) The board, or a majority of its members, shall render a decision on each claim at a board meeting.

Section 5. 803 KAR 26:010 is hereby repealed.

JACK L. MILLER, Chairman

ADOPTED: February 3, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 7, 1977 at 11:20 a.m.

JULIAN M. CARROLL, GOVERNOR

Executive Order 77-08

February 17, 1977

EMERGENCY REGULATION

Department of Agriculture
Stockyard Sanitary Requirements

WHEREAS, the Department of Agriculture is charged with responsibility for the control of communicable diseases among bovine animals; and

WHEREAS, the Department's former administrative regulation relating to the testing for such diseases at the point of first concentration has been adjudged too vague to be enforceable, and the Department is therefore without administrative regulations at this time; and

WHEREAS, the Department and the State Board of Agriculture have determined and found that an emergency exists and that there is an immediate necessity to begin enforcement of new regulations on the above referenced subject; and

WHEREAS, the State Board of Agriculture, pursuant to KRS Chapter 257 and KRS 13.082 has promulgated a new 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 Agriculture that an emergency exists and direct that the attached Regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

THELMA L. STOVALL, Acting Governor

CLINTON H. NEWMAN, II

Assistant Secretary of State

DEVELOPMENT CABINET Department of Agriculture (Proposed Amendment)

302 KAR 20:070E. Stockyards.

RELATES TO: KRS Chapter 257

PURSUANT TO: KRS 13.082, Ch. 257

EFFECTIVE: February 17, 1977

EXPIRES: June 17, 1977

NECESSITY AND FUNCTION: To designate sanitary requirements and operational procedures in all stockyards [, sales barns, public stockyards and livestock markets] relative to disease control.

Section 1. Operating Sale Requirement. (1) The owner or manager operating a stockyard [, sales barn, public stockyard or livestock market] shall arrange for an accredited, licensed veterinarian approved by the Department of Agriculture to be present in said sales point to carry out the provisions of this regulation.

(2) The person operating a *stockyard* [public sale] shall provide separate pens or a yarded division for isolating animals classed as reactors to brucellosis or any [infectious, contagious or] communicable disease.

(3) The owner operating a *stockyard* [public sale] shall provide adequate space, utilities, hot water and assistance for the accredited, licensed veterinarian to officially carry out the provisions of this regulation.

(4) The owner or operator shall furnish and maintain one or more cattle chutes suitable for restraining animals for inspection of any infectious, contagious or parasitic condition, testing, tagging, branding and other procedures routinely required in providing livestock sanitary services *and identification for movement* at stockyards.

(5) The owner or operator shall maintain records of the seller and purchaser of all livestock for one (1) year. These records to be made available to Department of Agriculture representatives for inspection upon request during regular business hours.

(6) The owner or operator shall provide adequate facilities and service at a *reasonable* [nominal] cost, if not available at or near the yards, for cleaning and disinfecting cars, trucks or other vehicles which have transported to the stockyards animals known to be infected with or exposed to a contagious, infectious, communicable or parasitic disease with a disinfectant approved by the chief livestock sanitary official.

Section 2. General Requirements. (1) All stockyards [and sales barns] shall be [routinely cleaned and disinfected and] maintained in a workable *and* sanitary condition. Stockyards [and sale barns] shall be inspected as required by a representative of the board.

(2) After an occurrence of any infectious, contagious, parasitic or communicable disease of livestock in a stockyard, *exposed facilities capable of transmitting disease* [sales barn or public stockyard it] shall be cleaned and disinfected with approved disinfectants in a manner approved by the chief livestock sanitary official [before livestock shall be permitted to enter or leave said stockyard, sales barn or public stockyard].

(3) Livestock found to be infected and showing clinical or diagnostic symptoms of an infectious, contagious, parasitic or communicable disease shall upon recommendation of stockyard veterinarian or authorized

representative of the chief livestock sanitary official be quarantined in an isolated portion of the yards for treatment, additional diagnostic laboratory procedures, disposition to slaughter or other disposition pursuant to accepted methods of disease prevention and control.

(4) All livestock originating from a quarantined herd or premises shall be sold under permit for immediate slaughter.

(5) The card test shall be the official test for brucellosis at stockyards. [All swine, cattle and dairy goats over six (6) months of age must be tested.] All animals showing positive reaction must be *identified and sold for immediate slaughter only. Indemnity will be paid for reactors disclosed by stockyard test as long as state-federal funds are available.*

(6) Upon disclosure of a reactor(s) by the stockyard veterinarian, all cattle in the consignment from the same herd *are exposed cattle and must be [sold for slaughter or] returned to the farm of origin under quarantine for retesting or sold for slaughter with proper identification.* Assembled cattle are considered to be a herd.

(7) *Exposed animals and reactor animals will be identified as described in Title 9, CFR, 78.7 and 78.8, herein filed by reference.*

Section 3. Veterinary Compensation. Accredited veterinarians shall receive for *any* services rendered a fee that has been agreed on by the stockyard operators [,] *and* the accredited veterinarians [and approved by the chief livestock sanitary official]. Such fees shall be deducted from the seller's or buyer's check, depending upon conditions of sale and shall be paid to the accredited veterinarian, *except for those services reimbursed pursuant to a state-federal cooperative program.* [at the close of the day's business.]

Section 4. Veterinary Duties. The [contract] stockyard veterinarian shall *in cooperation with representative(s) of the department:* (1) Examine, [and] *validate and issue* certificates pertinent to the movement of livestock to be sold.

(2) Conduct required tests of livestock.

(3) Inspect all livestock [in cooperation with assigned livestock inspector] for clinical evidence of infectious, contagious, or parasitic diseases.

[(4) Vaccinate all livestock for the prevention of disease as required.]

(4) [(5)] Obtain blood samples [and conduct associated]. *Aid and assist in conducting of associated laboratory tests.* Submit such specimens to state-federal laboratory for confirmation. Such specimens shall be posted by mail or delivered directly to state-federal laboratory within twenty-four (24) hours.

(5) [(6)] Compile and present such reports as are routinely required to the chief livestock sanitary official.

(6) [(7)] Report the presence of any *communicable* [infectious or contagious] disease condition to chief livestock sanitary official [on forms provided by the department].

Section 5. Cattle Requirements. (1) Tuberculosis:

(a) Imports: Cattle six (6) months of age or older for dairy and breeding purposes shall be negative to an official tuberculin test within thirty (30) days of date of entry or originate directly and immediately from an accredited herd or eradicated free state.

(b) Cattle classified as suspects or those originating from a quarantined herd shall not be imported.

(c) Reciprocal agreements with adjoining states may be effective in lieu of specific requirements.

(d) Kentucky cattle: No tuberculosis requirements if to a Kentucky destination.

(2) Brucellosis:

[(a) Cattle six (6) months of age or over which are offered for sale or are consigned to the stockyard for breeding and dairy purposes shall be separated from all other cattle in stockyard pens maintained for this consignment. All animals in each consignment will be kept as a unit, either sold as breeding animals or slaughter animals.]

(a) [(b)] *All cattle six (6) months of age or older offered for sale at the stockyard for breeding and dairy purposes, except for the following, shall be negative to an official brucellosis test within last eight (8) days of sale:*

1. Official vaccinates identified by official tattoo twenty-four (24) months of age and under *if a beef animal and twenty (20) months of age and under if a dairy animal*, provided heavy springers and females post partum shall be negative regardless of age at time of sale.

[2. Steers.]

2. [3.] Cattle from *a* certified herd.

[4. Cattle consigned directly to a recognized slaughtering center with no diversion enroute except to another approved stockyard for reconsignment direct to slaughter within ten (10) days.]

[5. Feeder cattle consigned directly to a feed lot holding a valid feeding permit.]

[6. Calves under six (6) months of age.]

(b) [(c)] Backtagged cattle:

1. *All mature cattle eighteen (18) months or older, as indicated by the presence of the first pair of permanent incisor teeth, except steers and spayed heifers, consigned to any stockyard, or purchased direct by any slaughtering establishment shall be backtagged in a routine manner prescribed by the department.* [Test all male and female animals over eighteen (18) months of age at the first point of concentration or assembly point.]

2. *All backtagged cattle shall be negative to a brucellosis test within eight (8) days of sale.* [All cattle, except steers and spayed heifers eighteen (18) months of age or older consigned to any stockyard, sales barn or public stockyard or purchased direct by any slaughtering establishment shall be backtagged in a routine manner prescribed by the department unless negative to a brucellosis test within eight (8) days.]

3. Backtags placed on slaughter cattle shall not be removed at any time or by any person only under specific instructions from the chief livestock sanitary official.

4. [Backtagged cattle may not be sold or moved from the stockyard for any purpose other than immediate slaughter unless animals in the consignment it/they arrived with are negative to brucellosis test within eight (8) days prior to sale.] Backtagged cattle shall proceed directly to a recognized slaughtering center with no diversion whatever enroute except to *another* [only one other] approved stockyard [or public stockyard] for reconsignment to slaughter. [Proof of slaughter or a brucellosis test shall be verified within ten (10) days of date of backtagging.]

5. Materials for the backtagging program shall be furnished by the department and/or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture.

(c) *All breeding, dairy and backtagged cattle requiring testing shall be tested at the first point of assembly or concentration.*

(d) Cattle of beef breeds between the ages of six (6) and eighteen (18) months sold for feeding and grazing shall be exempt from brucellosis test unless they are heavy springers or female post partum.

Section 6. Swine requirements. (1) As prescribed in 302 KAR 20:080.

(2) Effective January 1, 1971, all serum requirements for swine moving into or through the State [Commonwealth] of Kentucky were rescinded.

(3) Breeding swine: All breeding swine six (6) months of age or older shall in addition be negative to an official blood test for brucellosis at time of sale or have originated directly from a validated herd.

(4) Livestock markets, buying stations, and concentration points handling all classes of swine:

(a) All swine, including slaughter swine, to be inspected by an accredited veterinarian prior to leaving market.

(b) Swine moving interstate from markets to be in compliance with Title 9, Part 76, CFR, herein filed by reference, including health certification by the accredited veterinarian authorized by the state to furnish such services.

(c) Slaughter swine leaving premises to be consigned only for immediate slaughter to a recognized slaughtering establishment approved for this purpose in accordance with federal and state regulations.

(d) Markets to maintain well-constructed pens and swine-handling facilities that are clean and in good repair.

(e) Markets to provide pens surfaced with impervious material for holding and handling feeder pigs and breeding swine.

(f) Markets to provide satisfactory, well-lighted facilities for inspection and proper restraint.

(g) Clean and disinfect holding, and handling pens, alleys and other facilities used in selling swine after use by each lot of swine under procedures specified by state and federal agencies to guard against spread of disease.

(h) Maintain records of origin and destination for all swine entering market and grant federal and state inspectors access to such records. Identification as to farm where farrowed shall be maintained for all feeder pigs and breeding stock and all slaughter swine which may be diverted for purposes other than slaughter. Records shall be maintained for one (1) year.

(i) Feeding and breeding swine must be placed in pens separate and apart from slaughter swine. All swine designated for slaughter must be delivered directly to an approved slaughter establishment with no diversion enroute.

(j) Permit no cull pigs to enter market unless provisions are made to pen such pigs separate and apart from all other swine so contact with healthy swine does not occur. Facilities used by these swine will not be used by other swine until cleaning and disinfecting have been accomplished. Further, cull swine to be permanently identified by an ear tag in the right ear, quarantined to the purchaser, and released from said quarantine by consignment to slaughter only. A cull pig is defined as one which does not pass veterinary inspection for health.

(k) Permit no garbage fed swine to enter market unless provisions are made to handle and pen such swine separate and apart from all other swine to avoid contact with other marketable swine.

(l) Permit no swine to be moved into or from the market unless a state or federal inspector releases such swine.

(m) Require all buyers of swine to determine the

purpose of their movement. If for slaughter and there is any reason to believe the swine might be diverted (under-weight swine, thin sows, etc.) the inspector may require that such swine be identified by ear tag and consigned to slaughter on a special permit. Further, any swine with which these swine mingle shall cause the entire lot to be ineligible for movement except to slaughter.

(n) Permit no feeder pigs or breeding swine to remain in the market more than seventy-two (72) hours.

(o) No feeding or breeding swine are to be allowed in any market for resale within thirty (30) days from prior sale date.

(5) Livestock markets, buying stations and concentration points handling slaughter swine only:

(a) Swine moving interstate to be in compliance with Title 9, Part 76, CFR, herein filed by reference, and applicable state regulations.

(b) Accept swine only for slaughter and to permit no swine to leave market except for slaughter only.

(c) Markets to maintain well-constructed pens and swine-handling facilities that are clean and in good repair.

(d) Maintain records of origin and destination for all swine entering market and grant federal and state inspectors access to such records. Records shall be maintained one (1) year.

(e) Isolate all swine suspected of being affected with or exposed to infectious disease, promptly notify the state or federal agency, and hold such swine in isolation pending instructions on disposition.

(f) Clean and disinfect holding and handling pens, alleys, and other facilities used in selling swine under procedures specified by state and federal agencies to guard against spread of disease.

Section 7. Sheep and Goat Requirements. (1) As prescribed in 302 KAR 20:040.

(2) Before the beginning of a sale all sheep and goats to be sold for breeding purposes that are free from evidence of infectious, contagious or parasitic disease shall be separated from all other sheep and goats in a part of the yard provided for this purpose.

(3) All sheep and goats that as individuals or any part of an assembled group show evidence of any infectious, contagious, communicable or parasitic disease must be sold for immediate slaughter or otherwise disposed of under permit issued by the chief livestock sanitary official.

(4) Goats for dairy or breeding purposes if free from evidences of any infectious, contagious or parasitic disease shall originate directly and immediately from a brucellosis certified free herd or if six (6) months of age or over be negative to an official brucellosis test within thirty (30) days of date of sale.

TOM S. MADDOX, D.V.M., State Veterinarian

ADOPTED: February 16, 1977

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: February 17, 1977 at 9:30 a.m.

Amended Regulations Now In Effect

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION Board of Veterinary Examiners As Amended

201 KAR 16:040. Examination and registration of animal technicians.

RELATES TO: KRS 321.440, 321.450

PURSUANT TO: KRS 321.240

EFFECTIVE: March 2, 1977

NECESSITY AND FUNCTION: KRS 321.440 and 321.450 provide for the qualification, registration and use of animal technicians. This regulation sets out the procedures for qualifying for the examination and registration of animal technicians and states that disciplinary action may be taken against both the animal technician and licensed veterinarian under certain conditions.

Section 1. Any licensed veterinarian desiring to have an animal technician registered by the board shall make application to the board on forms prepared by the board. Each application shall be accompanied by documents setting forth data requested on the form and a check in the amount of forty dollars (\$40), payable to the Kentucky State Treasurer. The forty dollar (\$40) payment shall constitute the application and examination fee, and no portion of this sum shall be refundable. All applications must be received by the board at least thirty (30) days prior to the examination date.

Section 2. Those persons eligible to take the examination under KRS 321.440(1)(b) shall have two (2) years from June 19, 1976, in which to have applications submitted on their behalf by licensed veterinarians.

Section 3. (1) The two (2) year animal technician program being offered at Morehead State University, Morehead, Kentucky, is approved by the board, but this approval shall be terminated effective September 1, 1977, unless that program of study is approved by the American Veterinary Medical Association by that date, or this approval is otherwise extended by the board.

(2) Any college or university securing approval of its program of study for animal technicians by the American Veterinary Medical Association shall be approved by the board, and graduates thereof shall be eligible to have an application submitted on their behalf to the board.

Section 4. The board will annually specify the dates and places of the examination. The examination shall consist of written, oral and/or practical portions prepared by or for the board. Those subjects on which the applicant for registration may be examined shall consist of the following: laboratory procedures, x-ray procedures, collection of laboratory samples, fitting large animals, stable and kennel management, surgical preparation and assistance, anesthesia, supply and equipment maintenance, sterilization of equipment, case histories, dehorning, castration and pharmacology.

Section 5. (1) An applicant for registration as an animal technician shall only be eligible to take the examination, if, as of the date of the examination, he is employed by the licensed veterinarian who submitted the application for him.

(2) Each person who passes an examination shall be registered as an animal technician and assigned a number. The certificate of registration shall recite that the registration shall be valid only so long as the animal technician is employed in the services of a [the] licensed veterinarian. [who signed the application.]

Section 6. Each registered animal technician shall pay or have paid for him an annual renewal fee of fifteen dollars (\$15), which amount shall be payable by check to the Kentucky State Treasurer, and shall be mailed to the office of the board on or before June 30 of each year. The board will mail an annual renewal notice to each licensed veterinarian having a registered animal technician in his employ by April 30 of each year and this notice shall require the licensed veterinarian to report whether the registered animal technician is still in his employ, and shall further remind the veterinarian that the annual renewal fee is payable by June 30.

Section 7. (1) The registered animal technician and the licensed veterinarian for whom the animal technician is working shall be subject to appropriate disciplinary action by the board if the animal technician is permitted to and does perform veterinary services in excess of or outside of those services authorized by KRS 321.450(3).

(2) Further, the animal technician and licensed veterinarian may be subject to disciplinary action by the board if the animal technician is terminated, for any reason, as an employee of the licensed veterinarian, and the board is not promptly notified of this fact.

THOMAS O. HARRIS, Chairman

ADOPTED: July 15, 1976

APPROVED: RUSSELL R. McCLURE, Secretary

RECEIVED BY LRC: February 2, 1977 at 9 a.m.

EDUCATION AND ARTS CABINET Kentucky Historical Society As Amended

730 KAR 1:005. Family cemetery information.

RELATES TO: KRS 171.313

PURSUANT TO: KRS 13.082

EFFECTIVE: March 2, 1977

NECESSITY AND FUNCTION: KRS 171.313 authorizes the Kentucky Historical Society to promulgate regulations governing the collection, maintenance,

preservation, categorization and publication of information concerning Kentucky family cemeteries.

Section 1. Definitions. Unless the context requires otherwise, the following terms shall have the meaning indicated:

(1) "Society" shall mean the Kentucky Historical Society.

(2) "Agent" or "employee" shall mean any person who is duly employed by the Society and engaged in carrying out the collection, preservation, maintenance, categorization and publication of information concerning Kentucky family cemeteries.

(3) "Family cemeteries" shall mean those cemeteries owned by families and area groups maintained without complete records.

Section 2. Agent or employee identification cards:

(1) All agents or employees shall be supplied identification cards with the Society's name and address printed conspicuously thereon. The card shall also have the agent or employee's photograph and signature and the signature of the Director of the Society.

(2) No agent or employee's identification card shall be issued or renewed without the approval of the Society's Director.

Section 3. Agents or employees may enter upon the premises or property where a cemetery or burying ground is located, *when properly authorized in writing*, for the purpose of obtaining the data and information required by KRS 171.313. The following procedure is to be followed when gathering this information:

(1) As a matter of cooperation, courtesy and personal safety, the agent or employee shall first seek the permission of the land owner, lessee, tenant or person in charge of the premises upon which the cemetery or burying ground is located. *The permission sought shall be requested in writing before entry upon the land.*

(2) The agent or employee shall display this identification card to the land owner, lessee, tenant or person in charge of the premises before entering upon the land.

(3) *In the event that the landowner, lessee, tenant or person in charge of the premises refuses the request for permission to enter as described in subsection (1) above, the Society may petition the appropriate circuit court for an order granting the agent or employee entry onto the premises or property and the court may issue such an order unless the landowner, lessee, tenant or person in charge shall sustain the burden of proof that such entry would be the direct and proximate cause of harm to the landowner, lessee, tenant or person in charge of the premises or property.*

WILLIAM R. BUSTER, Director

ADOPTED: February 21, 1977

APPROVED: WENDELL P. BUTLER, Secretary

RECEIVED BY LRC: February 22, 1977 at 2 p.m.

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

EFFECTIVE: March 2, 1977

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) "Conditional certificate" means a written authorization issued by the department temporarily authorizing an individual, who has not been certified by an approved credentialing organization, to perform diagnostic radiographic procedures until July 1, 1978.

(3) [(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.

(4) [(3)] "Department" means the Department for Human Resources.

(5) "Emergency condition" means a condition that exists whereby an employer has unsuccessfully made a bona fide attempt to employ a certified radiation operator and the department is requested to issue a provisional certificate so as not to impair necessary radiation health services to the particular facility.

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

(7) [(5)] "Individual" means any human being.

(8) [(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.

(9) [(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.

(10) [(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.

(11) [(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.

(12) [(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.

(13) "Qualified person" means an individual who, through education and training, is qualified to teach radiation operators in one or more aspects of radiologic technology.

(14) [(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.

(15) [(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.

(16) [(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.

(17) [(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.

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

(19) [(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 of 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.

(20) [(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.

(21) [(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: September 7, 1976

RECEIVED BY LRC: January 12, 1977 at 3 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
As Amended

902 KAR 105:020. General requirements.

RELATES TO: KRS 211.870, 211.890, 211.993

PURSUANT TO: KRS 13.082, 194.050, 211.090

EFFECTIVE: March 2, 1977

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 (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 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 *Conditional*, 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: September 7, 1976

RECEIVED BY LRC: January 12, 1977 at 3 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
As Amended

902 KAR 105:030. Teaching institution's curricula.

RELATES TO: KRS 211.870, 211.890, 211.993

PURSUANT TO: KRS 13.082, 194.050, 211.090

EFFECTIVE: March 2, 1977

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 *being [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 percent (50%) 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: September 7, 1976

RECEIVED BY LRC: January 12, 1977 at 3 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

EFFECTIVE: March 2, 1977

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. Conditional Certificate. Individuals who have not been certified by an approved credentialing organization shall be issued a conditional certificate. All conditional certificates shall expire effective July 1, 1978, and are non-renewable. Upon successful passage of an appropriate departmental examination, the holder of a conditional certificate shall be issued a general or limited certificate pursuant to these regulations.

[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, as defined in 902 KAR 105:010, Section 1(12).

(13).

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

ADOPTED: September 7, 1976

RECEIVED BY LRC: January 12, 1977 at 3 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
As Amended

902 KAR 105:050. Chiropractor supervision.

RELATES TO: KRS 211.870, 211.890, 211.993

PURSUANT TO: KRS 13.082, 194.050, 211.090

EFFECTIVE: March 3, 1977

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. Conditional Certificate. Individuals who have not been certified by an approved credentialing organization shall be issued a conditional certificate. All conditional certificates shall expire effective July 1, 1978, and are non-renewable. Upon successful passage of an appropriate departmental examination, the holder of a conditional certificate shall be issued a general or limited certificate pursuant to these regulations.

[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: September 7, 1976

RECEIVED BY LRC: January 12, 1977 at 3 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
As Amended

902 KAR 105:060. Podiatrist supervision.

RELATES TO: KRS 211.870, 211.890, 211.993
PURSUANT TO: KRS 13.082, 194.050, 211.090
EFFECTIVE: March 2, 1977

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 a 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. Conditional Certificate. Individuals who have not been certified by an approved credentialing organization shall be issued a conditional certificate. All conditional certificates shall expire effective July 1, 1978, and are non-renewable. Upon successful passage of an appropriate departmental examination, the holder of a conditional certificate shall be issued a general or limited certificate pursuant to these regulations.

[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: September 7, 1976

RECEIVED BY LRC: January 12, 1977 at 3 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
As Amended

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
EFFECTIVE: March 2, 1977

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 211.011(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 [and]

(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 apprise 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: September 7, 1976

RECEIVED BY LRC: January 12, 1977 at 3 p.m.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Social Insurance
As Amended

904 KAR 1:044. Mental health center services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

EFFECTIVE: February 2, 1977

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the

program of Medical Assistance in accordance with title XIX of the Social Security Act. KRS 205.520(3) empowers the Department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of Medical Assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to services provided by Mental Health Centers for which payment shall be made by the medical assistance program to both the categorically needy and the medically needy.

Section 1. Covered Services: The following services provided by participating mental health centers shall be considered covered when rendered within Kentucky medical assistance program guidelines:

(1) Inpatient services, *as defined in 902 KAR 20:090* when a center based psychiatrist renders the service, or when the psychiatrist deems it appropriate for the psychologist, psychiatric nurse, [or] master degree social worker, *or individuals with equivalent professional education (as determined by the department)* to provide therapy for the patient.

(2) Outpatient services, *as defined in 902 KAR 20:090, but not including services excluded from coverage under other provisions of this regulation*, if rendered by a *mental health professional from one (1) of the four (4) principal disciplines* (psychiatrist, psychologist, psychiatric nurse, or master degree social worker), *or individuals with equivalent professional education (as determined by the department)*. Services rendered by a staff member other than one (1) of the above shall be covered only if the service is delivered in accordance with a plan of treatment [developed by one of the four (4) principal disciplines and] approved by the psychiatrist.

(3) Partial hospitalization, *as defined in 902 KAR 20:090*, if:

(a) [(i)] The psychiatrist is present in the partial hospitalization unit on a regularly scheduled basis and assumes clinical responsibility for all patients; and

(b) [(ii)] The program has direct supervision by a psychiatrist, psychologist, psychiatric nurse, [or] master degree social worker, *or individuals with equivalent professional education (as determined by the department)*.

(4) Home visits, *defined as visits by center staff to recipients in their homes*, if:

(a) [(i)] Certified as a medical necessity by the psychiatrist or if the patient is homebound; and

(b) [(ii)] Provided by a *mental health professional from one (1) of the four (4) principal [principle] disciplines, or individuals with equivalent professional education (as determined by the department)*, and in accordance with an approved treatment plan.

(5) Detoxification services [units], when rendered by a center based psychiatrist in a detoxification unit.

(6) Psychological testing, if the tests are administered and evaluated by a certified clinical psychologist.

(7) Emergency services, *as defined in 902 KAR 20:090*, if the eligible recipient is seen in an emergency situation by any *professional or para-professional* member of the mental health staff.

(8) Personal care home services, if rendered by a *mental health professional from one (1) [any] of the four (4) principal [principle] disciplines* (psychiatrist, psychologist, psychiatric nurse, or master degree social worker) *or individuals with equivalent professional education (as determined by the department)* to eligible recipients in

personal care homes, *and including resocialization and/or remotivation services rendered to personal care home groups, if such group services are rendered* [shall be considered covered services. Resocialization and/or remotivation services rendered to groups, if rendered] in accordance with a plan of treatment. [and if staff notes reflect the patients need for continued therapy.]

(9) Diagnosis deferred, diagnostic category, only if provided by the psychiatrist or psychologist.

(10) Speech disturbance, diagnostic category, only if provided by a psychiatrist or psychologist.

(11) Services to clients in intermediate and skilled nursing facilities if provided on a one-to-one basis by the psychiatrist, psychologist, psychiatric nurse, [or] master degree social worker or individuals with equivalent professional education (as determined by the department) in accordance with an approved plan of treatment.

Section 2. Non-Covered Services: The following mental health center services are non-covered:

- (1) Services of an educational or supervisory nature;
- (2) Speech therapy;
- (3) *Alcohol and drug* services [rendered by an Alcohol or Drug Counselor];
- (4) Consultation;
- (5) Collateral therapy;
- (6) Residential treatment for alcoholism;
- (7) Social and recreational activities for clients in intermediate care facilities or skilled nursing facilities.

GAIL S. HUECKER, Commissioner

C. LESLIE DAWSON, Secretary

ADOPTED: November 16, 1976

RECEIVED BY LRC: November 18, 1976 at 11:30 a.m.

Proposed Amendments

SECRETARY OF THE CABINET Department of Personnel (Proposed Amendment)

101 KAR 1:130. Appeals.

RELATES TO: KRS 18.170, 18.270, 18.272

PURSUANT TO: KRS 13.082, 18.170, 18.210, 18.270

NECESSITY AND FUNCTION: KRS 18.170 requires the Personnel Board to adopt comprehensive rules consistent with KRS Chapter 18. KRS 18.270 provides that any classified employee who is dismissed, demoted, suspended or otherwise penalized after completing his probationary period may appeal to the Personnel Board within thirty (30) days of the action taken against him. This rule is necessary to assure a uniform and effective procedure for scheduling, hearing, and acting upon such appeals.

Section 1. General Provisions. Any employee, applicant for employment, or eligible on a register, who believes that he has been unjustly discriminated against, may appeal to the board for a hearing subject to the procedural rules of the board.

Section 2. Appeal From Examination Rejection. (1) Any applicant whose application for admission to an open-competitive examination has been rejected and who has been notified of such rejection and the reasons therefor may appeal to the board for reconsideration of his qualifications and for admission to the examination.

(2) Applicants may be conditionally admitted to an examination by the commissioner pending a consideration of an appeal. Admission to a written examination under such circumstances, however, shall not constitute

the assurance of a passing grade in training and experience.

Section 3. Appeal From Examination Rating. (1) Any applicant who has taken an examination may appeal to the board for a review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly.

(2) Except for correction of clerical errors, a rating in any part of an examination shall not be changed unless it has been found by the board that a mistake has been made, except as provided in 101 KAR 1:070, Section 3. A correction in the rating shall not affect a certification or appointment that may already have been made from the register.

Section 4. Appeal From Removal From Register. An eligible whose name has been removed from a register for any of the reasons specified in 101 KAR 1:070, Section 6(1) and (2), may appeal to the board for reconsideration.

Section 5. Appeal Procedure for Applicants or Eligibles. The appeal to the board by applicants or eligibles under Sections 2, 3, 4 of this regulation must be filed in writing with the commissioner not later than fifteen (15) calendar days after the notification of the action in question was mailed. The applicant or eligible shall have the right to appear before the board and to be heard. The decision of the board on such appeals shall be final.

Section 6. Appeal from Dismissals, Demotion, Suspension, or Penalization. (1) Any employee with status who is dismissed, demoted, suspended, or otherwise penalized may appeal to the board.

(2) An employee may appeal a transfer which he con-

siders to be a penalization. Following notification of a transfer, an employee must report for work, or make himself known to be available for work, at either his old work station or the new one to which assigned.

Section 7. Appeal Procedure for Employees. (1) Any employee with status who is dismissed, demoted, suspended, or otherwise penalized may, within thirty (30) days after the effective date of such dismissal, demotion, suspension, or penalization, appeal to the board through the commissioner. Such appeal shall be in writing and shall set forth the basis for the appeal. The appeal must be filed in the office of the Commissioner of Personnel within the aforementioned thirty-day (30) period. When the thirtieth (30th) day of the filing period falls on a day when the commissioner's office is closed during normal working hours, the appeal may be filed on the next regular working day. The commissioner shall promptly transmit copies of the appeal to the board and to the appointing authority.

(2) The board shall designate an appropriate time and place to conduct the hearing. Such hearing shall be held within thirty (30) calendar days after receipt of the appeal unless circumstances intervene which, in the opinion of the board, would cause undue hardship on either party to the hearing. The appellant and the appointing authority shall be notified in writing at least five (5) working days in advance of the time and place designated for the hearing.

(3) At the hearing, both the appellant and the appointing authority whose action is reviewed shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts. At the hearing of such appeals, technical rules of evidence shall not apply.

(4) If the board finds that the action complained of was taken by the appointing authority for any political, religious, or ethnic reason, the employee shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his dismissal, demotion, or suspension and without penalization.

(5) In all other cases, the findings and recommendations of the board shall be submitted to the appointing authority for his consideration, who may, not later than thirty (30) days after receipt of such findings and recommendations, reinstate the employee with or without pay for the period of the dismissal, demotion, or suspension, modify his original decisions of discharge, demotion, or suspension, or continue his original decision or penalization.

(6) When any employee is dismissed and not reinstated after such appeal, the board in its discretion may direct that his name be placed on an appropriate re-employment list for employment in any similar position other than the one from which he had been removed.

Section 8. Hearing of Appeals. (1) Evidentiary hearings in appeals filed pursuant to KRS 18.270 and 101 KAR 1:130 shall be conducted by the full board or quorum thereof, except as otherwise provided in this rule. The board may adopt a rotating schedule for the attendance of members at evidentiary hearings to be con-

ducted by the board in order to assure the presence of a quorum, but notwithstanding any such schedule any member of the board may attend and participate in any such hearing.

(2) The chairman of the board or a majority of the board, by written order, may designate a single member of the board to conduct any evidentiary hearing on behalf of the board or may request the commissioner to establish a calendar designating single members of the board to conduct evidentiary hearings on behalf of the board. In all such cases, upon the conclusion of the hearing, the presiding member-hearing examiner shall submit to the board a synopsis of the evidence presented, his findings of fact, and dispositive recommendations in the case before him, and the commissioner shall transmit by certified mail to both parties a copy of the findings of fact and dispositive recommendations. The board upon review of the findings of fact, the synopsis of the evidence presented, and dispositive recommendations of the presiding member-hearing examiner, who shall be present during such review, and after consideration of such written or oral arguments or exceptions as the parties have presented as a matter of right or may present with leave or upon request of the board, shall make a final determination of the appeal by either:

(a) Adopting as submitted the findings and recommendations of the presiding member-hearing examiner;

(b) Altering before adoption, in any manner deemed proper, either or both the findings and recommendations of the presiding member-hearing examiner;

(c) If felt necessary by any member of the board requesting the commissioner to prepare a copy of the stenographic record taken at the hearing and reserve ruling on the case until each member has been allowed a reasonable opportunity to consider the entire record;

(d) If felt necessary by a majority of the board, remanding the case or any part thereof for rehearing by the same presiding member-hearing examiner, with such hearing examiner to prepare and submit to the parties and the board such additional findings of fact and dispositive recommendations as he feels are necessary upon the conclusion of the rehearing. A stenographic record shall be taken of this additional testimony and the presiding member-hearing examiner shall submit to the board a synopsis of the evidence presented. The board shall then consider the findings of fact, synopses of the evidence presented, and dispositive recommendations from the original hearing and any additional rehearings ordered, and shall, upon request of any member of the board, instruct the commissioner to prepare a complete or partial record. The board, upon consideration of these items and such additional written or oral arguments or exceptions as the parties have presented as a matter of right or may present with leave or upon request of the board, shall render its final decision in the case.

(3) The board may designate one or more hearing examiners to assist the board in appeal proceedings. All such hearing examiners shall be attorneys authorized to practice law in Kentucky and shall be selected solely on their knowledge, ability and experience in the trial of administrative and/or judicial proceedings.

(4) Hearing examiners selected by the board, but who are not themselves members of the board, shall conduct

evidentiary hearings in the same manner as board member hearing examiners. In all cases, upon the conclusion of the hearing, the hearing examiner shall submit to the board a synopsis of the evidence presented, his findings of fact, and dispositive recommendations in the case before him, and the commissioner shall transmit by certified mail to both parties a copy of the findings of fact and dispositive recommendations. In the presence of the hearing examiner and with his advice, the board shall review these documents, and after consideration of such written or oral arguments or exceptions as the parties have presented as a matter of right or may present with leave or upon request of the board, shall make a final determination of the appeal by either:

(a) Adopting as submitted the findings and recommendations of the hearing examiner;

(b) Altering before adoption, in any manner deemed proper, either or both the findings and recommendations of the hearing examiner;

(c) If felt necessary by any member of the board, requesting the commissioner to prepare a copy of the stenographic record taken at the hearing and reserve ruling on the case until each member has been allowed a reasonable opportunity to consider the entire record;

(d) If felt necessary by a majority of the board, remanding the case or any part thereof for rehearing by the same hearing examiner, with such hearing examiner to prepare and submit to the parties and the board such additional findings of fact and dispositive recommendations as he feels are necessary upon the conclusion of the rehearing. A stenographic record shall be taken of this additional testimony and the hearing examiner shall submit to the board a synopsis of the evidence presented. The board shall then consider the findings of fact, synopses of the evidence presented, and dispositive recommendations from the original hearing and any additional rehearings ordered, and shall, upon request of any member of the board instruct the commissioner to prepare a complete or partial record. The board, upon consideration of these items and such additional written or oral arguments or exceptions as the parties have presented as a matter of right or may present with leave or upon request of the board, shall render its final decision in the case.

(5) *Transcripts:* At any time after a hearing but prior to a final order of the Personnel Board, either party may request that an official transcript be prepared concerning said hearing. The party so requesting such official transcript shall bear the entire expense thereto unless otherwise ordered by the Personnel Board. Said request shall be in written motion or request to the board and said motion or request shall be served on the opposing party. A certified check or money order for not less than \$100 made payable to the official court reporter shall accompany said motion or request. The balance due said official court reporter shall be paid in full before said reporter shall file said transcript with the board. Said transcript shall be filed within sixty (60) days after said motion or request is made unless the court reporter, for good reason, requests a thirty (30) day extension in writing. If the court reporter is not paid in full or to her satisfaction as to credit extended, she shall not file

said transcript and the deposit described above shall be retained by her for expenses incurred in preparing the transcript.

PHILIP TALIAFERRO, Chairman

ADOPTED: January 14, 1977

APPROVED: ADDIE D. STOKLEY, Commissioner

RECEIVED BY LRC: March 3, 1977 at 4:25 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Commissioner Addie Stokley, Department of
Personnel, Room 373, New Capitol Annex, Frankfort,
Kentucky 40601.

SECRETARY OF THE CABINET Department of Personnel (Proposed Amendment)

101 KAR 1:200. Rules for unclassified service.

RELATES TO: KRS 18.220

PURSUANT TO: KRS 13.082, 18.220

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

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

Years of Service	Annual Leave Days
0-5 years	1 leave day per month; 12 per year
5-10 years	1 ¼ leave days per month; 15 per year
10-15 years	1 ½ leave days per month; 18 per year
15 years and over	1 ¾ leave days per month; 21 per year

An employee must have worked more than half of the work days in a month to qualify for annual leave. In computing years of total service for the purpose of allowing annual leave, only those months for which an employee earned annual leave shall be used. Employees serving on a part-time basis who work more than 100 hours a month shall be allowed four (4) hours annual leave for each month of service. Employees serving on a part-time basis who work less than 100 hours a month or per-diem basis shall not be entitled to annual leave. Part-time employees who work more than 100 hours a month shall not be allowed to carry forward annual leave from one calendar year to the next.

(2) Annual leave may be accumulated *and* [; however, not more than thirty (30) working days of accumulated leave may be] carried forward from one (1) calendar year to the next[.] *not to exceed the following maximum amounts:*

<i>Years of Service</i>	<i>Maximum Amount</i>
0-5 years	Thirty (30) work days
5-10 years	Thirty-seven (37) work days
10-15 years	Forty-five (45) work days
15-20 years	Fifty-two (52) work days
Over 20 years	Sixty (60) work days

However, leave in excess of *the above maximum amounts* [thirty (30) work days] may be carried forward for a period of six (6) months if the appointing authority justifies in writing the reasons which made it impossible to allow an employee to take accumulated annual leave in a timely manner. Annual leave shall not be granted in excess of that earned prior to the starting date of leave.

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

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

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

(6) Annual leave shall accrue only when an employee is working or on authorized leave with pay. *Annual leave shall not accrue when an employee is on educational leave with pay.*

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

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

(9) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed *the maximum amounts as set forth in Section 1(2) above* [thirty (30) working days], when separated by proper resignation, layoff, retirement or when granted leave without pay in excess of thirty (30) working days. The effective date of the separation shall be the last work day and the employee's amount of accumulated annual leave shall be listed in the remarks section of the advice effecting the separation. A supplemental pay voucher shall be submitted on accumulated annual leave.

(10) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed *the maximum amounts as set forth in Section 1(2) above* [thirty (30) working days].

(11) Upon the death of an employee, his estate shall be entitled to *receive* pay for the unused portion of the employee's accumulated annual leave not to exceed *the maximum amounts as set forth in Section 1(2) above* [thirty (30) working days].

Section 2. Sick Leave. (1) Each employee in the state service, except an emergency, *part-time*, or *per-diem* employee, shall be allowed sick leave with pay at the rate of one (1) working day for each month of service. *Employees serving on a part-time basis who work more than 100 hours a month shall be allowed four (4) hours sick leave for each month of service.* An employee must have worked more than half of the work days in a month to qualify for sick leave with pay. Employees serving on a part-time basis who work less than 100 hours a month or per-diem basis shall not be entitled to sick leave.

(2) Employees completing ten (10) years of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of ten (10) years of service. *In computing years of total service for the purpose of crediting ten (10) additional days of sick leave, only those months for which an employee earned sick leave shall be used.* The total service must be verified in writing before the leave is credited to the employee's record.

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

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay. *Sick leave shall not accrue when an employee is on educational leave with pay.*

(5) An appointing authority shall grant accrued sick leave with pay when the employee:

(a) Receives medical, dental or optical examination or treatment;

(b) Is disabled by sickness or injury;

(c) Is disabled by pregnancy and/or confinement limited to a maximum of three (3) calendar months;

(d) Is required to care for a sick or injured member of his immediate family for a reasonable period of time;

(e) Would jeopardize the health of others at his duty post, because of exposure to a contagious disease.

(f) Has lost by death a parent, child, brother or sister, or the spouse of any of them, or any person related by blood or affinity with a similarly close association. Leave under this paragraph is limited to three (3) days or a reasonable extension at the discretion of the appointing authority. At the termination of sick leave with pay, the appointing authority shall reinstate the employee to his former position.

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

(7) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in hours or one-half ($\frac{1}{2}$) hours.

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

(9) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. The employee's amount of accumulated sick leave shall be listed in the remarks section of the advice effecting the separation. Former employees who are reinstated or re-employed may have *up to five (5) days* of their accumulated and unused sick leave balances revived upon appointment [after sixty (60) days of work] and placed to their credit upon request of the appointing authority,

and approval of the commissioner. *Any additional balance may be revived after sixty (60) days of work upon similar request.*

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

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

(12) Supporting evidence:

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

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

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

Section 4. Compensatory Leave. (1) *Accumulated compensatory time shall be granted by the appointing authority in accordance with agency needs and requirements and, insofar as practicable, in accordance with the employee's request. To maintain a manageable level of accumulated compensatory time and for the specific purpose of reducing the employee's compensatory time balance, an appointing authority may direct an employee to take accumulated compensatory time off from work.* [The maximum amount of compensatory leave that can be accumulated by an employee shall be one hundred (100) hours. Upon separation from the state service or transfer to another agency, unused compensatory leave shall be forfeited unless, in the case of a transfer, the receiving agency is willing to accept the compensatory leave balance.]

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

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

hours, provided his rate of pay meets requirements of minimum wage laws.

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

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

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

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

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

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

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

ADDIE D. STOKLEY, Commissioner

ADOPTED: March 8, 1977

APPROVED: JULIAN M. CARROLL, Governor

RECEIVED BY LRC: March 10, 1977 at 2:25 p.m.

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

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

200 KAR 4:020. Coal severance economic aid boards; fund; selection of projects.

RELATES TO: KRS Chapter 42

PURSUANT TO: KRS 42.330

NECESSITY AND FUNCTION: Pursuant to the authority vested in the Secretary of the Executive Department for Finance and Administration by KRS 42.330, this regulation establishes the procedures for submission to the Executive Department for Finance and Administration of proposals by Coal Severance Economic Aid Boards for capital projects to be acquired or constructed in coal producing counties, the costs of which are to be paid out of the Coal Severance Economic Aid Fund; the expenditure of moneys out of the fund for such capital projects; and provides for the conveyance of such capital projects upon completion to designated beneficiary agencies.

Section 1. Definitions: (1) "Allocation," "allocable share," are synonymous terms meaning the amount of coal severance tax receipts and other moneys deposited in the Coal Severance Economic Aid Fund apportioned to, and available for expenditure for capital projects in each coal producing county.

(2) "Capital project" means any activity involving expenditures out of the Coal Severance Economic Aid Fund for the acquisition of land, buildings and major items of equipment, and the construction, renovation, maintenance and permanent improvement of public buildings and land in coal producing counties.

(3) "Conveyance" means the transfer, pursuant to the terms of a written instrument, to a designated beneficiary agency of the right of use, occupancy and possession of a capital project.

(4) "Designated beneficiary agency" means the county, city, special district or other public agency or any combination of public agencies party to and bound by an agreement entered into pursuant to the provisions of KRS 65.210 to 65.300, the Interlocal Cooperation Act, or any administrative entity created pursuant to any such agreement, designated in a capital project proposal by a Coal Severance Economic Aid Board to accept conveyance of, operate, maintain, and use for public purposes a capital project.

(5) "Program statement" means a detailed written statement about a capital project which includes information concerning the proposed location of the project, a plat or map, the acreage of any land involved, the names of the present owners of such land, *an attested abstract*, the intended use of the project by square footage, the types of construction proposed and the purpose of the facility.

Section 2. (1) The Coal Severance Economic Aid Board (hereinafter, "the board") in each coal producing county shall hold and conduct meetings open to the general public for the purpose of soliciting recommendations for capital projects. The board shall cause notice of the date, place, time and purpose of each such public meeting to be advertised not less often than once each week for three (3) consecutive weeks in the newspaper of largest general

circulation in the county. The secretary of the board may receive capital project recommendations from interested persons and local public agencies between the time the first newspaper advertisement of the notice of public meeting is published and the time the public meeting is held, and all such recommendations received shall be placed on the agenda of the public meeting for consideration and discussion. Capital projects may be recommended from the floor of the public meeting and shall be considered by the board. Each capital project recommendation shall be made on a form prescribed by the Executive Department for Finance and Administration which form shall be furnished by the secretary of the board to any person requesting it.

(2) The board shall, within thirty (30) days following each public meeting, select from the capital projects recommended and considered at such meeting, the projects to be proposed to the Executive Department for Finance and Administration for acquisition or construction in the county. The board shall examine each capital project recommended and rank it in order of priority based on the anticipated public benefits to be derived from the project; and the estimated cost and time required for the project. The board shall determine an appropriate beneficiary agency to accept conveyance of the project when the acquisition and/or conveyance of the project has been completed.

(3) The secretary of the board shall cause to be prepared and submitted to the Executive Department for Finance and Administration within a reasonable time not exceeding sixty (60) days after each public meeting of the board, an itemized statement of the board's expenses incurred in holding the meeting. Such expenses shall be paid out of the state treasury on the warrant of the Secretary of the Executive Department for Finance and Administration drawn against the allocable share in Coal Severance Economic Aid Fund of the coal producing county which the board represents. Expenses eligible for payment or reimbursement shall be limited to reasonable rental charges for space for holding the meetings; materials and supplies incidental or necessary to the conduct of the meetings; the costs, subject to proof of publication as provided by KRS 424.170, of publication of the notices of the meetings; and, reimbursement, subject to the provisions of 200 KAR 2:060 of the state standard travel regulations, of the reasonable and necessary mileage, meal and lodging expenses of the board incurred in attending meetings of the board.

Section 3. Each capital project selected by a board shall be submitted to the Executive Department for Finance and Administration on a form prescribed by the department and shall include a description of the project, the order of priority assigned by the board to the particular project relative to other projects selected, a program statement and designation of a beneficiary agency to accept conveyance of the capital project after completion. (If the designated beneficiary agency is an agency other than a county or city, there shall be a copy of the articles of incorporation, articles of agreement, court order, resolution, ordinance or other document creating the beneficiary agency, attached to the form.)

Section 4. (1) The Secretary of the Executive Department for Finance and Administration shall cause each notice of capital project selection by a board to be carefully reviewed to ascertain whether the project is for a purpose generally consistent with the provisions of KRS

42.330; the designated beneficiary agency is properly established as provided by the laws applicable to and authorizing the creation of such agency; and, that any agreement entered into pursuant to KRS 65.210 to 65.300, the Interlocal Cooperation Act, relative to the project conforms to and was executed as provided by that Act.

(2) When the project review has been completed, the Secretary of the Executive Department for Finance and Administration shall by appropriate orders, cause a detailed cost estimate of the project to be made which shall include estimates of the cost of acquisition of any land necessary for the project, site development, utility connections, building construction, equipment and such other matters as may be pertinent under the circumstances to determine the cost of the project. *In the event the secretary determines it is in the best interest of the Commonwealth, he may accept and adopt cost estimates, site surveys, appraisals, engineering plans and specifications and other documents submitted by the economic aid board proposing the project, provided such documents meet the applicable statutory and regulatory requirements.* A summary of the detailed cost estimate for each capital project shall be sent to the chairman of each board as soon as practicable after they are completed.

(3) The boards shall, with reference to the detailed cost estimates of each project and the allocable share in the Coal Severance Economic Aid Fund available for capital projects in their counties, make the final selection of the projects, according to the order of priority originally assigned to each project, to be acquired or constructed. If the detailed cost estimates of the capital projects originally selected exceed the county's allocation in the Coal Severance Economic Aid Fund, the board shall proceed to solicit new project recommendations as provided in Section 2, *infra*.

Section 5. Upon approval of a capital project and of acquisition of real property for such project, title to the real property acquired shall be held by the Commonwealth until completion of the project when title shall be transferred to the designated beneficiary agency to be used for public purposes. In the event such real property or the project ceases to be used for a public purpose, title shall revert to the Commonwealth. These provisions apply only to property acquired in whole or in part with money from the fund.

(1) The Coal Severance Economic Aid Fund may be used for capital improvements on real property owned by a political subdivision, the designated beneficiary agency or any other public agency, provided the land and the improvements are used for a public purpose for the life of the project financed by the economic aid fund.

(2) When title to real property required for a project is held by any public agency other than the Commonwealth, the holder of title shall execute any assurances and provide such other documents as may be required by the Secretary of the Executive Department for Finance and Administration to assure that the property will be used for a public purpose for the life of the capital project financed by the fund.

(a) The documents executed by the titleholder shall contain a legal description of the construction site, authorization for use of the real property during construction and thereafter for the life of the project, and a statement of liens, easements and restrictions on the use of such real property.

(b) In the event the real property is leased by the

beneficiary agency from another public agency, such documents shall include a lease for a term not less than the life of the project, which shall not be subject to cancellation by the lessor before expiration of the term, and authorization for the designated beneficiary to use the land for such public purposes.

(3) No moneys shall be expended from the fund for such project until the secretary is satisfied adequate assurances and other documents have been executed by the titleholder and filed in the office of the clerk of the county in which the real property is situated.

(4) The beneficiary agency shall not encumber the portion of a capital project constructed or acquired with money from the fund and this restriction shall be recited in the deed or other instrument of conveyance from the Commonwealth to the agency.

[Section 5. (1) Upon receipt of a board's final capital project selections, the Secretary of the Executive Department for Finance and Administration shall, if the estimated cost of such projects do not exceed the allocable share of the county in the Coal Severance Economic Aid Fund, by written orders made in accordance with the procedures established in the case of state capital construction projects, and the provisions of KRS Chapters 45 and 56, authorize the acquisition in the name of the Commonwealth of any real property, or interest in real property, necessary for the project; cause to be prepared all plans, specifications and designs for the project; invite bids; and award and administer all contracts necessary and required in relation to such project.]

[(2) Funds shall be allotted out of the allocable share in the Coal Severance Economic Aid Fund of the county in which a capital project is to be acquired or constructed, to a project account in the state capital construction fund and all expenditures necessary and proper to be made in relation to such project shall be made from the project account according to established state financial administration procedures.]

[(3) The Secretary of the Executive Department for Finance and Administration shall notify the appropriate coal severance economic aid board in writing when a capital project has been completed according to plans and specifications and accepted by the Commonwealth. Thereafter, within a reasonable time, the secretary shall, subject to the provisions of KRS 45.360, provide for the conveyance of the capital project to the beneficiary agency designated by the board according to such terms and conditions as the Secretary shall determine will assure the future use of the project for public purposes.]

Section 6. (1) Upon receipt of a board's final capital project selections, the Secretary of the Executive Department for Finance and Administration shall, if the estimated cost of such projects do not exceed the allocable share of the county in the Coal Severance Economic Aid Fund, by written orders made in accordance with the procedures established in the case of state capital construction projects, and the provisions of KRS Chapters 45 and 56, authorize the acquisition in the name of the Commonwealth of any real property, or interest in real property, necessary for the project; cause to be prepared all plans, specifications and designs for the project; invite bids; and award and administer all contracts necessary and required in relation to such project.

(2) Funds shall be allotted out of the allocable share in the Coal Severance Economic Aid Fund of the county in

which a capital project is to be acquired or constructed, to a project account in the state capital construction fund and all expenditures necessary and proper to be made in relation to such project shall be made from the project account according to established state financial administration procedures.

(3) The Secretary of the Executive Department for Finance and Administration shall notify the appropriate coal severance economic aid board in writing when a capital project has been completed according to plans and specifications and accepted by the Commonwealth. Thereafter, within a reasonable time, the secretary shall, subject to the provisions of KRS 45.360, provide for the conveyance of the capital project to the beneficiary agency designated by the board according to such terms and conditions as the secretary shall determine will assure the future use of the project for public purposes.

Section 7. [Section 6.] monies in the Coal Severance Economic Aid Fund not required to be held for immediate expenditure for purposes related to the acquisition or construction of capital projects shall be invested on a pooled basis in securities of the kinds state funds are customarily invested, and the interest income earned from such investments shall be prorated for expenditure for capital projects in coal producing counties according to the counties' allocable shares in the fund.

RUSSELL McCLURE, Secretary

ADOPTED: March 14, 1977

RECEIVED BY LRC: March 14, 1977 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: The Secretary, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

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

200 KAR 10:040. Area development fund; expenditure.

RELATES TO: KRS Chapter 42

PURSUANT TO: KRS 42.350

NECESSITY AND FUNCTION: Pursuant to the authority vested in the Secretary of the Executive Department for Finance and Administration by KRS 42.350, this regulation governs the expenditure of monies appropriated to or otherwise deposited in the Area Development Fund in the state treasury for the acquisition of capital projects in the fifteen (15) Area Development Districts; establishes the procedures for submission and approval of proposed capital projects in the Area Development Districts; and provides for the conveyance of title to such capital projects.

Section 1. Definitions: (1) "Capital project" means any project approved by the Secretary of the Executive Department for Finance and Administration involving expenditures out of the Area Development Fund in the

state treasury for the acquisition of lands, buildings and major items of equipment, and the construction, renovation, maintenance and permanent improvement of buildings and other public facilities in the fifteen (15) Area Development Districts.

[(2) "Conveyance" means to transfer, pursuant to the terms of a written instrument, to a designated beneficiary agency of the right of use, occupancy and possession of a capital project.]

(2) [(3)] "Designated beneficiary agency" means the county, city, special district or other public agency or any combination of public agencies, party to and bound by an agreement entered into pursuant to the provisions of KRS 65.210 to 65.300, the Interlocal Cooperation Act, or any administrative entity created pursuant to any such agreement, designated in a capital project proposal by an area development district to accept conveyance of, operate, maintain and use for public purposes a capital project.

Section 2. (1) The board of directors of each area development district shall determine, consistent with the goals, objectives and priorities established by existing local or regional development plans, the capital projects to be proposed for approval by the Secretary of the Executive Department for Finance and Administration for acquisition or construction out of the Area Development Fund in each of the area development districts.

(2) Capital projects eligible for consideration by the boards and for funding out of the Area Development Fund, shall include, but not be limited to: reclamation and industrial development projects; acquisition, construction and improvement of county fairgrounds and other public facilities, except school property or roads, streets, highways and bridges, *major items of equipment*, and the renovation and repair of existing facilities owned by public agencies. Consistent with regional and local needs and development plans, capital projects for which funds, in addition to those in the Area Development Fund, may also be available from other sources, shall be given priority consideration by the boards over projects for which such other funds are not available.

(3) The boards of directors may propose capital projects for the direct use and benefit of any designated beneficiary agency within the geographic boundaries of the area development district; provided, however, nothing therein shall prohibit the boards of directors of two or more area development districts from proposing joint capital projects, of the cost of which shall be financed out of monies allocated in the Area Development Fund for expenditure for capital projects in each of the participating area development districts.

Section 3. All proposals for capital projects shall be made on a form of proposal prescribed by the Executive Department for Finance and Administration and shall include:

(1) A detailed description of the project including all buildings, furnishings and equipment required.

(2) A statement of the public benefit expected to be derived from, and public purpose to be served by the project.

(3) An estimate of the total cost of the project, including estimates of the cost of acquisition of necessary lands, legal, architectural and engineering fees and construction costs.

(4) A statement of the source and amount of any funds available for capital projects in addition to amounts

allocated for such projects in the Area Development Fund; any restrictions on the use of such other funds; the nature and extent of the commitment of such funds to the project by the grantor; when such funds will be made available for expenditure in relation to the project; and if the source of such funds is a federal agency, whether an environmental impact statement is required for the project, the guidelines of the federal grantor agency for the preparation of such environmental impact statement *and a copy of the statement.*

(5) *Information on the proposed site or location of the capital project including a copy of any deed, an accurate map of the boundaries and a true abstract of any real property to be acquired by the Area Development Fund. The correctness and completeness of the abstract shall be attested by an attorney licensed to practice law in the Commonwealth of Kentucky.*

(6) Designation of a beneficiary agency to accept conveyance of the capital project when acquisition and/or construction of the project has been completed. [(I) If the designated beneficiary agency is any agency other than a county or city, there shall be a copy of the articles of incorporation, articles of agreement, court order, resolution, ordinance or other document creating the beneficiary agency attached to the capital project proposals. (J)]

(7) *Copies of any insurance policies related to the capital project carried by the beneficiary agency and assurances from state and federal regulatory agencies that any and all applicable laws and regulations governing construction and operation of such project have been met. Such assurances may be in the form of licenses, permits, or a letter executed by the appropriate agency. In the event such assurances are not available at the time of the proposal, they shall be filed with the secretary prior to the expenditure of any money for the project from the Area Development Fund.*

(8) [(7)] Such other information and documentation as the form of proposal may require to explain the need for the capital project and provide detailed information necessary to assist the Executive Department for Finance and Administration in the acquisition of the project.

Section 4. (1) Each capital project proposal shall be submitted through the Department for Local Government to the Secretary of the Executive Department for Finance and Administration for approval. The Department for Local Government shall carefully examine each capital project proposed, and within thirty (30) days after receipt of each proposal shall inform the secretary by a written review whether the proposal conforms to the goals, objectives and priorities of the development plan to which the proposed project relates *and shall recommend action on the capital project.* The time for examination of project proposals shall be extended by any time required for any additional information deemed necessary by the Department for Local Government in connection with any proposal to be furnished by the area development district proposing the project.

(2) When it has been determined that a proposed capital project *meets the applicable statutory and regulatory requirements and* conforms to the goals, objectives and priorities established by the relevant development plans, the Secretary of the Executive Department for Finance and Administration shall, within a reasonable time, cause a detailed cost estimate of the project to be made which shall include estimates of the cost of acquisition of any land

necessary for the project, site development, utility connections, building construction, equipment and such other matters as may be pertinent under the circumstances. *In the event the secretary determines it is in the best interest of the Commonwealth, he may accept and adopt cost estimates, site surveys, appraisals, engineering plans and specifications and other documents submitted by the area development district proposing the project, provided such documents meet the applicable statutory and regulatory requirements.* The secretary shall, within a reasonable time after the detailed cost estimate has been made or *accepted*, approve the project by a written order made in accordance with the procedures established for the approval of state capital construction projects; provided, however, no project shall be approved for which the estimated cost exceeds the funds available for expenditure out of the Area Development Fund for capital projects in the area development district in which the project is proposed, combined with other funds available for the project. The secretary's approval or disapproval of each capital project shall be communicated to the board of directors of the area development district proposing the project. Any project disapproved by the secretary because the total estimated cost exceeds the balance of funds available may be revised by the board of directors of the area development district and resubmitted for further consideration by the secretary.

[(3) Funds shall be allotted out of the Area Development Fund for each approved capital project to a project account in the state capital construction fund and all expenditures necessary and proper to be made in relation to such approved project shall be made from such project account. Pursuant to the provisions of KRS Chapters 45 and 56, and the applicable procedures of the Executive Department for Finance and Administration, the department shall acquire any real property required for the project, cause to be prepared all plans, specifications and designs for the project, invite bids, and award and administer all contracts necessary and required in relation to the capital project.]

[(4) The Secretary for the Executive Department for Finance and Administration shall advise the board of directors of the area development district and the designated beneficiary agency in writing when the capital project is completed according to plans and specifications and has been accepted by the Commonwealth. Thereafter, within a reasonable time, the secretary shall, subject to the provisions of KRS 45.360, provide for the conveyance of the capital project to the beneficiary agency designated in the proposal according to such terms and conditions as the secretary shall determine will assure the future use of the project for public purposes.]

Section 5. Upon approval of a capital project and of acquisition of real property for such project, title to the real property acquired shall be held by the Commonwealth until completion of the project when title shall be transferred to the designated beneficiary agency to be used for public purposes. In the event such real property or the project ceases to be used for a public purpose, title shall revert to the Commonwealth. These provisions apply only to property acquired in whole or in part with money from the fund.

(1) The Area Development Fund may be used for capital improvements on real property owned by a political subdivision, the designated beneficiary agency or any other public agency, provided the land and the improvements are

used for a public purpose for the life of the project financed by the Area Development Fund.

(2) When title to real property required for a project is held by any public agency other than the Commonwealth, the holder of title shall execute any assurances and provide such other documents as may be required by the Secretary of the Executive Department for Finance and Administration to assure that the property will be used for a public purpose for the life of the capital project financed by the fund.

(a) The documents executed by the title holder shall contain a legal description of the construction site; authorization for use of the real property during construction and thereafter for the life of the project, and a statement of liens, easements, and restrictions on the use of such real property.

(b) In the event the real property is leased by the beneficiary agency from another public agency, such documents shall include a lease for a term not less than the life of the project, which shall not be subject to cancellation by the lessor before expiration of the term, and authorization for the designated beneficiary to use the land for such public purposes.

(3) No moneys shall be expended from the fund for such project until the secretary is satisfied adequate assurances and other documents have been executed by the title holder and filed in the office of the clerk of the county in which the real property is situated.

(4) The beneficiary agency shall not encumber the portion of a capital project constructed or acquired with money from the fund and this restriction shall be recited in the deed or other instrument of conveyance from the Commonwealth to the agency.

Section 6. (1) Funds shall be allotted out of the Area Development Fund for each approved capital project to a project account in the state capital construction fund and all expenditures necessary and proper to be made in relation to such approved project shall be made from such project account. Pursuant to the provisions of KRS Chapters 45 and 56, and the applicable procedures of the Executive Department for Finance and Administration, the department shall acquire any real property required for the project, cause to be prepared all plans, specifications and designs for the project, invite bids, and award and administer all contracts necessary and required in relation to the capital project.

(2) The Secretary of the Executive Department for Finance and Administration shall advise the board of directors of the area development district and the designated beneficiary agency in writing when the capital project is completed according to plans and specifications and has been accepted by the Commonwealth. Thereafter, within a reasonable time, the secretary shall, subject to the provisions of KRS 45.360, provide for the conveyance of the capital project to the beneficiary agency designated in the proposal according to such terms and conditions as the secretary shall determine will assure the future use of the project for public purposes.

RUSSELL McCCLURE, Secretary

ADOPTED: March 14, 1977

RECEIVED BY LRC: March 14, 1977 at 2:45 p.m.

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

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

301 KAR 2:045. Upland game birds, furbearers and small game; seasons, limits.

RELATES TO: KRS 150.300, 150.305, 150.330, 150.340, 150.360, 150.365, 150.370, 150.390, 150.400

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the hunting season, bag and possession limits for upland game birds and animals and trapping season for furbearers. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds, animals and furbearers within reasonable limits based upon an adequate supply. *This amendment is necessary to change the season dates and close additional counties to small game hunting during the deer gun season.*

Section 1. Closing of Small Game Season During the December 3 through 5 [4 through 8] Statewide Deer Gun Season, and Exceptions.

(1) The entire state will be closed to hunting and trapping for furbearers and all game species except waterfowl, rails, [and] gallinules, woodcock, and snipe during the December 3 through 5 [4 through 8] statewide deer gun season, except the following areas where hunting and trapping will be allowed:

(a) West Kentucky Wildlife Management Area in McCracken County.

(b) Higginson-Henry Wildlife Management Area in Union County.

(c) Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties.

(d) Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties.

(e) Fort Campbell Wildlife Management Area in Christian and Trigg Counties.

(f) Yellowbank Wildlife Management Area in Breckinridge County.

(2) Falconry hunting will be permitted during the December 3 through December 5 statewide deer gun season.

[(2)Hunting for all game species except waterfowl, rails and gallinules and trapping for furbearers will be closed on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties during the December 4 through 11 deer gun season on this area.]

[(3)The following counties will be closed to all hunting except for waterfowl, rails, and gallinules and trapping for furbearers during the December 4 through 8 statewide deer gun season: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe, Clark, Johnson, Perry, Knott and that portion of Breathitt County south of Buckhorn Creek Road.]

Section 2. Hunting and Trapping Seasons. See Section 1 for Exceptions and Closures.

(1) Squirrel: opens third Saturday in August (20th), [21st] continues through October 31. Opens again on the third Thursday in November (17th) [18th] continues through December 31, 1977[1976].

(2) Rabbits: opens third Thursday in November (17th), [18th] continues through January 31, 1978 [1977].

(3) Quail (Bobwhite): opens third Thursday in November (17th), [18th] continues through February 28, 1978 [1977].

(4) Grouse: opens third Thursday in November (17th), [18th] continues through February 28, 1978 [1977].

(5) Furbearers: opens third Thursday in November (17th), [18th] continues through January 31, 1978 [1977]. Includes mink, muskrat, beaver, opossum, red fox, raccoon, weasel and *striped* skunk. [, except the spotted skunk which is an endangered species.] The bobcat *and spotted skunk are* [is] protected year around and may not be trapped or killed.

(6) *Taking Raccoon and Opossum: raccoon and opossum may not be taken from a vehicle or boat with the aid of artificial light at any time or any palce except by trapping.*

(7) *Falconry Hunting: the wildlife listed in this section may be pursued and taken by a licensed falconer with any legal hunting raptor from November 1 through the last hunting date listed for each species. Closing of hunting during the statewide deer gun season does not apply to hunting with raptors.*

Section 3. Bag and Possession Limits. Possession limit applies to *transporting* after two (2) or more days shooting [to transporting] but does not permit double bag limit to be taken or possessed in the field.

Game	Bag Limits	Possession Limits
Squirrel	6	12
Rabbit	6	12
Quail (Bobwhite)	10	20
Grouse or native pheasant	4	8
Furbearers (except raccoon by means other than trapping)	No Limits	No Limits
Raccoon (by means other than trapping)	1*	No Limits**

*One (1) per hunter, with no more than three (3) per party of three (3) or more hunters while hunting.

**No possession limit on raccoons, except that no hunter or party of hunters shall possess no more than the daily bag limit while hunting in the field.

Section 4. Shooting Hours. Shooting hours on the above species shall be from *one-half (½) hour before sunrise to one-half (½) hour after sunset*, [daylight to dark] except for raccoon and opossum which may be taken at any time during day or night.

[Section 5. Use of Calling Devices. The above species may be taken with the aid of hand or mouth operated calls, or both. The use of electronic recording devices shall be prohibited except for taking by authorized persons, those animals or birds recognized by the department to be causing damages or creating a nuisance of health hazard.]

Section 5. [6.] Squirrel Hunting Weapons. No person while in the act of hunting squirrels, may use or possess a breech-loading rifle of .240 caliber or larger, or a shotgun with slugs or buckshot. Squirrels may be taken with any type of muzzel-loading weapon.

Section 6.[7.] Prohibited Ammunition. No person while in the act of hunting any of the game species listed in this

regulation may have in his or her possession any buckshot or shotgun slugs.

ARNOLD L. MITCHELL, Commissioner
DR. ROBERT C. WEBB, Chairman

ADOPTED: March 7, 1977

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: March 14, 1977 at 2:45 p.m.

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

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

301 KAR 2:100. Archery season and limits for deer.

RELATES TO: KRS 150.025, 150.170, 150.175, 150.176, 150.300, 150.305, 150.330, 150.340, 150.360, 150.390

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the statewide deer archery season. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resources for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of deer within reasonable limits based upon an adequate supply. *This amendment is necessary to change the season dates and close additional counties to deer hunting.*

Section 1. Seasons. Statewide Archery Season: October 1 through November 11 [14] and December 10 [18] through December 31, 1977 [1976].

Section 2. Limits. One (1) per year, either by gun or archery. Either sex deer, whitetail, fallow or European red.

Section 3. Open and Closed Counties and Wildlife Areas.

(1) The following counties are closed to both gun and archery deer hunting: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe, Clark, Johnson, Perry, Knott, *Martin, Floyd and Magoffin*. [and that portion of Breathitt County south of Buckhorn Creek Road] All other counties are open to archery and gun deer hunting.

(2) The following wildlife management areas are closed to all hunting:

(a) Grayson Wildlife Management Area in Carter and Elliott Counties.

(b) Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties.

(c) Pine Mountain Wildlife Management Area in Letcher County.

(d) Robinson Forest Wildlife Management Area in Breathitt, Perry, and Knott Counties.

(e) Red Bird Wildlife Management Area, including all private inholdings, in Leslie and Clay Counties.

(f) *Dewey Lake Wildlife Management Area in Floyd County.*

(3) *Yellowbank Wildlife Management Area in Breckinridge County is closed only to deer hunting.*

Section 4. License Requirements. Each hunter taking or attempting to take deer must have in his or her possession a valid deer hunting permit, unless exempted by KRS 150.170(3), (5) or (6) (the resident owner of farmlands, his wife or dependent children; resident tenants or their dependent children residing upon said farmlands; residents sixty-five (65) years or older; and resident servicemen on furlough of more than three (3) days in their county of legal residence). All persons except those exempted by KRS 150.170(3), (5) or (6), must have a valid Kentucky hunting license in addition to the deer hunting permit. All non-residents are required to possess an annual non-resident hunting license and a deer permit.

Section 5. Legal Weapons; [and hours.] *All Other Weapons Prohibited.*

(1) [(2)] Longbows and [, including] compound bows which are not fitted with any device designed to hold an arrow at full draw without human aid and are not capable of release by a triggering device.

[(1) Deer may be taken by archery during daylight hours only.]

(2) [(3)] Barbless arrows without chemical treatment or chemical attachments, with broadhead points at least seven-eighths (7/8) inch wide.

(3) [(4)] Crossbows on Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties only. Crossbows must be of not less than eighty (80) pounds pull, with barbless arrows with broadhead points at least seven-eighths (7/8) inch wide.

Section 6. Prohibited [Weapons and] conditions. (1) Non-residents whose state does not grant residents of Kentucky the same hunting privilege as provided by KRS 150.176, may not hunt deer in Kentucky.

(2) [(3)] Archery hunters must not carry firearms of any kind during the archery season.

[(2) Deer may not be taken with a crossbow except on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties.]

(3) [(4)] Deer may not be taken with the aid of boats or any type of vehicles, or any domestic animals [,] including dogs.

(4) *Deer may not be taken except during daylight hours which are one-half (½) hour before sunrise to one-half (½) hour after sunset.*

[(5) Deer may not be taken with the aid of dogs.]

[(6) Deer may not be taken with chemically treated arrows or attachments to arrows containing chemicals.]

Section 7. Tagging Deer and Hides. (1) Each hunter who kills a deer must immediately attach to the deer the [locking] tag provided with the deer permit. The tag may be attached to any portion of the deer, provided that it cannot be removed without mutilating the deer carcass or damaging or destroying the [locking] tag. The tag must remain attached to the deer until the carcass is processed and packaged by locker plant, butcher or hunter. The card portion of the deer permit must be separated from the tag when tagging the deer and retained in possession of licensee. All persons eligible to hunt without a hunting

license or deer hunting permit as exempted by KRS 150.170(3), (5) or (6), must attach to the deer a free identification tag obtained from a conservation officer or deer check station before removing said deer from their land or other lands.

(2) The deer hide tag attached to the deer permit, must be attached to the raw hide immediately after removal from the carcass. Deer hides legally taken and tagged may be possessed and processed, but cannot be bought or sold.

Section 8. Notifying Department of Deer Killed. All eligible hunters that hunt in accordance with KRS 150.170(3), shall notify the department in writing when they kill a deer.

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 7, 1977

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: March 14, 1977 at 2:45 p.m.

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

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

301 KAR 2:110. Raccoon and opossum; training and shake-out seasons.

RELATES TO: KRS 150.025, 150.360, 150.365, 150.370, 150.390, 150.399, 150.400, 150.410

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the dog training and *shake-out* [hunting] season for opossum and raccoon. This regulation is necessary for the continued protection and conservation of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of raccoons and opossum within reasonable limits based upon an adequate supply. *This amendment is necessary to minimize repetition and simplify the regulation.*

Section 1. Night Training Season. (1) The night training season for opossum and raccoon dogs shall be February 1 through October 21, both dates inclusive.

(2) Neither species shall be taken during this period in any way, or by any method. During this period, the hunter shall not carry any firearms, slingshot, or any weapon, device or instrument, including climbers or squealers, that is capable of injuring, enticing or forcing the animals from the tree or den. The restrictions in this subsection also apply to the day training of dogs as authorized by KRS 150.370(2).

Section 2. Shake-out Season. (1) Shake-out season shall be October 22 through the third Wednesday in November, both dates inclusive.

(2) During the shake-out season, opossum or raccoon may be taken by dog only. During this period, the hunters

shall not carry any firearms, slingshot, or any weapon, device or instrument that is capable of injuring the animals. Hunters may use squealers, climbers, their hands, or any other method not injurious to the animals, but no person shall cut or otherwise damage any tree in an attempt to force or entice a raccoon or opossum from it. The use of smoke, fire or gases to drive the animal from the tree is prohibited.

(3) The sale of raccoon carcasses is prohibited at all times.

(4) *Bag and possession limits; one (1) raccoon per hunter, with no more than three (3) raccoons per party of three (3) or more hunters while hunting. There is no possession limit on raccoons except that no hunter or party of hunters shall possess more than the daily bag limit while hunting in the field. There is no bag or possession limit on opossum.*

[Section 3. Open Season, Bag and Possession Limits.]

[(1) Open season and bag limits for raccoon and opossum for taking with gun, dog or trap shall be the third Thursday in November through January 31, both dates inclusive.]

[(2) Closed Period. Areas and Exceptions. The entire state will be closed to hunting for all game species except waterfowl, rails and gallinules and trapping for furbearers, during the December statewide deer gun season, except the following areas where hunting will be allowed:]

[(a) West Kentucky Wildlife Management Area in McCracken County.]

[(b) Higginson-Henry Wildlife Management Area in Union County.]

[(c) Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties.]

[(d) Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties.]

[(e) Fort Campbell Wildlife Management Area in Christian and Trigg Counties.]

[(3) Hunting for all game species except waterfowl, rails, and gallinules will be closed on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties during the deer gun season on that area.]

[(4) Bag and Possession Limits.]

[(a) Shake-out season. One (1) raccoon per hunter, with no more than three (3) raccoons per party of three (3) or more hunters while hunting. There is no possession limit on raccoons except that no hunter or party of hunters shall possess more than the daily bag limit while hunting in the field. There is no bag or possession limit on opossum.]

[(b) Open season for taking by means other than trapping. Same limits on raccoons as for the shake-out season. There is no bag or possession limit on opossum.]

[Section 4. Prohibited Methods for Taking Raccoon and Opossum. Raccoon and opossum may not be taken from a vehicle or boat with the aid of artificial light at any time or any place except by trapping.]

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 14, 1977

APPROVED: WILLIAM L. SHORT, Secretary,

RECEIVED BY LRC: March 14, 1977 at 2:45 p.m.

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

DEVELOPMENT CABINET Department of Agriculture (Proposed Amendment)

302 KAR 20:070. Stockyards.

RELATES TO: KRS Chapter 257

PURSUANT TO: KRS 13.082, Ch. 257

NECESSITY AND FUNCTION: To designate sanitary requirements and operational procedures in all stockyards [, sales barns, public stockyards and livestock markets] relative to disease control.

Section 1. Operating Sale Requirement. (1) The owner or manager operating a stockyard [, sales barn, public stockyard or livestock market] shall arrange for an accredited, licensed veterinarian approved by the Department of Agriculture to be present in said sales point to carry out the provisions of this regulation.

(2) The person operating a stockyard [public sale] shall provide separate pens or a yarded division for isolating animals classed as reactors to brucellosis or any [infectious, contagious or] communicable disease.

(3) The owner operating a stockyard [public sale] shall provide adequate space, utilities, hot water and assistance for the accredited, licensed veterinarian to officially carry out the provisions of this regulation.

(4) The owner or operator shall furnish and maintain one or more cattle chutes suitable for restraining animals for inspection of any infectious, contagious or parasitic condition, testing, tagging, branding and other procedures routinely required in providing livestock sanitary services and identification for movement at stockyards.

(5) The owner or operator shall maintain records of the seller and purchaser of all livestock for one (1) year. These records to be made available to Department of Agriculture representatives for inspection upon request during regular business hours.

(6) The owner or operator shall provide adequate facilities and service at a *reasonable* [nominal] cost, if not available at or near the yards, for cleaning and disinfecting cars, trucks or other vehicles which have transported to the stockyards animals known to be infected with or exposed to a contagious, infectious, communicable or parasitic disease with a disinfectant approved by the chief livestock sanitary official.

Section 2. General Requirements. (1) All stockyards [and sales barns] shall be [routinely cleaned and disinfected and] maintained in a workable and sanitary condition. Stockyards [and sale barns] shall be inspected as required by a representative of the board.

(2) After an occurrence of any infectious, contagious, parasitic or communicable disease of livestock in a stockyard, *exposed facilities capable of transmitting disease* [sales barn or public stockyard it] shall be cleaned and disinfected with approved disinfectants in a manner approved by the chief livestock sanitary official [before livestock shall be permitted to enter or leave said stockyard, sales barn or public stockyard].

(3) Livestock found to be infected and showing clinical or diagnostic symptoms of an infectious, contagious, parasitic or communicable disease shall upon recommendation of stockyard veterinarian or authorized representative of the chief livestock sanitary official be quarantined in an isolated portion of the yards for

treatment, additional diagnostic laboratory procedures, disposition to slaughter or other disposition pursuant to accepted methods of disease prevention and control.

(4) All livestock originating from a quarantined herd or premises shall be sold under permit for immediate slaughter.

(5) The card test shall be the official test for brucellosis at stockyards. [All swine, cattle and dairy goats over six (6) months of age must be tested.] All animals showing positive reaction must be *identified and sold for immediate slaughter only. Indemnity will be paid for reactors disclosed by stockyard test as long as state-federal funds are available.*

(6) Upon disclosure of a reactor(s) by the stockyard veterinarian, all cattle in the consignment from the same herd *are exposed cattle and must be [sold for slaughter or] returned to the farm of origin under quarantine for retesting or sold for slaughter with proper identification.* Assembled cattle are considered to be a herd.

(7) *Exposed animals and reactor animals will be identified as described in Title 9, CFR, 78.7 and 78.8, herein filed by reference.*

Section 3. Veterinary Compensation. Accredited veterinarians shall receive for *any* services rendered a fee that has been agreed on by the stockyard operators [,] *and* the accredited veterinarians [and approved by the chief livestock sanitary official]. Such fees shall be deducted from the seller's or buyer's check, depending upon conditions of sale and shall be paid to the accredited veterinarian, *except for those services reimbursed pursuant to a state-federal cooperative program.* [at the close of the day's business.]

Section 4. Veterinary Duties. The [contract] stockyard veterinarian shall *in cooperation with representative(s) of the department:* (1) Examine, [and] validate *and issue* certificates pertinent to the movement of livestock to be sold.

(2) Conduct required tests of livestock.

(3) Inspect all livestock [in cooperation with assigned livestock inspector] for clinical evidence of infectious, contagious, or parasitic diseases.

[(4) Vaccinate all livestock for the prevention of disease as required.]

(4) [(5)] Obtain blood samples [and conduct associated]. *Aid and assist in conducting of associated laboratory tests.* Submit such specimens to state-federal laboratory for confirmation. Such specimens shall be posted by mail or delivered directly to state-federal laboratory within twenty-four (24) hours.

(5) [(6)] Compile and present such reports as are routinely required to the chief livestock sanitary official.

(6) [(7)] Report the presence of any *communicable* [infectious or contagious] disease condition to chief livestock sanitary official [on forms provided by the department].

Section 5. Cattle Requirements. (1) Tuberculosis:

(a) Imports: Cattle six (6) months of age or older for dairy and breeding purposes shall be negative to an official tuberculin test within thirty (30) days of date of entry or originate directly and immediately from an accredited herd or eradicated free state.

(b) Cattle classified as suspects or those originating from a quarantined herd shall not be imported.

(c) Reciprocal agreements with adjoining states may be effective in lieu of specific requirements.

(d) Kentucky cattle: No tuberculosis requirements if to a Kentucky destination.

(2) Brucellosis:

[(a) Cattle six (6) months of age or over which are offered for sale or are consigned to the stockyard for breeding and dairy purposes shall be separated from all other cattle in stockyard pens maintained for this consignment. All animals in each consignment will be kept as a unit, either sold as breeding animals or slaughter animals.]

(a) [(b)] *All cattle six (6) months of age or older offered for sale at the stockyard for breeding and dairy purposes, except for the following, shall be negative to an official brucellosis test within last eight (8) days of sale:*

1. Official vaccinates identified by official tattoo twenty-four (24) months of age and under *if a beef animal and twenty (20) months of age and under if a dairy animal,* provided heavy springers and females post partum shall be negative regardless of age at time of sale.

[2. Steers.]

2. [3.] Cattle from *a* certified herd.

[4. Cattle consigned directly to a recognized slaughtering center with no diversion enroute except to another approved stockyard for reconsignment direct to slaughter within ten (10) days.]

[5. Feeder cattle consigned directly to a feed lot holding a valid feeding permit.]

[6. Calves under six (6) months of age.]

(b) [(c)] Backtagged cattle:

1. *All mature cattle eighteen (18) months or older, as indicated by the presence of the first pair of permanent incisor teeth, except steers and spayed heifers, consigned to any stockyard, or purchased direct by any slaughtering establishment shall be backtagged in a routine manner prescribed by the department.* [Test all male and female animals over eighteen (18) months of age at the first point of concentration or assembly point.]

2. *All backtagged cattle shall be negative to a brucellosis test within eight (8) days of sale.* [All cattle, except steers and spayed heifers eighteen (18) months of age or older consigned to any stockyard, sales barn or public stockyard or purchased direct by any slaughtering establishment shall be backtagged in a routine manner prescribed by the department unless negative to a brucellosis test within eight (8) days.]

3. Backtags placed on slaughter cattle shall not be removed at any time or by any person only under specific instructions from the chief livestock sanitary official.

4. [Backtagged cattle may not be sold or moved from the stockyard for any purpose other than immediate slaughter unless animals in the consignment it/they arrived with are negative to brucellosis test within eight (8) days prior to sale.] Backtagged cattle shall proceed directly to a recognized slaughtering center with no diversion whatever enroute except to *another* [only one other] approved stockyard [or public stockyard] for reconsignment to slaughter. [Proof of slaughter or a brucellosis test shall be verified within ten (10) days of date of backtagging.]

5. Materials for the backtagging program shall be furnished by the department and/or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture.

(c) *All breeding, dairy and backtagged cattle requiring testing shall be tested at the first point of assembly or concentration.*

(d) Cattle of beef breeds between the ages of six (6) and eighteen (18) months sold for feeding and grazing shall be exempt from brucellosis test unless they are heavy springers or female post partum.

Section 6. Swine requirements. (1) As prescribed in 302 KAR 20:080.

(2) Effective January 1, 1971, all serum requirements for swine moving into or through the State [Commonwealth] of Kentucky were rescinded.

(3) Breeding swine: All breeding swine six (6) months of age or older shall in addition be negative to an official blood test for brucellosis at time of sale or have originated directly from a validated herd.

(4) Livestock markets, buying stations, and concentration points handling all classes of swine:

(a) All swine, including slaughter swine, to be inspected by an accredited veterinarian prior to leaving market.

(b) Swine moving interstate from markets to be in compliance with Title 9, Part 76, CFR, herein filed by reference, including health certification by the accredited veterinarian authorized by the state to furnish such services.

(c) Slaughter swine leaving premises to be consigned only for immediate slaughter to a recognized slaughtering establishment approved for this purpose in accordance with federal and state regulations.

(d) Markets to maintain well-constructed pens and swine-handling facilities that are clean and in good repair.

(e) Markets to provide pens surfaced with impervious material for holding and handling feeder pigs and breeding swine.

(f) Markets to provide satisfactory, well-lighted facilities for inspection and proper restraint.

(g) Clean and disinfect holding, and handling pens, alleys and other facilities used in selling swine after use by each lot of swine under procedures specified by state and federal agencies to guard against spread of disease.

(h) Maintain records of origin and destination for all swine entering market and grant federal and state inspectors access to such records. Identification as to farm where farrowed shall be maintained for all feeder pigs and breeding stock and all slaughter swine which may be diverted for purposes other than slaughter. Records shall be maintained for one (1) year.

(i) Feeding and breeding swine must be placed in pens separate and apart from slaughter swine. All swine designated for slaughter must be delivered directly to an approved slaughter establishment with no diversion enroute.

(j) Permit no cull pigs to enter market unless provisions are made to pen such pigs separate and apart from all other swine so contact with healthy swine does not occur. Facilities used by these swine will not be used by other swine until cleaning and disinfecting have been accomplished. Further, cull swine to be permanently identified by an ear tag in the right ear, quarantined to the purchaser, and released from said quarantine by consignment to slaughter only. A cull pig is defined as one which does not pass veterinary inspection for health.

(k) Permit no garbage fed swine to enter market unless provisions are made to handle and pen such swine separate and apart from all other swine to avoid contact with other marketable swine.

(l) Permit no swine to be moved into or from the market unless a state or federal inspector releases such swine.

(m) Require all buyers of swine to determine the purpose of their movement. If for slaughter and there is any reason to believe the swine might be diverted (under-weight swine, thin sows, etc.) the inspector may require that such swine be identified by ear tag and consigned to slaughter on a special permit. Further, any swine with which these swine mingle shall cause the entire lot to be ineligible for movement except to slaughter.

(n) Permit no feeder pigs or breeding swine to remain in the market more than seventy-two (72) hours.

(o) No feeding or breeding swine are to be allowed in any market for resale within thirty (30) days from prior sale date.

(5) Livestock markets, buying stations and concentration points handling slaughter swine only:

(a) Swine moving interstate to be in compliance with Title 9, Part 76, CFR, herein filed by reference, and applicable state regulations.

(b) Accept swine only for slaughter and to permit no swine to leave market except for slaughter only.

(c) Markets to maintain well-constructed pens and swine-handling facilities that are clean and in good repair.

(d) Maintain records of origin and destination for all swine entering market and grant federal and state inspectors access to such records. Records shall be maintained one (1) year.

(e) Isolate all swine suspected of being affected with or exposed to infectious disease, promptly notify the state or federal agency, and hold such swine in isolation pending instructions on disposition.

(f) Clean and disinfect holding and handling pens, alleys, and other facilities used in selling swine under procedures specified by state and federal agencies to guard against spread of disease.

Section 7. Sheep and Goat Requirements. (1) As prescribed in 302 KAR 20:040.

(2) Before the beginning of a sale all sheep and goats to be sold for breeding purposes that are free from evidence of infectious, contagious or parasitic disease shall be separated from all other sheep and goats in a part of the yard provided for this purpose.

(3) All sheep and goats that as individuals or any part of an assembled group show evidence of any infectious, contagious, communicable or parasitic disease must be sold for immediate slaughter or otherwise disposed of under permit issued by the chief livestock sanitary official.

(4) Goats for dairy or breeding purposes if free from evidences of any infectious, contagious or parasitic disease shall originate directly and immediately from a brucellosis certified free herd or if six (6) months of age or over be negative to an official brucellosis test within thirty (30) days of date of sale.

TOM S. MADDOX, D.V.M., State Veterinarian
ADOPTED: February 16, 1977

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: February 17, 1977 at 9:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Dr. Tom S. Maddox, State Veterinarian, Division of Livestock Sanitation, 635 Comanche Trail, 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 and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains 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.

(h) An employer, required under these standards, to report information to the U. S. Department of Labor, or any subsidiary thereof, shall, instead report such information to the Kentucky Department of Labor, 151 Elkhorn Court, Frankfort, Kentucky 40601.

(3) 29 CFR 1910.13 through 1910.16 relating to ship repairing, shipbuilding, shipbreaking, and longshoring; and 1910.267a relating to pesticides, as well as paragraph (a) (6)

in Section 1910.267 which refers to Section 1910.267a, are excluded and deleted in their entirety.

(4) 29 CFR 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 1910.211, and 1910.217, mechanical power presses, and published in the Federal Register, Volume 39, Number 233, December 3, 1974, a copy of which is attached hereto, are hereby adopted by reference.

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

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

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

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

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

(10) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

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

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

"(c) All other employers shall, 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 1910.93 through 1910.93q as 1910.1000 through 1910.1017 respectively, as published in the Federal Register, Volume 40, Number 103,

May 29, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(12) 29 CFR 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 U. S. Department of Labor relating to Industrial Slings contained in 29 CFR 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 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 adopted by reference.

(15) 29 CFR 1910.217 (b) (7) (xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(16) 29 CFR 1910.94 (d) (4) (i) Table G-14, Page 23594, published in the Federal Register, Vol. 39, No. 125, Thursday, June 27, 1974 as adopted, contains a typographical error and is hereby revoked. The corrected version, published in the Federal Register, Vol. 37, No. 202, Wednesday, October 18, 1972, Table G-14, Page 22155, a copy of which is attached hereto, is hereby adopted by reference.

(17) 29 CFR 1910.1001 (i) (1) which was revised by the U. S. Department of Labor, for retention of records of Asbestos Exposure Monitoring from three (3) years to twenty (20) years, as published in the Federal Register, Vol. 41, No. 55, Friday, March 19, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(18) 29 CFR 1910.184 (f) (6) which was amended by the U. S. Department of Labor, to delete the paragraph which prohibits the use of knots or wire rope clips to form eyes in wire rope slings, as published in the Federal Register, Vol. No. 62, Tuesday, March 30, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(19) 29 CFR 1910.401 through 1910.441 Subpart T, the Occupational Safety and Health Emergency Standard covering Diving Operations which was published in the Federal Register, Vol. 41, No. 116, Tuesday, June 15, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(20) Paragraph 1910.1005(c)(7) of 29 CFR 1910 General Industry Standards shall read as follows:

"Premixed Solutions: Where 4, 4' Methylene bis (2-Chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials;"

(21) 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(22) 29 CFR 1910.1029 Exposure to Coke Oven Emissions as printed in the Federal Register, Volume 41, Number 206, Friday, October 22, 1976, a copy of which is attached hereto, is adopted by reference.

(23) *Corrections and omissions which have been adopted by the U. S. Department of Labor, relating to Coke Oven Emissions Standards, 29 CFR 1910.1029,*

published in the Federal Register, Volume 42, Number 12, Tuesday, January 18, 1977, a copy of which is attached hereto, is hereby adopted by reference.

(24) 29 CFR 1910.309 is hereby amended by revising paragraph (c) to require either the use of ground-fault circuit interrupters or the implementation of an assured equipment grounding conductor program on construction sites. This amendment as published in the Federal Register, Volume 41, No. 246, Tuesday, December 21, 1976, a copy of which is attached hereto, is hereby adopted by reference.

Section 2. The Occupational Safety and Health Standards Board hereby adopts the following regulation applicable to general industry.

(1) A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims or rims equipped with locking rings or similar devices.

(2) Changing and charging storage batteries (for automotive-type battery charging installations and in-vehicle charging of batteries):

(a) Battery charging installations shall be located in areas designated for that purpose.

(b) In-vehicle charging shall be done in areas designated for that purpose.

(c) Facilities shall be provided for flushing electrolyte from the eyes and skin with water. An adequate water supply shall be within twenty-five (25) feet of any part of the area designated above.

(d) No battery shall be charged or discharged within a closed or unvented container. The batteries shall be charged:

1. In the open, or
2. In a mechanically ventilated space, or
3. In a space providing at least twenty (20) cubic feet per ampere of charging capacity.

(e) A face shield shall be provided and available at each charging unit. The use of the face shield shall be required for connection and disconnection of vehicle or charger leads to the battery terminals and for the addition or pouring of electrolyte.

(f) Tools and other metallic objects not in actual use shall be kept away from the top terminal section of the battery.

(g) The following instructions shall be posted at each charging installation and on each battery charger:

"WEAR FACE SHIELD" (Batteries may explode).
"TURN OFF CHARGER TO CONNECT OR DISCONNECT BATTERY." "WASH ACID SPILLS IMMEDIATELY." "FIRST AID FOR ACID IN EYES OR ON SKIN QUICKLY FLUSH WITH WATER FOR 10 MINUTES."

JAMES R. YOCOM, Commissioner

ADOPTED: February 24, 1977

APPROVED:

JAMES E. GRAY, Secretary,
RECEIVED BY LRC: March 11, 1977 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Executive Director, Occupational Safety and Health Program, Department of Labor, 151 Elkhorn Court, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health
(Proposed Amendment)

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

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the Board. The following regulation contains 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) 29 CFR 1926.552(b)(8) of the paragraph on "Material Hoists" shall read as follows: All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists, with the exception that material hoists manufactured prior to January 1, 1970 may be used with a drum pitch diameter at least eighteen (18) times the nominal rope diameter provided the hoisting wire rope is at least equal in flexibility to 6 x 37 classification wire rope.

(4) 29 CFR 1926.451(a)(4) shall read as follows:

Guardrails and toeboards 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). Toeboards 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) 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.

(5) 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, are hereby adopted by reference.

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

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

(7) 29 CFR 1926.400 is hereby amended by revising paragraph (h) to require either the use of ground-fault circuit interrupters or the implementation of an assured equipment grounding conductor program on construction sites. This amendment as published in the Federal Register, Volume 41, No. 246, Tuesday, December 21, 1976, a copy of which is attached hereto, is hereby adopted by reference.

JAMES R. YOCOM, Commissioner

ADOPTED: February 24, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 11, 1977 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Executive Director, Occupational Safety and Health Program, Department of Labor, 151 Elkhorn Court, Frankfort, Kentucky, 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky State Racing Commission
(Proposed Amendment)

810 KAR 1:012. Horses.

RELATES TO: KRS 230.210 to 230.360

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: To regulate conditions under which thoroughbred racing shall be conducted in Kentucky. The function of this regulation is to outline the requirements for horses entered to be raced.

Section 1. Registration required. No horse may be entered or raced in this state unless duly registered and named in the registry office of the Jockey Club in New York and unless the registration certificate or racing permit issued by the Jockey Club for such horse is on file with the racing secretary; except, however, the stewards may for good cause, in their discretion, waive this requirement if the horse is otherwise correctly identified to the stewards' satisfaction.

(1) In order to establish the true ownership of all thoroughbred horses that race, each starter shall have a certificate of ownership, issued by the commission steward in behalf of the National Association of State Racing Commissioners, a copy of which shall be attached to the horse's foal registration certificate, and in the event that ownership of a horse is transferred, either by private treaty or by claiming, the new owner shall obtain from the stewards a new certificate of ownership issued by the stewards on behalf of the National Association of State Racing Commissioners, a copy of which shall be attached to

the foal registration certificate. No horse shall be permitted to start in a race unless there has been compliance with these requirements.

(a) The certificate of ownership shall bear the proper names of all persons owning an interest in the horse, and in each instance the accuracy of this information shall be attested to by the signature of one of the owners or his agent.

(b) Failure by the signator to accurately identify the ownership of a horse on the certificate of ownership may be punishable by revocation of the signator's license or by such other penalty as the stewards or the racing commission may deem appropriate.

Section 2. Ringers prohibited. (1) No horse may be entered or raced in this state designated by a name other than the name under which such horse is currently registered with the Jockey Club in New York. In the event a horse's name is changed by the Jockey Club, such horse's former name shall be shown parenthetically in the daily race program the first three (3) times such horse races after such name change.

(2) No person shall at any time cause or permit the correct identity of a horse to be concealed or altered, nor shall any person refuse to reveal the correct identity of a horse he owns, or which is in his care, to a racing official or member of the regular news media.

(3) No horse shall race in this state without a legible lip tattoo number applied by agents of the Thoroughbred Racing and Protective Bureau; except, however, the stewards may for good cause, in their discretion, waive this requirement if the horse is otherwise correctly identified to the stewards' satisfaction. The stewards shall require that a horse without a lip tattoo number be lip tattooed within a reasonably practical time.

(4) No horse may be entered or raced in this state if previously involved in a "ringer" case to the extent that: a person having control of such horse knowingly entered or raced such horse while designated by a name other than the name under which such horse was registered with the Jockey Club; or such person having control of such horse participated in or assisted in the entry or racing of some other horse under the name registered as belonging to such horse in question.

Section 3. Denerving. (1) Any horse on which a neurectomy has been performed shall have such fact designated on its registration certificate or racing permit. It shall be the joint responsibility of the practicing veterinarian who performed the operation and the trainer of such denerved horse to insure that such fact is designated on the registration certificate or racing permit.

(2) Any horse whose ulnar, radial, or median nerve has been either blocked or removed (known as high nerved), or whose volar or plantar nerve has been blocked to remove bilaterally, shall not be entered or raced in this state.

(3) Any horse whose volar or plantar nerve has been removed unilaterally or which has had a posterior digital neurectomy (known as low nerved), may be permitted to race provided such denerving has been reported by the

trainer to the stewards, and such horse has been approved for racing by the association veterinarian prior to being entered for a race.

(4) In the event a horse races in violation of this rule and participates in the purse distribution, then no protest thereon will be considered unless submitted in writing to the stewards within forty-eight (48) hours after such race.

(5) In the event a horse races in violation of this rule and is claimed, then no protest thereon will be considered unless the successful claimant submits such protest in writing within forty-eight (48) hours requesting the claim be voided. Should the claim be voided, the horse shall be returned to the owner who started such horse in such race, and the claim price shall be returned to the claimant.

(6) A list of all denerved horses shall be posted in the racing secretary's office. No person shall report a horse as having a neurectomy when in fact such horse has not.

Section 4. Bleeders. Any horse known to have bled from its nostrils during a race or workout may not be entered or raced without prior approval for racing by the association veterinarian. In the event a horse bleeds a second time, such horse shall be placed on the veterinarian's list and prohibited from racing for a minimum of six (6) months; in the event a horse bleeds a third time, such horse shall be thereafter prohibited from racing in this state.

Section 5. Health certificate required. No horse may be stabled on association grounds unless, within ten (10) days of arrival on association grounds, such horse has been examined by an accredited practicing veterinarian who certifies as to the identity of such horse, temperature at time of examination, and that to the best of his knowledge and belief such horse is free from any infectious or contagious disease or exposure thereto and observable ectoparasites, and further certifies as to such other matters as may be required from time to time by the Kentucky State Veterinarian in Frankfort. Notice of this requirement shall accompany stall applications and be included in the condition book.

Section 6. Workouts. No horse may be schooled in the paddock, or taken onto a track on association grounds for training or workout, other than during normal training hours posted by the association, without special permission of the stewards.

Section 7. Removal from association grounds. No horse may be removed from association grounds without prior approval of the stewards and unless released by the racing secretary. No dead or sick horse may be removed from association grounds without prior approval of the commission veterinarian.

Section 8. Age restrictions. No maiden five (5) years of age or older which has made five (5) life-time starts on the flat may be entered or start.

Section 9. Fillies and mares bred. Any filly or mare that has been covered by a stallion shall be so reported to the racing secretary prior to being entered in a race. A list of all fillies and mares so reported, showing the names of stallions to which they have been bred, shall be posted in the racing secretary's office. No filly or mare that has been covered by a stallion may be entered in a claiming race unless a written release from the stallion owner is attached to such filly or mare's registration certificate indicating that the stallion service fee has been paid or satisfied.

Section 10. Serviceable for racing. No horse may be entered or raced that: (1) Is not in serviceable, sound racing condition. The stewards may at any time cause a horse on association grounds to be examined by a qualified person.

(2) Is posted on a veterinarian's list, or stewards' list, or starter's list, or is suspended, in any racing jurisdiction.

(3) Has been administered any drug in violation of 810 KAR 1:018.

(4) Is blind or has seriously impaired vision in both eyes.

(5) Is not correctly identified to the satisfaction of the stewards.

(6) Is owned wholly or in part by, or is trained by, an ineligible person.

Section 11. Equipment. (1) Whips and blinkers must be used consistently on a horse. Permission to change use of any equipment used on a horse in its last previous start must be obtained from the stewards. A horse's tongue may be tied down during a race with a clean bandage or gauze. A horse's bridle may weigh no more than two (2) pounds; war bridles are prohibited. No horse may race in ordinary training shoes; bar shoes may be used for racing only with permission of the stewards.

(2) Use on a horse either in a race or workout of any goading device, or chain, or spurs, or electrical or mechanical device, or appliance other than the ordinary whip which could be used to alter the speed of such horse, is prohibited.

(3) No whip shall be used that weighs more than one (1) pound or is longer than thirty (30) inches with one (1) popper. No stingers or projections extending through the hole of a popper or any metal part on a whip shall be permitted. Indiscriminate or brutal use on a horse of an ordinary whip, as determined by the stewards in their sole discretion, is prohibited.

Section 12. Sex alteration. Any alteration in the sex of a horse must be reported by such horse's trainer to the racing secretary promptly, and the racing secretary shall note same on such horse's registration certificate.

WILLIAM H. MAY, Chairman

ADOPTED: February 27, 1975

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 8, 1977 at 2:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Mr. Keene Daingerfield, Senior State Steward, P. O. Box 1080, 1500 West Main Street, Lexington Kentucky 40501.

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

902 KAR 1:020. Ampicillin.

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 Ampicillin pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Ampicillin Capsule Pharmaceutical Products. The following Ampicillin capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Ampicillin 250 mg. Capsule Form:

(a) Alpen: Lederle Laboratories;

(b) Amcill: Parke-Davis & Company;

(c) Amperil: Geneva Drugs, Ltd.;

(d) Ampicillin: Bocan Drug Company, Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, International Laboratories, Inc., Murray Drug Corporation, Parmed Pharmaceuticals, Rexall Drug Company, Richie Pharmacal Company, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Walgreens;

(e) Ampicillin Trihydrate: Bell Pharmacal Corporation, Murray Drug Corporation, Paramount Surgical Supply Corporation, Purepac Pharmaceutical Company, Rondex Laboratories, Zenith Laboratories;

(f) Omnipen: Wyeth Laboratories;

(g) Pen A: Pfizer Laboratories;

(h) Penbritin: Ayerst Laboratories;

(i) Pensyn: Upjohn Company;

(j) Polycillin: Bristol Laboratories;

(k) Principen: E. R. Squibb & Sons;

(l) QIDamp: Mallinckrodt Chemical Works;

(m) SK-Ampicillin: Smith, Kline & French Laboratories;

(n) Supen: Reid-Provident Laboratories;

(o) Totacillin: Beecham-Massengill Pharmaceuticals;

(p) Vampen: Vanguard Laboratories.

(2) Ampicillin 500 mg. Capsule Form:

(a) Alpen: Lederle Laboratories;

(b) Amcill: Parke-Davis & Company;

(c) Amperil: Geneva Drugs, Ltd.;

(d) Ampicillin: Bocan Drug Company, Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, International Laboratories, Inc., Murray Drug Corporation, Parmed Pharmaceuticals, Rexall Drug Company, Richie Pharmacal Company, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Walgreens;

(e) Ampicillin Trihydrate: Bell Pharmacal Corporation, Murray Drug Corporation, Paramount Surgical Supply Corporation, Purepac Pharmaceuticals, Rondex Laboratories, Zenith Laboratories;

(f) Omnipen: Wyeth Laboratories;

(g) Pen A: Pfizer Laboratories;

(h) Penbritin: Ayerst Laboratories;

(i) Pensyn: Upjohn Company;

(j) Polycillin: Bristol Laboratories;

(k) Principen: E. R. Squibb & Sons;

- (l) QIDamp: Mallinckrodt Chemical Works;
- (m) SK-Ampicillin: Smith, Kline & French Laboratories;
- (n) Supen: Reid-Provident Laboratories;
- (o) Totacillin: Beecham-Massengill Pharmaceuticals;
- (p) Vampen: Vanguard Laboratories.

Section 2. Ampicillin Oral Suspension Pharmaceutical Products. The following Ampicillin oral suspension pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

- (1) Ampicillin 125 mg/ 5 ml Oral Suspension Form:
 - (a) Alpen: Lederle Laboratories;
 - (b) Amcill: Parke-Davis & Company;
 - (c) Ampicillin: Bocan Drug Company, *H. L. Moore Drug Exchange*, International Laboratories, Inc., [*;*] *Murray Drug Corporation*, *Parmed Pharmaceuticals*, *Rexall Drug Company*, *Richie Pharmacal*, *Theda Corporation*, *United Research Laboratories*, *Walgreens*;
 - (d) Ampicillin Trihydrate: Bell Pharmacal Corporation;
 - (e) Omnipen: Wyeth Laboratories;
 - (f) Pen A: Pfizer Laboratories;
 - (g) Penbritin: Ayerst Laboratories;
 - (h) Pensyn: Upjohn Company;
 - (i) Polycillin: Bristol Laboratories;
 - (j) Principen: E. R. Squibb & Sons;
 - (k) QIDamp: Mallinckrodt Chemical Works;
 - (l) SK-Ampicillin: Smith, Kline & French Laboratories;
 - (m) Supen: Reid-Provident Laboratories;
 - (n) Totacillin: Beecham-Massengill Pharmaceuticals;
 - (o) Vampen: Vanguard Laboratories;
- (2) Ampicillin 250 mg/5 ml Oral Suspension Form:
 - (a) Alpen: Lederle Laboratories;
 - (b) Amcill: Parke-Davis & Company;
 - (c) Ampicillin: Bocan Drug Company, *H. L. Moore Drug Exchange*, International Laboratories, Inc., *Murray Drug Corporation*, *Parmed Pharmaceuticals*, *Rexall Drug Company*, *Richie Pharmacal*, *Theda Corporation*, *United Research Laboratories*, *Walgreens*;
 - (d) Ampicillin Trihydrate: Bell Pharmacal Corporation;
 - (e) Omnipen: Wyeth Laboratories;
 - (f) Pen A: Pfizer Laboratories;
 - (g) Penbritin: Ayerst Laboratories;
 - (h) Pensyn: Upjohn Company;
 - (i) Polycillin: Bristol Laboratories;
 - (j) Principen: E. R. Squibb & Sons;
 - (k) QIDamp: Mallinckrodt Chemical Works;
 - (l) SK-Ampicillin: Smith, Kline & French Laboratories;
 - (m) Supen: Reid-Provident Laboratories;
 - (n) Totacillin: Beecham-Massengill Pharmaceuticals;
 - (o) Vampen: Vanguard Laboratories.

KENNETH P. CRAWFORD, MD., Chairperson

ADOPTED: February 17, 1977

APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: March 15, 1977 at 4:35 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 1:035. Chlorpheniramine maleate.

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 Chlorpheniramine Maleate pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Chlorpheniramine Maleate Pharmaceutical Products. The following chlorpheniramine maleate tablet pharmaceutical products are determined to be therapeutically equivalent: Chlorpheniramine Maleate 4 mg. Tablet Form:

(1) Chlorpheniramine Maleate: *Bell Pharmacal*, *Columbia Medical Company*, *Cooper Drug Company*, *Division of Chromalloy Pharmaceutical*, *Geneva Generics*, *H. L. Moore Drug Exchange*, *ICN Pharmaceuticals*, *Kasar Laboratories*, *Lederle Laboratories*, *McKesson Laboratories*, *Murray Drug Corporation*, *Pace-Bond Drug Company*, *Paramount Surgical Supply Corporation*, *Philips-Roxane Laboratories*, *Richie Laboratories*, *Rugby Laboratories*, *United Research Laboratories*, *Zenith Laboratories*;

(2) *Chlorophen*: *Vanguard Laboratories*;

(3) [(2)] Chlor-Trimeton: *Schering Corporation*;

(4) [(3)] C. P. M.: *Midway Medical Company*.

KENNETH P. CRAWFORD, M. D., Chairperson
ADOPTED: February 17, 1977

APPROVED: PETER D. CONN, Secretary
RECEIVED BY LRC: March 15, 1977 at 4:35 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 1:040. Penicillin-G.

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 Penicillin-G

pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

- (1) Penicillin-G 100,000 USP Units Tablet Form:
 - (a) Potassium Penicillin-G: Columbia Medical Company, Eli Lilly & Company, *H. L. Moore Drug Exchange, Murray Drug Corporation*;
 - (b) Vanpen-G: Vangard Laboratories.
- (2) Penicillin-G 200,000 USP Units Tablet Form:
 - (a) Kesso-Pen: McKesson Laboratories;
 - (b) Pen-Tabs: Rexall Drug Company;
 - (c) Potassium Penicillin-G: [Alliance Labs., Inc.] *Bell Pharmacal Company, Columbia Medical Company, Dow Pharmaceuticals, H. L. Moore Drug Exchange, Mylan Laboratories, Murray Drug Corporation, Parmed Pharmaceuticals, Philips-Roxane Laboratories, Richie Pharmacal Company, Rogers Wholesalers, Rugby Laboratories, Spencer-Mead, Inc., Three P Products Corporation, United Research Laboratories, Walgreens, Wyeth Laboratories*;
 - (d) Pentids: E. R. Squibb & Sons;
 - (e) Pfizerpen G: Pfizer Laboratories;
 - (f) Vanpen G: Vangard Laboratories.
- (3) Penicillin-G 250,000 USP Units Tablet Form:
 - (a) Kesso-Pen: McKesson Laboratories;
 - (b) Pen-Tabs: Rexall Drug Company;
 - (c) Pfizerpen G: Pfizer Laboratories;
 - (d) Potassium Penicillin-G: [Alliance Laboratories, Inc.] *Bell Pharmacal, Columbia Medical Company, Eli Lilly & Company, H. L. Moore Drug Exchange, Lederle Laboratories, Mylan Laboratories, Murray Drug Corporation, Parmed Pharmaceuticals, Philips-Roxane Laboratories, Purepac Pharmaceuticals, Richie Pharmacal, Rogers Wholesalers, Rondex Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Three P Products Corporation, United Research Laboratories, Walgreens, Wyeth Laboratories*;
 - (e) Vanpen G: Vangard Laboratories.
- (4) Penicillin-G 400,000 USP Units Tablet Form:
 - (a) Kesso-Pen: McKesson Laboratories;
 - (b) Pen-Tabs: Rexall Drug Company;
 - (c) Pentids "400": E. R. Squibb & Sons;
 - (d) Pfizerpen G: Pfizer Laboratories;
 - (e) Potassium Penicillin G: [Alliance Labs.] *Bell Pharmacal, Columbia Medical Company, Dow Pharmaceuticals, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, Mylan Laboratories, Murray Drug Corporation, Parmed Pharmaceuticals, Parke Davis & Company, Philip-Roxane Laboratories, Purepac Pharmaceuticals, Rogers Wholesalers, Rondex Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Three P Products Corporation, United Research Laboratories, Walgreens, Wyeth Laboratories*;
 - (f) QIDpen G: Mallinckrodt Chemical Works;
 - (g) Vanpen G: Vangard Laboratories.
- (5) Penicillin-G 500,000 USP Units Tablet Form:
 - (a) Pen-Tabs: Rexall Drug Company;
 - (b) Potassium Penicillin-G: Columbia Medical Company, *H. L. Moore Drug Exchange, Richie Pharmacal, Spencer-Mead, Inc.*;
 - (c) Vanpen G: Vangard Laboratories.

- (6) Penicillin-G 800,000 USP Units Tablet Form:
 - (a) Pentids "800": E. R. Squibb & Sons;
 - (b) Pfizerpen G: Pfizer Laboratories.

Section 2. Penicillin-G Oral Liquid Pharmaceutical Products. The following Penicillin-G pharmaceutical products for oral liquids are determined to be therapeutically equivalent, in each respective dosage:

- (1) Penicillin-G Oral 200,000 Units Liquid Form:
 - (a) Kesso-Pen: McKesson Laboratories;
 - (b) Vanpen G: Vangard Laboratories.
- (2) Penicillin-G Oral 250,000 Units Liquid Form:
 - (a) *Potassium Penicillin G: Richie Pharmacal*;
 - (b) [(a)] Sugarcillin: Upjohn Company;
 - (c) [(b)] Vanpen G: Vangard Laboratories.
- (3) Penicillin-G Oral 400,000 Units Liquid Form:
 - (a) Kesso-Pen: McKesson Laboratories;
 - (b) Pfizerpen G: Pfizer Laboratories;
 - (c) Vangard Laboratories.

KENNETH P. CRAWFORD, MD., Chairperson

ADOPTED: February 17, 1977

APPROVED:

PETER D. CONN, Secretary

RECEIVED BY LRC: March 17, 1977 at 4:35 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 1:050. Penicillin-V.

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 Phenoxymethyl Penicillin (Penicillin V) pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Phenoxymethyl Penicillin (Penicillin V) Tablet Pharmaceutical Products. The following Penicillin V tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

- (1) Penicillin V 125 mg. Tablet Form:
 - (a) Compocillin VK: Abbott Laboratories;
 - (b) Paclin VK: Geneva Drugs, Ltd.;
 - (c) Penicillin V: Columbia Medical Company;
 - (d) Penicillin VK: Richie Pharmacal;
 - (e) Pen Vee K: Wyeth Laboratories;
 - (f) Phenoxymethyl Penicillin: Paramount Surgical Supply Corp., Purepac Pharmaceutical, Rondex Laboratories, Zenith Laboratories;
 - (g) Vanpen VK: Vangard Laboratories;

- (h) V-Cillin-K: Eli Lilly & Company.
- (2) Penicillin V 250 mg. Tablet Form:
 - (a) Compocillin VK: Abbott Laboratories;
 - (b) Dowpen VK: Dow Pharmaceuticals;
 - (c) Kesso-Pen-VK: McKesson Laboratories;
 - (d) Ledercillin: Lederle Laboratories;
 - (e) Paclin VK: Geneva Drugs, Ltd.;
 - (f) Penapar VK: Parke-Davis & Company;
 - (g) Penicillin V: Columbia Medical Company;
 - (h) Penicillin VK: Phillips-Roxane Laboratories, Richie Pharmacal;
 - (i) Pen Vee K: Wyeth Laboratories;
 - (j) Pfizerpen VK: Pfizer Laboratories;
 - (k) Phenoxymethyl Penicillin: *Bell Pharmacal, Bristol Laboratories, Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, Murray Drug Corporation, Mylan Laboratories, Paramount Surgical Supply Corporation, Parmed Pharmaceuticals, Purepac Pharmaceuticals, Rexall Drug Company, Rogers Wholesalers, Rondex Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Three P Products Corporation, United Research Laboratories, Walgreens, Zenith Laboratories;*
 - (l) QIDpen VK: Mallinckrodt Chemical Works;
 - (m) Robicillin VK: A. H. Robins Company;
 - (n) SK-Penicillin-VK: Smith, Kline & French Labs.;
 - (o) Uticillin VK: Upjohn Company;
 - (p) Vanpen VK: Vanguard Laboratories;
 - (q) V-Cillin-K: Eli Lilly & Company;
 - (r) Veetids: E. R. Squibb & Sons.
- (3) Penicillin V 500 mg. Tablet Form:
 - (a) Compocillin VK: Abbott Laboratories;
 - (b) Dowpen VK: Dow Pharmaceuticals;
 - (c) Kesso-Pen-VK: McKesson Laboratories;
 - (d) Ledercillin: Lederle Laboratories;
 - (e) Penapar VK: Parke-Davis & Company;
 - (f) Penicillin V: Columbia Medical Company;
 - (g) Penicillin VK: Phillips-Roxane Labs.;
 - (h) Pen Vee K: Wyeth Laboratories;
 - (i) Pfizerpen VK: Pfizer Laboratories;
 - (j) Phenoxymethyl Penicillin: *Bell Pharmacal, Bristol Laboratories, Geneva Generics, H. L. Moore Drug Exchange, Murray Drug Corporation, Mylan Laboratories, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Walgreens;*
 - (k) QIDpen VK: Mallinckrodt Chemical Works;
 - (l) Robicillin VK: A. H. Robins Company;
 - (m) SK-Penicillin-VK: Smith, Kline & French Labs.;
 - (n) Uticillin VK: Upjohn Company;
 - (o) Vanpen VK: Vanguard Laboratories;
 - (p) V-Cillin-K: Eli Lilly & Company;
 - (q) Veetids: E. R. Squibb & Sons.

Section 2. Phenoxymethyl Penicillin (Penicillin V) Oral Liquid Pharmaceutical Products. The following Penicillin V pharmaceutical products for oral liquid are considered to be therapeutically equivalent, in each respective dose:

(1) Penicillin V 125 mg. Powders or Granules for Oral Liquid Dosage Form:

- (a) Compocillin VK: Abbott Laboratories;
- (b) Kesso-Pen-VK: McKesson Laboratories;
- (c) Penapar VK: Parke-Davis & Company;
- (d) Penicillin V: Columbia Medical Company;
- (e) Penicillin VK: Richie Pharmacal Company;
- (f) Pen Vee K: Wyeth Laboratories;
- (g) Pfizerpen VK: Pfizer Laboratories;
- (h) Phenoxymethyl Penicillin: *Bell Pharmacal, Bristol*

Laboratories, H. L. Moore Drug Exchange, Lederle Laboratories, Mylan Laboratories, Murray Drug Corporation, Parmed Pharmaceuticals, Rexall Drug Company, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Walgreens;

- (i) QIDpen VK: Mallinckrodt Chemical Works
- (j) Robicillin VK: A. H. Robins Company;
- (k) SK-Penicillin-VK: Smith, Kline & French Labs.;
- (l) Uticillin VK: Upjohn Company;
- (m) Vanpen VK: Vanguard Laboratories;
- (n) V-Cillin-K: Eli Lilly & Company;
- (o) Veetids: E. R. Squibb & Sons.
- (2) Penicillin V 250 mg. Powders or Granules for Oral Liquid Dosage Form:
 - (a) Compocillin VK: Abbott Laboratories;
 - (b) Kesso-Pen-VK: McKesson Laboratories;
 - (c) Penapar VK: Parke-Davis & Company;
 - (d) Penicillin V: Columbia Medical Company;
 - (e) Penicillin VK: Richie Pharmacal;
 - (f) Pen Vee K: Wyeth Laboratories, Inc.;
 - (g) Pfizerpen VK: Pfizer Laboratories;
 - (h) Phenoxymethyl Penicillin: *Bell Pharmacal, Bristol Laboratories, H. L. Moore Drug Exchange, Lederle Laboratories, Mylan Pharmaceuticals, Murray Drug Corporation, Parmed Pharmaceuticals, Rexall Drug Company, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Walgreens;*
 - (i) QIDpen VK: Mallinckrodt Chemical Works;
 - (j) Robicillin VK: A. H. Robins Company;
 - (k) SK-Penicillin-VK: Smith, Kline & French Laboratories;
 - (l) Uticillin VK: Upjohn Company;
 - (m) Vanpen VK: Vanguard Laboratories;
 - (n) V-Cillin-K: Eli Lilly & Company;
 - (o) Veetids: E. R. Squibb & Sons.

KENNETH P. CRAWFORD, MD. Chairperson

ADOPTED: February 17, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 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 1:055. Meclizine Hydrochloride.

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

PURSUANT TO: KRS 13.082

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

and brand names that have been determined by the council to be therapeutically equivalent.

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

(1) Meclizine Hydrochloride 12.5 mg. Tablet Form:

(a) Antivert: Roerig;

(b) Meclizine Hydrochloride: *Cooper Drug Company, Geneva Generics, [and] H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Murray Drug Corporation, Richie Pharmacal, and Theda Corporation.*

(2) Meclizine Hydrochloride 25 mg. Tablet Form:

(a) Antivert: Roerig;

[(b) Bonine: Pfizer Laboratories;]

(b) [(c)] Meclizine Hydrochloride: *Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, Murray Drug Corporation, Richie Pharmacal, and Theda Corporation.*

(3) Meclizine Hydrochloride 25 mg. Chewable Tablet Form:

(a) Antivert: Roerig;

(b) Bonine: Pfizer Laboratories;

(c) Meclizine Hydrochloride: *H. L. Moore Drug Exchange, Lederle Laboratories, McKesson Laboratories, Midway Medical Company, Rogers Wholesalers, Three P. Products Corporation, and United Research Laboratories.*

KENNETH P. CRAWFORD, M. D., Chairperson

ADOPTED: February 17, 1977

APPROVED: PETER D. CONN, Secretary

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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 325 mg. Tablet Form:

(1) Acetaminophen: *Beecham-Massengill Pharmaceuticals, Bell Pharmacal Company, Geneva Generics, Lederle Laboratories, Murray Drug Corporation, Mylan Pharmaceuticals, Pace-Bond Drug Company, Philips-Roxane Laboratories, Rexall Drug Company, Theda Corporation, United Research Laboratories, Vanguard Labs.;*

(2) APAP: *H. L. Moore Drug Exchange, Paramount Surgical Supply Corporation, Richie Pharmacal, [Vanguard Laboratories] Zenith Laboratories;*

(3) Apenol: *Purepac Pharmaceuticals, Rondex Laboratories;*

(4) Nebs: *Eaton Laboratories;*

(5) Par "5": *Parmed Pharmaceuticals;*

(6) Phenaphen: *A. H. Robins Company (Acetaminophen Formula);*

(7) [(5)] SK-APAP: *Smith, Kline & French Labs.;*

(8) [(6)] Tapar: *Parke, Davis & Company;*

(9) [(7)] Tempra: *Mead Johnson & Company;*

(10) [(8)] Tylenol: *McNeil Laboratories;*

(11) [(9)] Valadol: *E. R. Squibb & Sons.*

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

(1) Tempra: *Mead Johnson & Company; and*

(2) Tylenol: *McNeil Laboratories.*

Section 3. Acetaminophen Liquid Pharmaceutical Products. The following acetaminophen pharmaceutical products: liquid suspension 120 mg/5 ml and elixir 120 mg/5 ml are considered to be therapeutically equivalent, with the respective dosage form. Acetaminophen Liquid Suspension and Elixir 120 mg/5 ml: (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 contradicted drugs.)

(1) Acetaminophen: *Abbott Laboratories, Beecham Massengill Pharmaceuticals, Bell Pharmacal, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, National Pharmaceutical Manufacturing Company, Parmed Pharmaceuticals, Theda Corporation, Vanguard Laboratories;*

(2) APAP Elixir: *Richie Pharmacal; [Vanguard Laboratories;]*

(3) Cen-Apap: *The Central Pharmacal Company;*

(4) Nebs: *Eaton Laboratories;*

(5) SK-APAP: *Smith, Kline & French Labs.;*

(6) Tapar: *Parke, Davis & Company;*

(7) Tempra Syrup: *Mead Johnson & Company;*

(8) Tylenol: *McNeil Laboratories; and*

(9) Valadol Liquid: *E. R. Squibb & Sons.*

KENNETH P. CRAWFORD, MD., Chairperson

ADOPTED: February 17, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 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 1:081. Acetaminophen with Codeine.

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 with Codeine pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Acetaminophen with Codeine Pharmaceutical Products. The following acetaminophen with codeine tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) 300 mg. Acetaminophen with 15 mg. Codeine Tablet Form:

(a) Acetaminophen with Codeine: ICN Pharmaceuticals, Philips-Roxane Labs.;

(b) *Par "5" with Codeine: Parmed Pharmaceuticals;*

(c) [(b)] Tylenol with Codeine: McNeil Laboratories.

(2) 300 mg. Acetaminophen with 30 mg. Codeine Tablet Form:

(a) Acetaminophen with Codeine: *Beecham Laboratories*, Geneva Generics, ICN Pharmaceuticals, Philips-Roxane Labs.;

(b) *Empracet with Codeine: Burroughs-Wellcome;*

(c) [(b)] Tylenol with Codeine: McNeil Laboratories.

(3) 300 mg. Acetaminophen with 60 mg. Codeine Tablet Form:

(a) Acetaminophen with Codeine: ICN Pharmaceuticals, Philips-Roxane Labs.;

(b) Tylenol with Codeine: McNeil Laboratories.

KENNETH P. CRAWFORD, M. D., Chairperson

ADOPTED: February 17, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 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 1:110. Diphenhydramine.

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 Diphenhydramine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Diphenhydramine Hydrochloride Capsule Pharmaceutical Products. The following diphenhydramine hydrochloride capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Diphenhydramine Hydrochloride 25 mg. Capsule Form:

(a) Denadryl: Parke Davis & Company;

(b) Di-Amine: Vanguard Laboratories;

(c) Diphenhydramine Hydrochloride: *Barr Laboratories*, *Bell Pharmacal Company*, *Columbia Medical Company*, *Cooper Drug Company*, *Division of Chromalloy Pharmaceuticals*, *Geneva Generics*, *Kasar Laboratories*, *Lederle Laboratories*, *McKesson Laboratories*, *Midway Medical Company*, *Murray Drug Corporation*, *Paramount Surgical Supply Corporation*, *Richie Pharmacal*, *Rogers Wholesalers*, *Rugby Laboratories*, *Smith, Kline & French Laboratories*, *Theda Corporation*, *Three P Products Corporation*, *Zenith Laboratories*;

(d) Lensen: Geneva Drugs, Ltd.

(2) Diphenhydramine Hydrochloride 50 mg. Capsule Form:

(a) Benadryl: Parke Davis & Company;

(b) Di-Amine: Vanguard Laboratories;

(c) Diphenhydramine Hydrochloride: [Alliance Labs.] *Barr Laboratories*, *Bell Pharmacal*, *Columbia Medical Company*, *Cooper Drug Company*, *Division of Chromalloy Pharmaceuticals*, *Geneva Generics*, *Kasar Laboratories*, *Lederle Laboratories*, *McKesson Laboratories*, *Midway Medical Company*, *Murray Drug Corporation*, *Paramount Surgical Supply Corporation*, *Philips-Roxane Laboratories*, *Richie Pharmacal*, *Rogers Wholesalers*, *Smith, Kline & French Laboratories*, *Theda Corporation*, *Three P Products Corporation*, *Zenith Laboratories*.

(d) Lensen: Geneva Drugs, Ltd.

Section 2. Diphenhydramine Hydrochloride Elixir Pharmaceutical Products. The following diphenhydramine hydrochloride elixir pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Diphenhydramine Hydrochloride 12.5 mg/5 ml Elixir Form:

(1) Benadryl Elixir: Parke Davis & Company;

(2) Di-Amine Elixir: Vanguard Laboratories;

(3) Diphenhydramine Hydrochloride Elixir: Abbott Laboratories, Murray Drug Corporation;

(4) Hydramine Elixir: Richie Pharmacal.

KENNETH P. CRAWFORD, MD., Chairperson

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APPROVED: PETER D. CONN, Secretary

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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 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 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, Laboratories;
- (3) Sulfalar: Parke, Davis and Company;
- (4) Sulfisoxazole: [Alliance Labs.] *Barr Laboratories*, *Geneva Generics*, *Kasar Laboratories*, *Lederle Laboratories*, *Murray Drug Corporation*, *Mylan Pharmaceuticals*, *Parmed Pharmaceuticals*, *Philips-Roxane Labs.*, *Purepac Pharmaceuticals*, *Richie Pharmacal Company*, *Rondex Laboratories*, *United Research Laboratories*; and
- (5) V-sul: Vanguard Laboratories.

KENNETH P. CRAWFORD, M. D., Chairperson

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APPROVED: PETER D. CONN, Secretary

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

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 Laboratories;
- (2) Propantheline Bromide 15 mg. Tablet Form:
 - (a) Panthene: Vanguard Laboratories;
 - (b) Pro-Banthine: Searle Laboratories;
 - (c) Propantheline Bromide: *Bolar Pharmaceuticals*, *Geneva Generics*, *H. L. Moore Drug Exchange*, *Midway Medical Company*, *Murray Drug Corporation*, *Pace-Bond Drug Company*, *Paramount Surgical Supply Corporation*, *Parmed Pharmaceuticals*, *Philips-Roxane Laboratories*, *Richie Pharmacal*, *Richlyn Laboratories*, *Spencer-Mead, Inc.*, *Theda Corporation*, [and] *Zenith Laboratories*; and
 - (d) Uni-Prob: *United Research Laboratories*.

KENNETH P. CRAWFORD, MD., Chairperson

ADOPTED: February 17, 1977

APPROVED: PETER D. CONN, Secretary

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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 1:230. 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: *Cooper Drug Company*, *Geneva Generics*, *H. L. Moore Drug Exchange*, *Kasar Laboratories*, *Midway Medical Company*, *Murray Drug Corporation*, *McKesson Laboratories*, *Pace-Bond Drug Company*, *Paramount Surgical Supply Corporation*,

Purepac Pharmaceuticals, Richie Pharmacal Company, Rondex Laboratories, Rugby Laboratories, United Research Laboratories, Zenith Laboratories;

(2) Dramamine: Searle Laboratories; and

(3) Motion-Aid: Vanguard Laboratories.

KENNETH P. CRAWFORD, MD., Chairperson

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Council, 275 East Main Street, Frankfort, Kentucky,
40601.

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

902 KAR 1:270. Pseudoephedrine Hydrochloride.

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

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 217.819 directs the Kentucky Drug Formulary Council to prepare a formulary of drugs and pharmaceuticals with their generic or chemical names that are determined by the council to be therapeutically equivalent to specified brand name drugs and pharmaceuticals. This regulation lists 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., Murray Drug Corporation, Pace-Bond Drug Co., Paramount Surgical Supply Corp., *Spender-Mead, Inc.*, Zenith Laboratories;

(b) Sudafed: Burroughs Wellcome.

(2) Pseudoephedrine Hydrochloride 60 mg. Tablet Form:

(a) Pseudoephedrine Hydrochloride: Cooper Drug Company, Geneva Drugs, Ltd., *H. L. Moore Drug Exchange*, Midway Medical Co., Murray Drug Corporation, Pace-Bond Drug Company, Paramount Surgical Supply Corp., *Spencer-Mead, Inc.*, *Theda Corporation*, *United Research Laboratories*, Zenith Laboratories;

(b) Sudafed: Burroughs Wellcome.

Section 2. Pseudoephedrine Hydrochloride Syrup Pharmaceutical Products. The following pseudoephedrine hydrochloride syrup pharmaceutical products are determined to be therapeutically equivalent, in each

respective dosage: Pseudoephedrine Hydrochloride 30 mg/5 ml Syrup Form:

(1) Decofed: National Pharmaceutical Manufacturing Co.;

(2) Novafed: Dow Pharmaceuticals; (Cautionary Note: Contains Alcohol)

(3) Pseudoephedrine Hydrochloride: Midway Medical Co., *Spencer-Mead Inc.*; and

(4) Sudafed: Burroughs Wellcome.

KENNETH P. CRAWFORD, M. D., Chairperson,

ADOPTED: February 17, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 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 1:280. Chloral Hydrate Capsules and Syrup.

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 Capsule Pharmaceutical Products. The following chloral hydrate capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Chloral Hydrate 500 mg. Capsule Form:

(a) Chloral Hydrate: [Barre Drug Co.] *Bell Pharmacal Company*, Columbia Medical Company, Cooper Drug Company, Geneva Generics, *H. L. Moore Drug Exchange*, Kasar Laboratories, Lederle Laboratories, Midway Medical Company, *Murray Drug Corporation*, National Pharmaceuticals, *Pace-Bond Drug Company*, *Paramount Surgical Supply Corporation*, Parke Davis & Company, Philips-Roxane Laboratories, *Purepac Pharmaceuticals*, *Rexall Drug Company*, *Richie Pharmacal*, *Rogers Wholesalers*, *Theda Corporation*, *Three P Products Corporation*, *United Research Laboratories*, *Walgreens*, *Zenith Laboratories*;

(b) Kessodrate: McKesson Laboratories;

(c) [(b)] Noctec: E. R. Squibb & Sons;

(d) [(c)] Somnos: Merck, Sharp & Dohme; and

(e) [(d)] V-Clor: Vanguard Laboratories.

Section 2. Chloral Hydrate Syrup Pharmaceutical Products. The following Chloral Hydrate syrup phar-

maceutical products are determined to be therapeutically equivalent, in each respective dosage: (Cautionary Note: Sugar Content not determined.)

(1) Chloral Hydrate Syrup 500 mg/5 ml Form:

(a) Chloral Hydrate Syrup: [Barre Drug Co.] Lederle Laboratories, Midway Medical Company, *Murray Drug Corporation*, National Pharmaceuticals, Richie Pharmacal, *Spencer-Mead, Inc.*, *Theda Corporation*;

(b) Kessodrate: *McKesson Laboratories*;

(c) [(b)] Noctec Syrup: E. R. Squibb & Sons;

(d) [(c)] V-Clor Syrup: Vanguard Laboratories.

KENNETH P. CRAWFORD, MD., Chairperson

ADOPTED: February 17, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 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 1:320. Imipramine 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 Imipramine Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

(1) Imipramine Hydrochloride 10 mg. Tablet Form:

(a) Imavate: A. H. Robins Company;

(b) Imipramine Hydrochloride: *Bell Pharmacal*, Columbia Medical Company, Geneva Generics, *H. L. Moore Drug Exchange*, Lederle Laboratories, Midway Medical Company, *Murray Drug Corporation*, Philips-Roxane Laboratories, Richie Pharmacal, *Rogers Wholesalers*, *Theda Corporation*, *Three P Products Corporation*, Vanguard Laboratories;

(c) *Janimine*: *Abbott Laboratories*;

(d) [(c)] Presamine: USV Pharmaceuticals;

(e) *SK-Pramine*: *Smith, Kline & French Laboratories*;

(f) [(d)] Tofranil: Geigy Pharmaceuticals.

(2) Imipramine Hydrochloride 25 mg. Tablet Form:

(a) Imavate: A. H. Robins Company;

(b) Imipramine Hydrochloride: *Bell Pharmacal*, Columbia Medical Company, Geneva Generics, *H. L. Moore*

Drug Exchange, Lederle Laboratories, Midway Medical Company, *Murray Drug Corporation*, Philips-Roxane Laboratories, Richie Pharmacal, *Rogers Wholesalers*, *Theda Corporation*, *Three P Products Corporation*, Vanguard Laboratories;

(c) *Janimine*: *Abbott Laboratories*;

(d) [(c)] Presamine: USV Pharmaceuticals;

(e) *SK-Pramine*: *Smith, Kline & French Laboratories*;

(f) [(d)] Tofranil: Geigy Pharmaceuticals.

(3) Imipramine Hydrochloride 50 mg. Tablet Form:

(a) Imavate: A. H. Robins Company;

(b) Imipramine Hydrochloride: *Bell Pharmacal*, Columbia Medical Company, Geneva Generics, *H. L. Moore Drug Exchange*, Lederle Laboratories, Midway Medical Company, *Murray Drug Corporation*, Philips-Roxane Laboratories, Richie Pharmacal, *Rogers Wholesalers*, *Theda Corporation*, *Three P Products Corporation*, Vanguard Laboratories;

(c) *Janimine*: *Abbott Laboratories*;

(d) [(c)] Presamine: USV Pharmaceuticals;

(e) *SK-Pramine*: *Smith, Kline & French Laboratories*;

(f) [(d)] Tofranil: Geigy Pharmaceuticals.

KENNETH P. CRAWFORD, MD., Chairperson

ADOPTED: February 17, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 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 1:328. Chlordiazepoxide Hydrochloride 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 Chlordiazepoxide Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Chlordiazepoxide Hydrochloride Capsule Pharmaceutical Products. The following chlordiazepoxide hydrochloride capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Chlordiazepoxide Hydrochloride 5 mg. Capsule Form:

(a) Chlordiazepoxide Hydrochloride: *Bell Pharmacal*, Geneva Generics, *H. L. Moore Drug Exchange*, Lederle

Laboratories, Murray Drug Corporation, Parmed Pharmaceuticals, Philips-Roxane, [; and] Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Rugby Laboratories, Spencer-Mead, Inc., United Research Laboratories, Vanguard Laboratories; and

(b) Librium: Roche Laboratories.

(2) Chlordiazepoxide Hydrochloride 10 mg. Capsule Form:

(a) Chlordiazepoxide Hydrochloride: Bell Pharmacal, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, Parmed Pharmaceuticals, Philips-Roxane Labs., [; and] Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Rugby Laboratories, Spencer-Mead, Inc., United Research Laboratories, Vanguard Laboratories; and

(b) Librium: Roche Laboratories.

(3) Chlordiazepoxide Hydrochloride 25 mg. Capsule Form:

(a) Chlordiazepoxide Hydrochloride: Bell Pharmacal, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, Parmed Pharmaceuticals, Philips-Roxane Labs., [; and] Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Spencer-Mead, Inc., United Research Laboratories, Vanguard Laboratories; and

(b) Librium: Roche Laboratories.

KENNETH P. CRAWFORD, MD., Chairperson

ADOPTED: February 17, 1977

APPROVED:

PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

Proposed Regulations

GENERAL ASSEMBLY Board of Ethics

2 KAR 1:020. Rules of procedure.

RELATES TO: KRS 6.810 to 6.820

PURSUANT TO: KRS 6.820(3)

NECESSITY AND FUNCTION: These rules of procedure are to prescribe the practice and procedure governing the manner and form in which proceedings shall be initiated and conducted by the Board of Ethics. This proposed regulation is to assure uniformity of the practice and procedures of and before the Board of Ethics.

Section 1. Definitions. (1) "Board" means Board of Ethics.

(2) "Chairman" means Chairman of the Board of Ethics.

(3) "Charge" means a written statement signed by the individual making such charge which sets forth sufficient alleged facts to indicate to the board that a person named therein has committed a violation of one or more of the provisions of KRS Chapter 6.

(4) "Complaint" means a formal written statement accusing one or more persons of a violation of the provisions of KRS Chapter 6.

(5) "Receipt of charge" means the board has receipt of a charge when it is brought to the attention of the board at a meeting.

(6) "Respondent" means a person against whom a charge is filed.

Section 2. Purpose and Policy. These rules shall govern the proceedings of the board and its subcommittees when applicable. It shall be the policy of the board that its proceedings shall be open to the public and to the press unless forbidden by the enabling statutes or by necessary implication from such statutes.

Section 3. Meetings. The board shall meet upon call of the chairman or upon the written request of any three (3)

members, and may meet at such times as the members in meeting assembled may decide. The board meetings shall be open to the public as far as permitted by statute.

Section 4. Quorum. (1) Five (5) members of the board or the majority of the members of any committee shall constitute a quorum for the transaction of business.

(2) If a charge is made against a member of the board or a member is directly and substantially involved in a charge, he shall not take part in the hearing process or in the deliberations of the board relative thereto.

Section 5. Decisions on Complaints and Investigations; Advisory Opinions in Ethical Matters. At any regular meeting, the board shall receive charges, render decisions on investigations, and deliver advisory opinions.

Section 6. Initiation of Investigation. Upon receipt of a charge, or upon its own motion, the board shall decide if an investigation is warranted. If the board authorizes an investigation, it shall designate the person or persons making the investigation, the scope of the investigation, and the date upon which the board shall receive a report of the investigation. If the board does not believe that an investigation is warranted, it shall either dismiss the charge, or order that a complaint be issued and filed.

Section 7. Investigations and Hearings to be Prompt. All proceedings, investigations, and hearings shall be begun, prosecuted, and completed as promptly as the ends of justice will permit.

Section 8. Complaints, Form, by Whom and Where Filed. (1) If the board determines that probable cause exists to support an alleged violation of the provisions of KRS Chapter 6 as determined by a majority vote of the board, a complaint shall be issued against the legislator. All such votes shall be secret.

(2) The complaint shall be prepared in writing, stating the name and address (if known) of the respondent and the facts alleged to constitute a violation of the provisions of

KRS Chapter 6, citing the provisions of that chapter alleged to have been violated. The complaint shall be signed by the chairman, or such other member of the board as the board may authorize. Each complaint shall be filed in the office of the board.

(3) Any number of acts or omissions and any number of separate and distinct transactions alleged to constitute unethical legislative conduct may be alleged in a single complaint, but each act or omission shall be set out in a separate count.

(4) The board shall designate the person or persons to prepare the complaint. This person or persons may be members of the board, the board attorney, or any other person authorized by the board.

(5) Separate complaints may, by order of the board, be consolidated and heard as a single case.

(6) A complaint may be filed against two or more persons if based upon the same or related sets of facts, and separate complaints against two or more persons based upon the same or related sets of facts may, at the board's discretion, be consolidated and heard as a single proceeding.

(7) When two or more persons are proceeded against in the same proceeding, a hearing committee shall make a separate report to the board on each respondent.

Section 9. Notice of Filing Complaints; Time to Answer. Upon the filing of a complaint, the administrative secretary, by certified mail, with return receipt requested, shall furnish the respondent with a copy of the complaint and notify him:

(1) Of the name and address of the attorney or representative for the board responsible for the handling of the case.

(2) That he must, within twenty (20) days after the receipt of the notice, file his answer and three (3) copies with the administrative secretary and serve a copy of his answer on the attorney or representative for the board by mailing or delivering a copy to him.

Section 10. Pleading and Preliminary Motions. (1) There shall be a complaint and an answer and, when permitted by the hearing committee, a reply and such amendments to the pleadings as may be required to serve the ends of justice. Averments in an answer or response shall be taken as denied or avoided. No preliminary motions may be filed, except:

(a) For a more definite statement of the complaint or answer, or

(b) Challenging the qualifications of the hearing committee.

(2) All pleadings shall be filed with the administrative secretary and copies served upon opposing parties or their counsel as provided by the rules of the Kentucky Supreme Court and the Kentucky Court of Appeals.

Section 11. Appointment of a Hearing committee. If the pleadings present any issue of fact, the chairman shall appoint a hearing committee comprised of three (3) members of the Board of Ethics, one (1) of whom shall be designated by the chairman as presiding officer. The presiding officer shall have the power to request issuance of subpoenas to compel attendance of witnesses or the production of documents, and may seek the aid of any circuit court or other governmental agencies or instrumentalities as authorized by the provisions of KRS 6.820(8). The administrative secretary shall immediately notify each member of the hearing committee of his

appointment and shall furnish each with a copy of the pleadings.

Section 12. Notice of Appointment of Hearing Committee and Hearing. Upon the appointment of the hearing committee, the administrative secretary shall notify the parties to the proceeding of the names and addresses of its members and of the person or counsel who is handling the complaint for the board. The presiding officer of the hearing committee shall fix the time and place of the hearing and the administrative secretary shall give notice thereof to the parties by mail. Such hearings shall be not less than twenty (20) days after the date of the mailing of the notice, or the delivery thereof to the parties.

Section 13. Rights of Persons in Hearings or Proceedings. (1) The respondent against whom a complaint has been filed shall have the right to be represented by counsel and entitled to a hearing before the hearing committee. He shall have all the rights secured to a party by the rules of civil procedure with respect to the introduction of evidence, the right to compel the attendance of witnesses, to copy documents, and to compel the production of books, papers and documents or other writings. He shall have the right to an oral argument or to file a brief before the hearing committee. He shall be afforded a full opportunity to remain silent, to defend himself by the introduction of evidence and to cross-examine witnesses appearing against him.

(2) Any person whose name is mentioned at any investigation or hearing shall be entitled to testify or file a sworn statement with the hearing committee or the board, if he feels he is adversely affected.

(3) A respondent shall be advised prior to the beginning of a hearing that, pursuant to the provisions of KRS Chapter 6, he has the right to require that the hearings be public and that he has the further right to request that the findings of the board be published. The respondent shall also be advised that if no violation is found, the board is required by statute to retain its findings in confidence, unless the respondent requests the facts be made public.

Section 14. When Complaint May be Taken as Confessed. The hearing committee may take the allegations of the complaint as admitted or confessed if a respondent who was notified of the complaint by the board, files an answer admitting the complaint, or fails to file an answer within the time provided in these rules. The hearing committee may, in its discretion, receive such evidentiary material as it deems of assistance to it in making its recommendation to the board.

Section 15. Proceedings When Pleadings Present Only an Issue of Law. If the pleadings represent only an issue of law, the board shall fix a time for filing of briefs. The board shall have the right to receive evidentiary material if it deems such may be of assistance. Thereafter, the board shall consider the briefs and report its recommendations to the proper house of the General Assembly, to the Attorney General, or to any other appropriate law enforcement officer.

Section 16. Order of Proceeding and Burden of Proof. The hearing committee shall determine and regulate the order of proceedings at the hearing. Upon the application of a party or upon the direction of the chairman of the

hearing committee, the chairman of the board shall issue subpoenas for the attendance of witnesses or the producing of evidence. The burden of proof shall rest upon the board in disciplinary proceedings and the facts must be proved by a preponderance of the evidence. Before the report of the matter to the board, the hearing committee may direct such oral arguments as it deems appropriate and receive briefs from all parties on such terms as it may impose. After submission of the matter to the hearing committee, there shall be no further oral arguments or briefing either before the hearing committee or before the board, unless requested by them.

Section 17. Introduction and Admissability of Evidence. The testimony at all hearings shall be in person, except that depositions may be used under the same standards as those prescribed by the Kentucky rules of civil procedure. The rules of evidence in civil actions shall apply to the extent that they do not violate the respondent's constitutional rights.

Section 18. Transcript of Evidence. The proceedings before the hearing committee shall be reported by a reporter appointed by the hearing committee. However, if, after hearing by the hearing committee, the committee is of the unanimous opinion the charge or charges should be dismissed, or the respondent should only be administered a reprimand, the hearing committee may, with the consent of all parties, direct the reporter to preserve all notes of the hearing, but defer a transcription of the record until ordered by the board to prepare such a transcript. In all other proceedings, the testimony shall be transcribed.

Section 19. Hearing Committee to File Report With the Board. (1) When a proceeding before a hearing committee has been finally submitted, the committee shall file promptly with the board the entire transcript of the proceeding, the transcript of the testimony if it has been transcribed pursuant to the provisions of Section 19 hereof, together with such briefs as may have been filed and a written report in the nature of a finding of fact and conclusions of law, which shall contain a concise statement of:

- (a) The complaint made against and the defenses offered by the respondent;
- (b) The proceedings had;
- (c) The facts which the committee deems proved by a preponderance of the evidence, the committee's conclusions; and
- (d) Its recommendations as to the disposition of the case.

(2) The hearing committee's report shall constitute a part of the record in the case and a copy of the report shall be served upon the parties or upon their counsel, if the party is represented by counsel. The report shall be advisory.

Section 20. Statement of Findings. After submission of the matter, the board shall make a statement of its findings of fact. If the board, based on competent and substantial evidence, finds the respondent has committed a violation of the provisions of KRS Chapter 6, it shall state its findings in writing in a report to the speaker of the house or speaker pro tem, if the respondent is a member of the house, or to the president of the senate, or president pro-tem, if the

respondent is a member of the senate. Such report shall be signed by a majority of the board members. If the board finds no violation of the provisions of KRS Chapter 6, it shall dismiss the complaint. The respondent, the complainant, and when appropriate, the attorney general and the local prosecutor, should be apprised promptly of the board's action and its report.

Section 21. Availability of Records. (1) Proceedings involving the disciplinary matters before the board shall be confidential, unless the board shall order otherwise.

(2) If the board finds a violation has been committed, or if a party requests it to do so, the board may publish written reports of its inquiries, findings and conclusions. If no violation is found, the board, pursuant to the provisions of KRS 6.820(9), cannot make public that a complaint or charge was without foundation. A report of the findings of the board shall be supplied to the parties to the proceeding. The parties shall have the right to make such findings public.

Section 22. Public Records. The board shall maintain a record of its investigations, inquiries and proceedings. All records, complaints, documents and reports filed with the board in connection with disciplinary matters shall be kept confidential and shall not be given to inspection by any person other than the parties, a member of the board, or their employees, except as specifically authorized by the board.

Section 23. Report of Board. (1) If the board finds that a respondent should stand accused formally of unethical legislative conduct, or has violated statutes or constitutional standards imposed upon the legislature, it shall so report to the appropriate authority or authorities.

(2) If the board has filed a report with the speaker of the house or speaker pro tem if the respondent is a member of the house, or to the president of the senate, or president pro tem, if the respondent is a member of the senate, recommending action, and no legislative action is forthcoming within one (1) month following such filing, the board's findings and its report shall be made public, unless the board shall, at that time, order the findings and report to remain confidential.

Section 24. Advisory Opinions. (1) Any legislator may request the board to render an advisory opinion on matters of ethics, on propriety of conduct in a factual situation, or constitutional or statutory issues involving the conduct of legislative affairs. Such opinions shall be requested in writing, setting forth the factual situation and the issue or question involved. The request for an opinion shall be filed with the administrative secretary of the board.

(2) If the general assembly is not in session at the time of filing, the question shall be presented to the chairman of the board and the board shall render an opinion on the question at its next meeting or within thirty (30) days, whichever first occurs, if, in the judgment of the board, an opinion is required. If no opinion is rendered in thirty (30) days, or at its next meeting, the factual situation which gave rise to the request shall be deemed not to violate sound ethical practices or legislative or constitutional provisions, in the opinion of the board.

(3) During sessions of the general assembly, the board shall meet within a week of the filing of a request for an advisory opinion. A failure by the board to respond to a

request shall be tantamount to a judgment of the board that it sees no violation of good ethical practices or of any statutory or constitutional standard in the issue presented.

(4) Opinions of the board on requests for advisory opinions shall be made public promptly, with any deletions as the board may deem proper, in order that all interested parties may be informed of the standards. "No response" opinions shall be made public and shall also be included in any compilation of opinions the board may develop.

(5) Meetings in which advisory opinions are considered shall be open to the public, unless the board shall otherwise direct. The board may request and may receive testimony from members of the general assembly, or other qualified persons, as to the matters and issues involved. It shall be the policy of the board to encourage expressions of opinion from members of the general assembly in hearings involving ethical matters.

Section 25. Time and manner of filing statement regarding contributions. Pursuant to the provisions of KRS 6.790(3), a legislator, accepting contributions referred to therein, shall file a written statement with the board in the time and manner herein described:

(1) If such contribution is made when the general assembly is in session or if the general assembly convenes within ten (10) days of such contribution, the legislator shall file a signed written statement with the administrative secretary of the board within ten (10) days, setting forth the contribution received, the source thereof, the amount or value thereof and the date received. If the general assembly is not in session or does not convene within ten (10) days after receipt, the report shall be filed within thirty (30) days of the receipt thereof.

(2) Supplying of transportation or tickets for transportation, costs of lodging and other expenses in excess of twenty-five dollars (\$25) shall be listed upon the statement. For the purpose of these rules, sharing of transportation by private car with other members of the general assembly shall not be considered a contribution.

(3) Unless the board shall otherwise direct, the statements shall be filed and maintained by the administrative secretary and the files shall be open for public inspection. The board may supply a form for such reports, but a narrative statement including the requisite information and signed by him shall be acceptable.

Section 26. 2 KAR 1:010 is hereby repealed.

KENNETH O. GIBSON, Chairman

ADOPTED: March 1, 1977

RECEIVED BY LRC: March 3, 1977 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Board of Ethics, 605 Teton Trail, Frankfort, Kentucky 40601.

SECRETARY OF CABINET Commission on Human Rights

104 KAR 1:070. Records and reports for apprenticeships and training programs.

RELATES TO: KRS Chapter 344

PURSUANT TO: KRS 344.250(3)

NECESSITY AND FUNCTION: KRS 344.250(3) provides that the Commission shall require apprenticeships

or other training programs to keep records and make reports. This rule is designed to implement that section by recordkeeping and reports and allowing the filing of similar records and reports as are required by federal or state law to be substituted.

Section 1. Each person subject to this chapter who controls an apprenticeship or other training program shall keep all records reasonably necessary to the determination of whether discrimination has occurred in the program because of an individual's race, color, religion, national origin, sex or age between forty (40) and sixty-five (65).

Section 2. Each apprenticeship or training program subject to this chapter shall keep for a period of two (2) years a list of applicants who wish to participate in such program, including the chronological order in which applicants were received.

Section 3. Each apprenticeship or training program subject to this chapter shall furnish to the commission on July 1, 1977, and annually thereafter, if requested by the commission, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program and a breakdown of current enrollment by race, sex and age. The commission may waive submission of all or a part of a report for hardship situations as provided in KRS 344.250(4), and the executive director may in his discretion postpone or waive the filing of any report required under this regulation.

Section 4. So as to avoid undue burdens on persons subject to this regulation, records and reports shall conform as near as may be to similar records and reports required by federal law and Kentucky law, including reports filed with the Federal Bureau of Apprenticeship and Training and the Kentucky Department of Labor. Where similar information is regularly filed with those agencies and made available to the commission, the commission may waive direct submission by the apprenticeship or training program. However, this provision shall not in any way justify any employer, labor organization or joint labor management committee controlling apprenticeship or other retraining, including on-the-job training programs, from supplying information requested by the commission staff in the course of investigating a complaint against those subject to this chapter.

Section 5. If a person fails to make, keep, or preserve records or make reports in accordance with this regulation, the circuit court for the county in which such person is found, resides or has his principal place of business, upon application of the commission, may issue an order requiring compliance.

EDMUND P. KAREM, Chairman

ADOPTED: January 20, 1977

APPROVED: GALEN MARTIN, Executive Director

RECEIVED BY LRC: February 17, 1977

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Executive Director, Kentucky Commission on Human Rights, 828 Capital Plaza Tower, Frankfort, Kentucky 40601.

**SECRETARY OF THE CABINET
Board of Claims**

108 KAR 1:010. Board operation and claim procedure.

RELATES TO: KRS 44.070, 44.080, 44.086, 44.090

PURSUANT TO: KRS 13.082, 44.080

NECESSITY AND FUNCTION: KRS 44.080 requires the Board of Claims to establish rules for its government and for the regulation of the method of pleading and practice before it. The purpose of this regulation is to establish rules for procedures for claims and rules for operation of the board.

Section 1. Meetings. (1) Meetings of the board may be called by the chairman or a majority of the board at such times and places as the call directs.

(2) Three (3) members of the board shall constitute a quorum.

(3) The board shall be considered in continuous session to enter orders.

(4) The Executive Director of the Board of Claims shall serve as secretary to the board and shall have authority to order the submission of briefs, set hearings, and issue such other orders as the board may direct.

Section 2. Filing of Claims; Response to Claims. (1) Claims shall be legibly written, typed or printed and mailed or delivered to the Board of Claims office in Frankfort, Kentucky.

(2) Each claim shall contain the name and address of the claimant, the amount he is claiming and a statement of facts sufficiently clear to show that the claimant is entitled to relief under the provisions of KRS 44.070 and to enable the defendant to investigate the claim and prepare its defense.

(3) Claims may be filed by the claimant or by an attorney or legal representative acting in the claimant's behalf.

(4) The board's secretary shall promptly furnish a copy of each claim to the head of the affected agency and to the Attorney General. Within thirty (30) days, the agency concerned shall investigate the matter and shall answer the charges in writing to the board and to the claimant.

(5) If the Attorney General wishes to enter the matter, he shall file such response as he desires with the board.

(6) If the response filed by the affected agency admits liability, the secretary shall submit the matter to the board at an early meeting.

(7) If the affected agency fails to respond to the board concerning its investigation within thirty (30) days, the secretary shall submit the matter to the board at an early meeting.

(8) If the response filed by the affected agency denies liability, the secretary shall set a hearing before a hearing officer and shall notify the claimant and the head of the affected agency (or their attorney) of the time and place of the hearing.

Section 3. Hearings. (1) Hearings shall be open to the public. The proceedings of hearings shall be taken by a stenographer. The hearing officer shall cause the hearing to be conducted with decorum.

(2) The proof required to support a claim shall be that required to support a claim in any court of competent jurisdiction.

(3) All testimony and proof shall be presented at the

hearing before the hearing officer, or within thirty (30) days thereafter by deposition, with the exception of medical or expert testimony.

(4) If either party desires to submit medical or expert testimony by deposition, that party shall be allowed thirty (30) days after the hearing for that purpose. The second party shall then be allowed thirty (30) days, after which the first party shall be allowed five (5) days for rebuttal, unless otherwise ordered by the hearing officer.

(5) If the claimant fails to appear at a scheduled hearing of which he has notice and fails to show good cause within five (5) days for failure to appear, the board may order the claim dismissed. If the affected state agency fails to appear at the hearing, the hearing officer in his discretion may take the testimony of any witnesses present.

(6) The hearing officer shall furnish a finding of fact to the board within thirty (30) days after the record is completed.

Section 4. Board Decision. (1) Each claim shall be submitted to the board at an early meeting following the hearing officer's report.

(2) The board, or a majority of its members, shall render a decision on each claim at a board meeting.

Section 5. 803 KAR 26:010 is hereby repealed.

JACK L. MILLER, Chairman

ADOPTED: February 3, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 7, 1977 at 11:20 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Mr. Jack Miller, Chairman, Board of Claims, 113 E.
Third Street, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR
FINANCE AND ADMINISTRATION
Bureau of Administrative Services
Division of Accounts**

200 KAR 8:010. Reimbursable revenues of local courts.

RELATES TO: KRS Chapter 24A

PURSUANT TO: KRS 24A.193

NECESSITY AND FUNCTION: KRS Chapter 24A requires the Executive Department for Finance and Administration to promulgate regulations establishing the method of determining the number of dollars to be reimbursed to each city or county, which had a local court as of June 30, 1976, as well as outlining the method for distributing such payments. This statute was necessitated by the implementation of the unified court system, which will replace the local courts on January 1, 1978. This regulation is to provide for the uniform determination of the amounts reimbursable under the provisions of KRS Chapter 24A.

Section 1. Definitions. An expansion of definitions offered by KRS Chapter 24A and additional definitions required by this regulation follow:

(1) "Local court" means any of the following which sit as a judicial body: municipal police court, justices' or magistrates' court, quarterly court or county court.

(2) "Net court revenue" means the gross revenue collected by a local government from fees or fines, and forfeitures assessed by a local court, less the amount expended for court-related operating costs. This definition does not include any fees, fines, or forfeitures from parking violations unless that fee, fine, or forfeiture was collected as a result of action taken in the local court.

(3) "Court-related operating costs" means the amount expended for the operation and maintenance of a local court for:

- (a) Personnel,
- (b) Equipment,
- (c) Office supplies,
- (d) Operating expenses, and

(e) Any other expenses borne by a city or county or paid from fines, fees, and forfeitures of a local court, which will be assumed by the state in connection with the operation of the unified court system after January 1, 1978.

(4) "Base court revenue" means the net court revenue averaged for the three (3) fiscal years ended June 30, 1974, June 30, 1975, and June 30, 1976.

(5) "Net reimbursement" means base court revenue less the net amount received by the city or county from any new or existing source as a result of implementation of the district court.

(6) "Department" means the Executive Department for Finance and Administration.

Section 2. Notification, Implementation. Following are the actions required during the next year to implement the provision of KRS Chapter 24A:

(1) Correspondence required by subsections (2) and (3) of this section shall be by certified letter.

(2) The department shall notify the mayor of each city, the mayor of each urban county government, and the judge of each county of the creation and implementation date of the unified court system and of the necessity for determining the base court revenue.

(3) Each unit of local government receiving the notification required by subsection (2) of this section shall respond to the department on or before July 15, 1977. Such response shall be by one (1) of the following three (3) forms:

(a) Correspondence indicating that the unit of government did not have a local court as of June 30, 1976; or

(b) The local government's determination of base court revenue prepared in accordance with the procedures outlined in this regulation; or

(c) Correspondence indicating that the administrative and financial officers of the unit of government realized that the court system was operating at a deficit and that no reimbursement is available under the provisions of KRS Chapter 24A.

(4) In the event a unit of local government does not respond to the notification required by subsection (2) of this section, the department will take no further action.

(5) All submitted computations of base court revenue are subject to audit. The department will authorize the audit of those base court revenue determinations, which it deems necessary and economical. Independent certified public accounting firms will be engaged by the department to conduct the audit of submitted base court revenue determinations. The program, plans, and schedule for such audits will be approved by the department to achieve a

comprehensive economical audit with a timely completion. Each firm will be required to participate in appropriate training programs in preparation for these assignments. All adjustments to the computation of base court revenue proposed by the auditor will be subject to appeal to the Secretary of the Department in accordance with subsection (7) of this section. The costs of all audits will be paid by the department. Additional costs incurred in the performance of the audits resulting from failure by the submitting governmental entity to comply with this regulation will be the responsibility of the submitting entity.

(6) Each base court revenue determination will be subject to a review by the department. Each unit of local government will be notified of the result of such review.

(7) If any unit of government believes that unusual circumstances and/or audit adjustments have adversely affected the resulting computation of base court revenue, that unit of government may appeal to the Secretary of the Department. Such appeal must be filed within thirty (30) days after notification of base court revenue. A time and place will be set for the representative(s) of each appealing unit of government to present their appeal to the representative(s) of the Secretary of the Department. The secretary will have the authority to adjust the base court revenue determined for any unit of government.

(8) The department will acquire from both the Administrative Office of the Courts and the Office of the Attorney General a listing of payments, if any, for the rental of court and court related facilities. These amounts and any income from a new or existing source generated as a result of the implementation of the unified court system will be subtracted from the base court revenue computation to determine the amount of net reimbursement. Each unit of local government will be notified of its net reimbursement.

Section 3. General Procedure. The following procedure shall be followed to determine net court revenue:

(1) An item of revenue or expense shall be included in the computation of net court revenue if the item will be assumed by the state in connection with the operation of the court after January 1, 1978.

(2) All revenues generated by the local courts deposited in the treasury of the local government, except parking fines collected without action of a local court, are to be reflected in the computation. In addition, the excess fees over statutory maximum earned by the county attorney, county judge, and circuit court clerk during the calendar year ending in each of the three (3) fiscal years are to be reflected in the computation submitted by the counties.

(3) All direct expenses borne by the local government in the operation and maintenance of local courts are to be reflected in the computation. In addition, any expenses paid by the county for the office of county attorney and circuit court clerk and any expenses that are related to the office of county judge's judicial function are to be included.

(4) General administrative costs such as the cost of the personnel recruitment, purchasing, payroll, accounting, and auditing, and financial data processing functions will not be included unless such expense is easily identifiable as a court related cost.

(5) The computation of net court revenue is to be made independently of the local government's historical classification of revenues and expenses. The determination of amounts includable in the computation will require a

detailed analysis of various operating accounts. If the individual identification of court related usage is not readily determinable, an allocation of the respective accounts should be made.

(6) An item of revenue or expense is to be included in the computation regardless of the fund or account in which it has been historically accounted for if the item is related to the operation of the courts.

(7) Each submitting entity must adjust the applicable accounts so as to provide for the inclusion of twelve months of activity in each of the fiscal years.

Section 4. Forms. The department shall prescribe forms to be used for submitting computations of base court revenue unless prior approval to do otherwise is granted by the department. Each municipality, each county, and each urban county government, shall submit detail schedules as provided by the department in support of the computation of net court revenue. Each submitting governmental entity shall adhere to instructions provided by the department for the proper completion of forms. Each submitting governmental entity shall retain, for a period of five (5) years, all work sheets, analyses, and records utilized in determining the amounts reported.

Section 5. Distribution of Funds. Net reimbursement authorized under KRS Chapter 24A will be paid quarterly. The amount of each distribution shall not exceed twenty-five percent (25%) of the net reimbursement. The first distribution will be made on or about January 31, 1978, and distributions will continue each quarter thereafter.

RUSSELL R. McCLURE, Secretary

ADOPTED: March 15, 1977

RECEIVED BY LRC: March 15, 1977 at 4 p.m.

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

**EXECUTIVE DEPARTMENT FOR
FINANCE AND ADMINISTRATION
Real Estate Commission**

201 KAR 11:033. Discrimination prohibited.

RELATES TO: KRS 324.160

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: The function of this regulation is to expand KRS 324.160(1)(k) to meet modern day illegalities.

Section 1. Any conduct constituting an act of discrimination regarding a person's race, color, creed, sex,

or national origin, including use of scare tactics or blockbusting, shall be considered improper conduct as referred to in KRS 324.160(1)(k).

CHARLES R. BROWN, Chairman

ADOPTED: February 17, 1977

APPROVED: **RUSSELL McCLURE, Secretary**

RECEIVED BY LRC: March 1, 1977 at 9:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: General Counselor, Kentucky Real Estate Commission, 100 East Liberty Street, Suite 204, Louisville, Kentucky 40202.

**PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance**

806 KAR 17:040. Premium refunded to purchaser.

RELATES TO: KRS 304.15-050, 304.17-170

PURSUANT TO: KRS 13.082, 304.2-110

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance shall make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This regulation safeguards the interests of policyholders by insuring that prompt premium refunds will be made directly to such policyholders.

Section 1. Whenever the purchaser of a health policy should return his policy to the insurer or the agent through whom it was purchased within ten (10) days of delivery to such purchaser, the insurer shall make a full refund of the premium directly to the purchaser. The insurer shall not refund the premium through any authorized agent of the insurer.

HAROLD B. McGUFFEY, Commissioner of Insurance

ADOPTED: February 16, 1977

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: February 21, 1977

PUBLIC HEARING: A public hearing on this proposed regulation will be held on Tuesday, April 5, 1977 at 9 a.m., Department of Insurance, Capital Plaza Tower, 2nd Floor, Frankfort, Kentucky.

**PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance**

806 KAR 21:010. Notification of intention to cancel or terminate blanket bonds.

RELATES TO: KRS 304.21-050, 304.14-240

PURSUANT TO: KRS 13.082, 304.2-110

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance shall make reasonable rules and regulations necessary for or as an aid

to the effectuation of any provision of the Kentucky Insurance Code. This regulation safeguards the interests of consumers of this state by requiring insurance companies to notify the Department of Banking and Securities of their intention to cancel, terminate or not renew the bond of any bank or credit union.

Section 1. Whenever any licensed company writing blanket bonds on banks and credit unions in this state intends to cancel, terminate or not renew the bond of any bank or credit union, it shall notify the Department of Banking and Securities of its intention to cancel, terminate or not renew any such bond.

HAROLD B. MCGUFFEY, Commissioner of Insurance
ADOPTED: February 16, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: February 21, 1977 at 1 p.m.

PUBLIC HEARING: A public hearing on this proposed regulation will be held on Tuesday, April 5, 1977 at 9 a.m., Department of Insurance, Capital Plaza Tower, 2nd Floor, Frankfort, Kentucky.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 3:010. Definitions.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1964, as amended and 7 C.F.R., Part 270 through 275. KRS 194.050 provides that the Secretary, shall by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth definitions for terms used by the Department in regulations pertaining to the Food Stamp Program.

Section 1. Definition of terms utilized in regulations relating to the food stamp program are as follows:

(1) "Application for participation," the prescribed form, which when executed by the head of the household, spouse, or the authorized representative is the acceptable application for participation in the program.

(2) "Authorization to purchase card," ATP, is the card which authorizes the issuance of the appropriate number of food stamps based on a pre-determined purchase price.

(3) "Authorized representative," is an individual designated by the head of the household or his spouse to act on his behalf in applying for program participation, purchasing coupons or purchasing groceries.

(4) "Bonus coupons," that portion of the total coupon allotment in excess of the amount paid by the household.

(5) "Certification," is the action necessary to determine eligibility of households other than those which consist solely of recipients of federally aided public assistance or general assistance. Such action includes interviews, verifications, and decisions.

(6) "Coupons," are any stamp, coupon or type of certificate issued in accordance with the food and nutrition service regulations.

(7) "Economic unit," is a group of individuals for whom food is purchased and stored in common and for whom living costs are being met from the income and resources available to any individual within the group.

(8) "Head of the household," is the person in whose name the application for participation is made.

(9) "Household," means any of the following:

(a) A group of individuals who are living as an economic unit sharing common cooking facilities.

(b) An individual living alone who purchases and prepares food for home consumption.

(c) An individual who purchases and prepares food for home consumption residing with any other person or person who is not a member of that economic unit.

(d) An elderly person who lives alone or with spouse without cooking facilities but only if he participates in a delivered meals program or a communal dining program.

(e) A drug addict or alcoholic who is a resident of a drug addiction or alcoholic treatment and rehabilitation program and who receives meals through such program.

(10) "Non-assistance household," hereinafter referred to as NA, is a household containing members who are not included in a public assistance, hereinafter referred to as PA, grant or a general assistance, hereinafter referred to as GA, grant.

(11) "Public assistance household," is a household in which:

(a) All household members are included in an aid to families with dependent children assistance payment; or

(b) All household members are receiving a locally administered GA grant; or

(c) All household members are receiving either a PA or GA grant; or

(d) Household members are receiving PA or GA grants and any other member is receiving supplemental security income.

GAIL S. HUECKER, Commissioner

ADOPTED: October 11, 1976

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 p.m.

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 3:020. Eligibility requirements.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act, as amended, and 7 C.F.R., Part 270 through 275. KRS 194.050 provides that the Secretary shall, by regulation,

develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth the eligibility requirements used by the Department in the administration of the Food Stamp Program.

Section 1. Eligibility Requirements. In accordance with regulations promulgated by the Food and Nutrition Service, of the United States Department of Agriculture, national uniform standards of eligibility for the food stamp program, composed of both financial and non-financial criteria, shall be utilized. Financial criteria shall consist of income and resource limitations. Non-financial criteria shall consist of certain technical factors.

Section 2. Countable Income. The following, when received by any household member, shall be considered as income:

- (1) All compensation for services performed as an employee;
- (2) The actual value of housing, up to a maximum of twenty-five dollars (\$25), received by a household member from his employer as income in-kind, in lieu of or to supplement to earnings;
- (3) The adjusted net income from self-employment, computed as the total gross income less the cost of producing that income;
- (4) Payments received from or paid on behalf of the household by the work incentive program, manpower training programs, or similar vocational and rehabilitation programs sponsored by state or local governments;
- (5) Payments received from federally aided or administered public assistance programs, emergency assistance, general assistance programs or other assistance programs based on need;
- (6) The total payment made to a household on behalf of a legally assigned foster child or adult;
- (7) Payments received as an annuity, pension, retirement or disability benefit; veterans, workmen's or unemployment compensation; retirement, survivors; disability insurance benefits; strike benefits;
- (8) Scholarships, educational grants, fellowships, deferred payment loans and veterans educational benefits;
- (9) Payments actually received for support and alimony;
- (10) Payments in money made on behalf of the household by a non-household member;
- (11) That portion of the money payment received for expenses of education, to be utilized for support or for maintenance;
- (12) The total amount of a roomer's payment to the household;
- (13) The total amount of a boarder's payment to the household minus the value of a one-person coupon allotment;
- (14) Payments received from government-sponsored programs; rental income, dividends, royalties, or similar recurring payments.

Section 3. Income Exclusions. The following payments shall not be considered as income:

- (1) Income received as compensation for services as an employee or income from self-employment by a child under eighteen (18) years of age and who is attending school at least half-time;
- (2) Income received infrequently or irregularly, not to exceed thirty dollars (\$30) in a three (3) month period;

- (3) Any gain or benefit which is not in money;
- (4) Payments for medical costs made on behalf of the household by a non-household member;
- (5) All loans, except loans on which payment is deferred until completion of education;
- (6) Non-recurring lump sum payments;
- (7) Any payment or benefit received which is excluded by other federal laws, regulations or federal court action.

Section 4. Income Deductions. The following shall be allowable income deductions:

- (1) Ten (10) percent, not to exceed thirty dollars (\$30) of earned income;
- (2) Mandatory deductions from earned income;
- (3) Medical expenses in excess of ten dollars (\$10) a month;
- (4) The amount actually paid for child care, if necessary, for employment or training;
- (5) Tuition and mandatory fees as assessed by the educational institution or work-training program;
- (6) Unusual expenses incurred due to a household's disaster or casualty loss;
- (7) Court ordered support or alimony payments;
- (8) Shelter costs in excess of thirty (30) percent of the countable household income after all other allowable deductions are made.

Section 5. Resources. The value of liquid and non-liquid resources shall be the fair market value less encumbrances. Eligibility shall be denied or terminated if the value of the household's resources exceed:

- (1) \$3,000: for all households with two (2) or more members, when at least one (1) member is sixty (60) years or older; or
- (2) \$1,500: for all other households.

Section 6. Exempt Resources. The following resources shall not be considered in determining eligibility:

- (1) Homestead, the land and buildings thereon occupied by the owner as a home;
- (2) Vehicles, one (1) currently licensed vehicle used for household transportation and any other vehicle necessary for the employment of household members;
- (3) Personal effects;
- (4) Household equipment;
- (5) The cash value of life insurance policies or pension funds;
- (6) Income producing property that is producing income consistent with its fair market value; or other property that is essential to the self-employed persons in their self-employment enterprises;
- (7) Inaccessible resources: the cash value of resources considered not currently available to the household.

Section 7. Non-Financial Criteria. Non-financial eligibility standards apply equally to public assistance, and non-assistance households and consists of:

- (1) Residency: All households shall live in the county in which they make application;
- (2) Citizenship or permanent alien status: an individual shall be either a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law;
- (3) Residents of boarding houses and residents of institutions shall be ineligible for participation;

(4) Work registration: all household members between the ages of eighteen (18) and sixty-five (65), except those exempted in 7 C.F.R., Part 271.3(e), shall be required to register for work and accept suitable employment;

(5) Tax dependency: a student is ineligible for program participation if he is a properly claimed tax dependent for federal income tax purposes by other than a food stamp eligible household;

(6) Cooking facilities are required of all households except that individuals sixty (60) years or older shall be exempt if participating in a delivered meals or communal dining program and alcoholics or drug addicts shall be exempt if receiving meals through a treatment/rehabilitation program.

GAIL S. HUECKER, Commissioner

ADOPTED: October 10, 1976

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 3:030. Application and certification process.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1964, as amended, and 7 C.F.R., Part 270 through 275. KRS 194.050 provides that the Secretary shall, by regulation, develop policies and operate programs concerned with the welfare of citizens of the Commonwealth. This regulation sets forth the Application and Certification Process used by the Department in the administration of the Food Stamp Program.

Section 1. Prompt Action on Applications. The Bureau for Social Insurance shall be responsible for the certification of applicant households. The bureau shall provide an application for participation to any person upon request, and shall accept an identifiable application when submitted. The bureau shall either approve or deny applications within thirty (30) days from receipt of the application.

Section 2. Household Classification. For food stamp application and certification processes, all households are divided into two (2) classifications: public assistance households, hereinafter referred to as PA; and non-assistance households, hereinafter referred to as NA.

Section 3. Application Process. The application process shall consist of an application, an interview and required verification and documentation. The household shall be responsible for providing enough information regarding income, resources and other circumstances to enable an eligibility determination to be made.

Section 4. Public Assistance Application Process. All households classified as PA shall be eligible for food stamps without regard to income or resources.

(1) The interview conducted for the purpose of determining eligibility for public assistance shall suffice for the food stamp interview.

(2) PA households shall be certified based upon information obtained from the food stamp application and the public assistance case record. The public assistance case record shall serve as verification and documentation of the household's circumstances.

Section 5. Non-Assistance Application Process. Households, containing only supplemental security income beneficiaries, hereinafter referred to as SSI, although eligible for food stamps regardless of income or resources, shall be considered as NA households for all other aspects of the program.

(1) All non-assistance and SSI applicants shall be interviewed.

(2) Prior to determining the eligibility of the applicant household, the information provided by the applicant shall be verified.

(3) Case records shall contain all pertinent forms supporting the determination to grant or deny benefits.

Section 6. Determination of Basis of Issuance. Eligible households shall be assigned a purchase requirement and total coupon allotment.

(1) The food coupon allotment shall be based on the Agriculture Research Service's estimate of the average cost of the economy food plan for various household sizes.

(2) The coupon allotment and purchase price to the eligible household shall be in accordance with the standards set by the United States Department of Agriculture as required by federal law, and shall be based upon household size and income level as determined by the United States Department of Agriculture.

Section 7. Notice of Eligibility. All households shall be provided with written notice of the household's period of eligibility and basis of issuance.

Section 8. Notice of Adverse Action. Prior to any action to discontinue benefits, decrease the number of months in the certification period, increase the purchase price or decrease the total coupon allotment, the bureau shall provide the household a ten (10) day advance notice explaining the action taken and the right to request a fair hearing.

Section 9. Notice of Denial. If the application is denied, the bureau shall provide the household with a written statement explaining the reason for denial and the right to request a fair hearing.

Section 10. Certification Periods. The bureau shall provide for periodic recertifications of participating households to determine changes in status which would affect the continued eligibility of the household, the amount of its coupon allotment or its purchase requirement.

Section 11. Expiration of Certification Period. Household eligibility shall terminate upon expiration of the certification period. Further entitlement shall be established only through application by the household, an

interview, verification and documentation of the household's eligibility.

Section 12. Sixty (60) Day Continuation of Certification. Certification of a household moving from one food stamp county to another, whether within Kentucky or between states, shall remain under certain circumstances valid for a period of sixty (60) days after the date of the move without regard to changes in income or resources.

Section 13. Disaster Certification. The bureau shall distribute emergency coupon allotments to households within a food stamp county determined to be a disaster area only when so authorized by the Food and Nutrition Service.

(1) In accordance with the Disaster Relief Act, emergency food stamp assistance may be authorized by the Food and Nutrition Service of the United States Department of Agriculture as a result of a major disaster which is determined as such by the President of the United States.

(2) In accordance with the Food Stamp Act, emergency food stamp assistance may be authorized by the Food and Nutrition Service as a result of a lesser disaster, even if the affected area has not been declared a major disaster, if the emergency has resulted either from a natural or human occurrence which disrupted the commercial channels of food distribution.

GAIL S. HUECKER, Commissioner
PETER D. CONN, Secretary

ADOPTED: October 11, 1976

RECEIVED BY LRC: March 15, 1977 at 4:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 3:040. Issuance procedures.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1964, as amended, and 7 C.F.R., Part 270 through 275. KRS 194.050 provides that the Secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth Coupon Issuance Procedures used by the Department in the administration of the Food Stamp Program.

Section 1. Redemption of the Authorization to Purchase Card. The bureau shall utilize a system whereby the authorization to purchase card is computer generated and mailed monthly to each eligible household. The recipient may redeem his ATP card by over-the-counter issuance, by public assistance withholding, or regular mail issuance.

(1) Any person receiving aid to families with dependent children may have the food stamp purchase requirement deducted from their assistance payment.

(2) Any person may purchase their coupon allotment through regular mail issuance.

Section 2. Purchase Option. Eligible households shall be granted the option to purchase their total coupon allotment on a monthly or semi-monthly basis.

Section 3. Variable Purchase Requirement. (1) All food stamp households shall be provided the option to purchase the full coupon allotment, or three-fourths ($\frac{3}{4}$), one-half ($\frac{1}{2}$), or one-fourth ($\frac{1}{4}$) of their monthly coupon allotment in any given month.

(2) A variable purchase will result in the payment of the same ratio of the total purchase requirement.

GAIL S. HUECKER, Commissioner

ADOPTED: November 7, 1976

APPROVED:

PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance

904 KAR 3:050. Additional provisions.

RELATES TO: KRS 194.050

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer a Food Stamp Program as prescribed by the Food Stamp Act of 1964, as amended, and 7 C.F.R., Part 270 through 275. KRS 194.050 provides that the Secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This regulation sets forth additional provisions used by the Department in the administration of the Food Stamp Program.

Section 1. Civil Rights Compliance. The department insures that in all aspects of eligibility determination, certification and issuance, the provisions of the Civil Rights Act of 1964 shall be complied with and that no person will be subject to different treatment because of race, color, national origin, religious creed, age, sex or political beliefs.

Section 2. Hearing Rights. Fair hearings are available to any food stamp applicant or recipient who is dissatisfied with any action or inaction taken by the bureau on their application. Hearing procedures will be the same as outlined in 904 KAR 2:055.

Section 3. "Outreach." Low-income or disadvantaged households shall be informed of the availability of the program and encouraged participation in the program

through an "outreach" program as required by federal law and regulations.

Section 4. Program Offenses. Upon determining that a participating household has fraudulently obtained coupons, the bureau, on behalf of FNS, shall make demand upon such household for repayment of the value of the free coupons issued to such household.

(1) If it is found that any eligible household has failed substantially to comply with the provisions of the food stamp program, such household(s) may be disqualified from participation.

(2) Any unauthorized issuance, use, transfer, acquisition, alteration, possession or presentation of coupons or authorization to purchase cards may subject any individual, partnership, corporation, or other legal entity involved to prosecution.

Section 5. Disclosure of Information. The bureau shall restrict the use or disclosure of information obtained from applicant or recipient households to persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act.

GAIL S. HUECKER, Commissioner

ADOPTED: November 7, 1976

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 15, 1977 at 4:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Services

905 KAR 1:100. Procedures for presenting mentally ill or mentally defective children for observation.

RELATES TO: KRS 208.460

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: This regulation is required to establish procedures for presentation of children committed to the Department under KRS Chapter 208, who appear to be mentally ill or mentally defective, at state mental health facilities or other sources for the purpose of observation of their mental condition prior to any possible commitment to a mental health facility pursuant to KRS Chapters 202A or 202B. The purpose of

the regulation is to assure that such procedures fall within the spirit and letter of relevant mental health statutes and court decisions.

Section 1. Definitions. (1) "Immediate danger or immediate threat of danger to self or others" means substantial physical harm or immediate threat of substantial physical harm upon self or others, including actions which deprive self or others of the basic means of survival including provision for reasonable shelter, food or clothing.

(2) "State mental health facility or other resources" means a state mental hospital or institution or other public or private hospital, institution, health care facility, or part thereof, other than designated forensic psychiatric facilities, licensed and approved by the Department for Human Resources as equipped to provide residential care and treatment for mentally ill or mentally retarded persons; and which is a part of, or has affiliation agreements with, the department for the care of such persons.

(3) "Mentally ill" means a condition in which a person has a substantially impaired capacity to use self control, judgment or discretion in the conduct of his affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior or emotional symptoms can be related to physiological, psychological and/or social factors.

(4) "Mentally defective" means a condition in which a person functions at a significantly subaverage general intellectual level existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

Section 2. Procedure. If a child committed to the Department for Human Resources pursuant to KRS Chapter 208 appears to be mentally ill or mentally defective, a representative of the Bureau for Social Services, Department for Human Resources, designated by the Commissioner of the Bureau for Social Services may present him or her to a state mental health facility or other resource if it appears to the representative that the child:

(1) Presents an immediate danger or immediate threat of danger to self or others as a result of the mental illness or mental defect; and

(2) Observation of the mental condition is a necessity for treatment of the child.

JACK C. LEWIS, Commissioner
PETER D. CONN, Secretary

ADOPTED: February 8, 1977

RECEIVED BY LRC: March 15, 1977 at 4:35 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

March 2, 1977 Meeting

(Subject to Subcommittee approval at its next meeting on April 6, 1977.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, March 2, 1977, at 10 a.m., in Room 307 of the Capitol. Present were:

Members: Representative William T. Brinkley, Chairman; Senator Donald L. Johnson and Representative David G. Mason.

Guests: Ed Fossett, Lawrence M. Stamper, Taylor N. Hollin, William C. Sanders, Jr., Lois Adams and Stella A. Edwards, Department of Education; Alice Towber, Certificate of Need and Licensure Board; Charles Hardin, Donald R. Hughes, Ked R. Fitzpatrick, W. O. Hubbard, Dwight M. Ross, James P. Daniels and H. Doyle Mills, Department for Human Resources; Arthur Hatterick, Jr., Tom Graham and Tom Lewis, Department of Personnel; Robert E. Klinglesmith and Don Chasteen, Kentucky Medical Association; Stephen L. Miller and Louis G. Mayer, Department of Labor; Louis C. Woods, Jr., Kentucky Historical Society; Reba L. Shoulders, Department of Public Information; David M. Kimbel, Sr., State Board for Proprietary Education; Paul E. Tipton, D.P.M., and Dr. Rob Levine, Kentucky Podiatry Association; Rhonda Wright, Department of Mines and Minerals; Lyndle Barnes, Kentucky Education Association; Warren Southworth, Mike Greenwell, Earl M. Conover and Stanley Boyd, Office of the Fire Marshal; Joe R. Johnson, Department of Insurance; Clifford E. Smith, Jr., Counsel for Associated General Contractors of Kentucky; Paul Holleran, Kentucky Code Administrator; Bill Halcomb, Building Inspector, Lexington; Delbert F. Boring, American Iron and Steel Institute; B. R. Manning, Southern Building Code Congress; Clarence R. Bechtel, BOCA International; William L. Dunavant, Northern Kentucky Chapter of American Institute of Architects; Martin F. Heil, Jr., Louisville Fire Department; Thomas H. Parker, Lexington-Fayette County Fire Department; Charles E. Bryant, City of Elizabethtown; Roy E. Bowen and Eddie Bryan, Elizabethtown Fire Department; James C. Hogsten and Douglas Blevins, Ashland Fire Department; Robert P. Myers, Building Inspector, Louisville; Len Mills, Home Builders Association of Kentucky; Darryl R. Callahan and A. B. McCulloch, Kentucky Society of Architects; William E. Hankinson and Bob G. Hall, Winchester Fire Department; Jerry H. Monroe and Earl Reppetto, Fort Thomas Fire Department; A. B. Ryan, Architect; Ralph Quitter, Newport Fire Department; Lonnie Bellamy, Bowling Green Fire Department; James H. Moore, Hopkinsville Code Enforcement Department; Robert H. Gaddie and Paul E. Radenheimer, Kentucky Firemen's Association; William Eayer, Covington Fire Department; Gene Fischer, Covington Building Inspector; Frank W. Dreyer, Park Hills Fire Department; Hugh D. Dillehay, Advisory Committee Webb-Dillehay.

LRC Staff: William H. Raines, Mabel D. Robertson, Ollie Fint, Garnett Evins, Janie L. Jones and William P. Hanes.

The minutes of the meeting of February 2, 1977 were approved.

The following regulations were deferred until the April 6 meeting.

EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION

Division of Occupations and Professions

Board for Proprietary Education

201 KAR 24:020. Associate degree award standards, was deferred at the request of the issuing agency to give them time to consider questions raised relating to legislative intent.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor

Fire Fighters Collective Bargaining

803 KAR 3:010. General Rules of procedure.

803 KAR 3:020. Election and certification of unit representatives.

803 KAR 3:030. Unfair labor practice complaints.

803 KAR 3:040. Deadlocked negotiations petition. Senator Johnson pointed out that there should be some guidelines set forth in granting the board the right to waive its rules.

Department of Insurance

Fire Marshal

806 KAR 50:015. Standards of safety; fire code. It was the consensus of the subcommittee that there should be a comparison of the state's present code with the one proposed, and requested Mr. Southworth to provide them with a detailed comparison.

The following regulations were approved and ordered filed after the issuing agency agreed to amend the regulations to comply with the committee's objection.

KENTUCKY HISTORICAL SOCIETY

Cemeteries

730 KAR 1:005. Family cemetery information.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Radiation Operators Certification

902 KAR 105:010. Definitions.

902 KAR 105:020. General requirements.

902 KAR 105:030. Teaching institution's curricula.

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

902 KAR 105:050. Chiropractor supervision.

902 KAR 105:060. Podiatrist supervision.

902 KAR 105:070. Violations and enforcement.

The following regulations were approved and ordered filed.

SECRETARY OF THE CABINET

Department Of Personnel

Personnel Rules

101 KAR 1:050. Compensation plan.

101 KAR 1:140. Service regulations.

Kentucky Employees' Retirement System

General Rules

105 KAR 1:050. Beneficiary social security adjustment option.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION**

Division of Occupations and Professions

Board of Veterinary Examiners

210 KAR 16:040. Examination and registration of animal technicians.

DEPARTMENT OF TRANSPORTATION

Bureau of Vehicle Regulation

Motor Vehicle Tax

601 KAR 9:013. National Guard license plates.

Bureau of Highways

Pre-Construction

603 KAR 2:015. Pre-qualification for construction; certificate of eligibility.

DEPARTMENT OF EDUCATION

Bureau of Administration and Finance

General Administration

702 KAR 1:035. Group health and life insurance.

Bureau of Instruction

Instructional Services

704 KAR 3:050. Criteria for the unit of principal or assistant principal.

704 KAR 3:052. Head teacher.

Teacher Certification

704 KAR 20:050. Time limit for applying for certification.

704 KAR 20:065. Standard high school certificate.

704 KAR 20:070. Provisional high school certificate.

704 KAR 20:080. Provisional middle school-junior high certificate.

704 KAR 20:085. Standard elementary certificate.

704 KAR 20:090. Provisional elementary certificate.

704 KAR 20:100. Administrators and supervisors.

704 KAR 20:135. Kindergarten teachers.

704 KAR 20:145. Media librarians.

704 KAR 20:150. Media specialists.

704 KAR 20:195. Social workers.

704 KAR 20:230. Hearing impaired; teacher's provisional certificate.

704 KAR 20:235. Learning and behavior disorders; teacher's provisional certificate.

704 KAR 20:240. Speech and communication disorders; teacher's provisional certificate.

704 KAR 20:245. Trainable mentally handicapped; teacher's provisional certificate.

704 KAR 20:270. Certification for teachers of exceptional children.

**Bureau of Education for Exceptional Children
Exceptional and Handicapped Programs**

707 KAR 1:070. Private organization program approval.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals

Division of Explosives and Blasting

805 KAR 4:087. Explosives.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Certificate of Need and Licensure Board

902 KAR 20:105. Ambulatory surgical center services.

Radiology

902 KAR 100:075. Group classifications.

902 KAR 100:105. X-ray; general.

902 KAR 100:115. Diagnostic x-ray.

902 KAR 100:120. Special x-ray.

902 KAR 100:125. Fluoroscopic.

902 KAR 100:130. Dental.

902 KAR 100:136. Therapeutic systems below one MeV.

902 KAR 100:137. Therapeutic systems above one MeV.

902 KAR 100:140. Veterinarians.

Bureau for Manpower Services

Employment Services

903 KAR 1:010. Private employment agencies.

Bureau for Social Insurance

Medical Assistance

904 KAR 1:003. Technical eligibility.

904 KAR 1:004. Resource and income standard of medically needy.

Public Assistance

904 KAR 2:005. Technical requirements; AFDC.

The meeting adjourned at 1 p.m. to meet again at 10 a.m., Wednesday, April 6, 1977, in the House Chamber, 3rd. floor, Capitol Building.

Administrative Register ^{of} *kentucky*

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902 KAR 1:141			Amended	560	3-2-77
902 KAR 1:150			902 KAR 100:135		
Amended	409	12-1-76	Repealed	570	3-2-77
902 KAR 1:160			902 KAR 100:136	570	3-2-77
Amended	306	8-4-76	902 KAR 100:137	573	3-2-77
Amended	410	12-1-76	902 KAR 100:140		
902 KAR 1:190			Amended	561	3-2-77
Amended	306	8-4-76	902 KAR 100:165		
902 KAR 1:220			Amended	170	9-1-76
Amended	667		902 KAR 105:010	635	3-2-77
902 KAR 1:230			902 KAR 105:020	636	3-2-77
Amended	410	12-1-76	902 KAR 105:030	637	3-2-77
Amended	667		902 KAR 105:040	638	3-2-77
902 KAR 1:270			902 KAR 105:050	639	3-2-77
Amended	411	12-1-76	902 KAR 105:060	640	3-2-77
Amended	668		902 KAR 105:070	640	3-2-77
902 KAR 1:280			903 KAR 1:010		
Amended	411	12-1-76	Amended	562	3-2-77
Amended	668		904 KAR 1:003		
902 KAR 1:290			Amended	563	3-2-77
Amended	307	8-4-76	904 KAR 1:004		
Amended	412	12-1-76	Amended	564	3-2-77
902 KAR 1:300			904 KAR 1:007	205	9-1-76
Amended	412	12-1-76	904 KAR 1:025	349	
902 KAR 1:312			904 KAR 1:030		
902 KAR 1:314			Amended	522	2-2-77
902 KAR 1:316			904 KAR 1:044	641	2-2-77
902 KAR 1:318			904 KAR 1:054	206	9-1-76
902 KAR 1:320			904 KAR 1:061	352	
Amended	669		904 KAR 2:005		
902 KAR 1:322			Amended	565	3-2-77
902 KAR 1:324			904 KAR 2:045	217	8-4-76
Amended	412	12-1-76	904 KAR 2:055	218	8-4-76
902 KAR 1:326			904 KAR 2:060	429	1-5-77
902 KAR 1:328			904 KAR 3:010	677	
Amended	669		904 KAR 3:020	677	
902 KAR 2:060			904 KAR 3:030	679	
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902 KAR 6:010			904 KAR 3:050	680	
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902 KAR 6:030			905 KAR 1:100	681	
Amended	595	2-2-77			
902 KAR 6:040					
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902 KAR 11:010					
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902 KAR 20:059					
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Amended	329	11-3-76			
902 KAR 20:105					
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902 KAR 100:015					
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902 KAR 100:040					
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Amended	165	9-1-76			

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2.190	703 KAR 2:020	131.360	103 KAR 1:010	150.360	301 KAR 2:105
6.810-6.820	2 KAR 1:020	131.365	103 KAR 1:010		301 KAR 2:110
12.211	10 KAR 1:010	131.370	103 KAR 1:010		301 KAR 3:052
15.410-15.510	503 KAR 5:060	131.990	103 KAR 31:140	150.365	301 KAR 2:045
15.420	503 KAR 5:010	Ch. 138	601 KAR 9:040		301 KAR 2:110
15.440	503 KAR 5:030	138.685	600 KAR 1:010	150.370	301 KAR 2:045
15.460	503 KAR 5:040	139.050	103 KAR 27:090		301 KAR 2:110
	503 KAR 5:050	139.100	103 KAR 30:170	150.390	301 KAR 2:045
15.470	503 KAR 5:050	139.110	103 KAR 27:090		301 KAR 2:100
15.490	503 KAR 5:050	139.150	103 KAR 30:170		301 KAR 2:110
15.510	503 KAR 5:070	139.260	103 KAR 30:090		301 KAR 3:052
16.505-16.652	105 KAR 1:040	139.470	103 KAR 30:090	150.399	301 KAR 2:110
	105 KAR 1:050		103 KAR 30:170	150.400	301 KAR 2:045
18.110	101 KAR 1:090	139.480	103 KAR 27:090		301 KAR 2:110
	101 KAR 1:100		103 KAR 30:090	150.410	301 KAR 2:110
	101 KAR 1:110	139.570	103 KAR 31:140	150.460	301 KAR 3:010
	101 KAR 1:120	139.610	103 KAR 31:140	150.600	301 KAR 2:055
18.140	101 KAR 1:090	139.640	103 KAR 31:140		301 KAR 3:070
18.170	101 KAR 1:050	139.650	103 KAR 31:140	150.620	301 KAR 1:015
	101 KAR 1:080	139.710	103 KAR 31:140		301 KAR 3:010
	101 KAR 1:120	139.760	103 KAR 1:010	150.625	301 KAR 1:015
	101 KAR 1:130	139.980	103 KAR 1:010	150.640	301 KAR 3:010
	101 KAR 1:140		103 KAR 31:140	152.690	902 KAR 100:015
18.190	101 KAR 1:050	139.990	103 KAR 31:140		902 KAR 100:040
	101 KAR 1:080	141.010	103 KAR 17:070		902 KAR 100:065
	101 KAR 1:110	141.020	103 KAR 17:030		902 KAR 100:075
	101 KAR 1:140		103 KAR 17:070		902 KAR 100:077
18.210	101 KAR 1:050	141.021	103 KAR 17:080		902 KAR 100:100
	101 KAR 1:080	141.042	103 KAR 15:060		902 KAR 100:105
	101 KAR 1:090	141.050	103 KAR 17:020		902 KAR 100:115
	101 KAR 1:100	141.081	103 KAR 17:051		902 KAR 100:120
	101 KAR 1:110	141.082	103 KAR 17:051		902 KAR 100:125
	101 KAR 1:120	141.120	103 KAR 16:060		902 KAR 100:130
	101 KAR 1:140		103 KAR 16:070		902 KAR 100:136
18.220	101 KAR 1:110	141.180	103 KAR 17:020		902 KAR 100:137
	101 KAR 1:200		103 KAR 17:030		902 KAR 100:140
18.240	101 KAR 1:050	141.210	103 KAR 15:040	152.810-152.930	902 KAR 100:165
	101 KAR 1:080	141.215	103 KAR 17:040	152.990	305 KAR 1:010
	101 KAR 1:120	141.235	103 KAR 15:040		902 KAR 100:015
18.250	101 KAR 1:090	141.300	103 KAR 15:060		902 KAR 100:040
	101 KAR 1:100	141.305	103 KAR 15:060		902 KAR 100:065
18.270	101 KAR 1:110	141.325	103 KAR 18:100		902 KAR 100:075
	101 KAR 1:120	141.330	103 KAR 18:050		902 KAR 100:077
	101 KAR 1:130	141.335	103 KAR 18:050		902 KAR 100:100
	101 KAR 1:130	141.370	103 KAR 18:110		902 KAR 100:105
18.272	600 KAR 1:010	141.990	103 KAR 15:060		902 KAR 100:115
18.290	703 KAR 2:020	146.240	400 KAR 1:010		902 KAR 100:120
18.350	200 KAR 8:010	146.250	400 KAR 1:010		902 KAR 100:125
Ch. 24A	106 KAR 1:010	150.025	301 KAR 1:015		902 KAR 100:130
38.500	200 KAR 2:065		301 KAR 2:055		902 KAR 100:136
Ch. 42	200 KAR 4:020		301 KAR 2:100		902 KAR 100:137
	200 KAR 10:040		301 KAR 2:105		902 KAR 100:140
Ch. 44	200 KAR 2:065		301 KAR 2:110		902 KAR 100:165
44.070	108 KAR 1:010		301 KAR 3:070	156.070	705 KAR 4:131
44.080	108 KAR 1:010	150.090	301 KAR 1:015		705 KAR 4:151
44.086	108 KAR 1:010	150.170	301 KAR 2:100		705 KAR 7:050
44.090	108 KAR 1:010		301 KAR 2:105	156.100	705 KAR 1:010
Ch. 45	200 KAR 2:065	150.175	301 KAR 2:100		705 KAR 7:050
	200 KAR 5:075		301 KAR 3:052		707 KAR 1:003
Ch. 61	200 KAR 1:020	150.176	301 KAR 2:100	156.160	702 KAR 1:090
	701 KAR 5:010		301 KAR 2:105		704 KAR 6:010
61.510-61.692	105 KAR 1:040		301 KAR 3:052		704 KAR 10:022
	105 KAR 1:050	150.180	301 KAR 2:071		704 KAR 10:023
61.552	102 KAR 1:185	150.280	301 KAR 2:071	157.200-157.305	707 KAR 1:003
61.680	102 KAR 1:185	150.300	301 KAR 2:045		707 KAR 1:050
61.870-61.884	5 KAR 1:010		301 KAR 2:100		707 KAR 1:060
65.510-65.650	305 KAR 1:010		301 KAR 3:010		707 KAR 1:070
78.510-78.852	105 KAR 1:040	150.305	301 KAR 2:045		707 KAR 1:080
	105 KAR 1:050		301 KAR 2:100	157.280	702 KAR 5:120
Ch. 96A	604 KAR 1:010		301 KAR 3:052	157.350	703 KAR 2:050
Ch. 121	801 KAR 2:010	150.310	301 KAR 3:052	157.360	702 KAR 3:185
131.110	103 KAR 1:010	150.330	301 KAR 2:045		704 KAR 3:010
131.130	103 KAR 17:020		301 KAR 2:100		704 KAR 3:050
131.180	103 KAR 31:140		301 KAR 2:105		704 KAR 3:052
131.182	103 KAR 31:140	150.340	301 KAR 2:045		704 KAR 3:055
131.190	600 KAR 1:010		301 KAR 2:100		704 KAR 3:175
131.340	103 KAR 1:010		301 KAR 2:105		704 KAR 3:180
131.345	103 KAR 1:010	150.360	301 KAR 2:045	157.390	704 KAR 20:266
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158.060	703 KAR 2:020		705 KAR 4:131		902 KAR 105:020
158.070	703 KAR 2:020		705 KAR 4:151		902 KAR 105:030
158.240	703 KAR 2:050	163.110	706 KAR 1:010		902 KAR 105:040
159.030	704 KAR 6:010	163.120	706 KAR 1:010		902 KAR 105:050
159.035	703 KAR 2:050	163.130	706 KAR 1:010		902 KAR 105:060
160.041	702 KAR 1:100	163.140	706 KAR 1:010		902 KAR 105:070
161.020	704 KAR 15:015	163.170	706 KAR 1:010	211.920-211.945	902 KAR 9:010
	704 KAR 20:005	163.180	706 KAR 1:010	211.993	902 KAR 105:010
	704 KAR 20:065	163.310-163.390	705 KAR 10:021		902 KAR 105:020
	704 KAR 20:070	164.740-164.764	11 KAR 5:030		902 KAR 105:030
	704 KAR 20:080		11 KAR 5:060		902 KAR 105:040
	704 KAR 20:085	164.780	11 KAR 5:030		902 KAR 105:050
	704 KAR 20:090		11 KAR 5:060		902 KAR 105:060
	704 KAR 20:100	164.785	11 KAR 5:030	214.032	902 KAR 105:070
	704 KAR 20:135		11 KAR 5:060	214.034	902 KAR 2:060
	704 KAR 20:145	164.945-164.947	13 KAR 1:015	214.036	902 KAR 2:060
	704 KAR 20:150	165A.310	201 KAR 24:020	216.405 to 216.485	902 KAR 20:059
	704 KAR 20:195	165A.350	201 KAR 24:010		902 KAR 20:085
	704 KAR 20:221	165A.360	201 KAR 24:010	216.990	902 KAR 20:105
	704 KAR 20:222	165A.370	201 KAR 24:020		902 KAR 20:059
	704 KAR 20:230	165A.380	201 KAR 24:010		902 KAR 20:085
	704 KAR 20:235	Ch. 171	725 KAR 1:010	217.814-217.826	902 KAR 20:105
	704 KAR 20:240		725 KAR 1:030		902 KAR 1:015
	704 KAR 20:245	171.150	725 KAR 2:010		902 KAR 1:020
161.025	704 KAR 20:270	171.204	725 KAR 2:010		902 KAR 1:025
	704 KAR 15:015	171.125-171.306	725 KAR 2:010		902 KAR 1:035
	704 KAR 20:005	171.313	730 KAR 1:005		902 KAR 1:040
	704 KAR 20:030	171.450	725 KAR 1:020		902 KAR 1:050
	704 KAR 20:065	171.600	725 KAR 1:020		902 KAR 1:055
	704 KAR 20:070	171.670	725 KAR 1:020		902 KAR 1:080
	704 KAR 20:080	176.130	603 KAR 2:015		902 KAR 1:081
	704 KAR 20:085	176.210	600 KAR 1:010		902 KAR 1:085
	704 KAR 20:090	176.220	603 KAR 2:015		902 KAR 1:100
	704 KAR 20:100	177.830-177.890	603 KAR 3:010		902 KAR 1:110
	704 KAR 20:135		603 KAR 3:020		902 KAR 1:130
	704 KAR 20:145	177.867	603 KAR 4:025		902 KAR 1:140
	704 KAR 20:150	Ch. 186	601 KAR 9:040		902 KAR 1:141
	704 KAR 20:195	186.115	601 KAR 9:047		902 KAR 1:150
	704 KAR 20:221	186.173	601 KAR 9:013		902 KAR 1:160
	704 KAR 20:222	186.174	601 KAR 9:012		902 KAR 1:190
	704 KAR 20:230	186.235	601 KAR 9:035		902 KAR 1:220
	704 KAR 20:235	186.570	601 KAR 13:020		902 KAR 1:230
	704 KAR 20:240	186.572	601 KAR 13:020		902 KAR 1:270
	704 KAR 20:245	189.222	601 KAR 1:010		902 KAR 1:280
161.030	704 KAR 20:270		603 KAR 5:066		902 KAR 1:290
	704 KAR 15:015		603 KAR 5:096		902 KAR 1:300
	704 KAR 20:005	189.270	603 KAR 5:110		902 KAR 1:312
	704 KAR 20:030	194.050	904 KAR 3:010		902 KAR 1:314
	704 KAR 20:050		904 KAR 3:020		902 KAR 1:316
	704 KAR 20:065		904 KAR 3:030		902 KAR 1:318
	704 KAR 20:070		904 KAR 3:040		902 KAR 1:320
	704 KAR 20:080		904 KAR 3:050		902 KAR 1:322
	704 KAR 20:085	Ch. 202A	902 KAR 6:040		902 KAR 1:324
	704 KAR 20:090	205.010	904 KAR 2:005		902 KAR 1:326
	704 KAR 20:100	205.200	904 KAR 2:005		902 KAR 1:328
	704 KAR 20:135		904 KAR 2:045	217.990	902 KAR 1:015
	704 KAR 20:145	205.231	904 KAR 2:055		902 KAR 1:020
	704 KAR 20:150	205.245	904 KAR 1:007		902 KAR 1:025
	704 KAR 20:170		904 KAR 2:045		902 KAR 1:035
	704 KAR 20:195	205.520	904 KAR 1:003		902 KAR 1:040
	704 KAR 20:221		904 KAR 1:004		902 KAR 1:050
	704 KAR 20:222		904 KAR 1:025		902 KAR 1:055
	704 KAR 20:230		904 KAR 1:030		902 KAR 1:080
	704 KAR 20:235		904 KAR 1:044		902 KAR 1:081
	704 KAR 20:240		904 KAR 1:054		902 KAR 1:085
	704 KAR 20:245		904 KAR 1:061		902 KAR 1:100
	704 KAR 20:266	208.460	905 KAR 1:100		902 KAR 1:110
	704 KAR 20:270	208.510	905 KAR 1:015		902 KAR 1:130
161.159	702 KAR 1:035	210.300	902 KAR 6:040		902 KAR 1:140
161.220	102 KAR 1:130	210.400	902 KAR 6:030		902 KAR 1:141
161.220-161.710	102 KAR 1:153	210.410	902 KAR 6:030		902 KAR 1:150
161.340	102 KAR 2:100	210.440	902 KAR 6:010		902 KAR 1:160
161.470	102 KAR 1:060	210.450	902 KAR 6:010		902 KAR 1:190
161.507	102 KAR 1:055		902 KAR 6:030		902 KAR 1:220
161.515	102 KAR 1:050	211.180	902 KAR 2:060		902 KAR 1:230
161.545	102 KAR 1:030	211.870	902 KAR 105:010		902 KAR 1:270
	102 KAR 1:110		902 KAR 105:020		902 KAR 1:280
161.555	102 KAR 1:130		902 KAR 105:030		902 KAR 1:290
161.590	102 KAR 1:045		902 KAR 105:040		902 KAR 1:300
161.705	102 KAR 1:120		902 KAR 105:050		902 KAR 1:312
161.706	102 KAR 1:185		902 KAR 105:060		902 KAR 1:314
163.020	705 KAR 1:010		902 KAR 105:070		

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	902 KAR 1:320	314.101	201 KAR 20:090	337.420-337.433	803 KAR 1:025
	902 KAR 1:322	314.111	201 KAR 20:011	Ch. 338	803 KAR 2:020
	902 KAR 1:324		201 KAR 20:012		803 KAR 2:030
	902 KAR 1:326		201 KAR 20:015		803 KAR 2:032
	902 KAR 1:328		201 KAR 20:030		803 KAR 2:060
Ch. 218A	901 KAR 1:030	317.410	201 KAR 14:115		803 KAR 2:062
222.200	902 KAR 6:040	317.440	201 KAR 14:115		803 KAR 2:120
222.210	902 KAR 20:085	317A.050	201 KAR 12:031	339.210-339.450	803 KAR 1:100
Ch. 224	401 KAR 3:080		201 KAR 12:083	Ch. 340	903 KAR 1:010
Ch. 227	807 KAR 2:061	317A.060	201 KAR 12:083	Ch. 342	803 KAR 25:060
227.220	806 KAR 50:010	317A.090	201 KAR 12:082	Ch. 344	104 KAR 1:070
	806 KAR 50:015		201 KAR 12:125	345.060	803 KAR 3:020
227.570	806 KAR 50:200	317A.130	201 KAR 12:101	345.070	803 KAR 3:030
	806 KAR 50:205	317A.140	201 KAR 12:083	345.080	803 KAR 3:040
230.210-230.360	810 KAR 1:012	Ch. 318	401 KAR 1:010	345.120	803 KAR 3:010
230.240	810 KAR 1:002		401 KAR 1:011		803 KAR 3:020
230.630	811 KAR 1:090		401 KAR 1:015		803 KAR 3:030
	811 KAR 1:125		401 KAR 1:030		803 KAR 3:040
230.640	811 KAR 1:090		401 KAR 1:040	346.040	107 KAR 1:005
	811 KAR 1:125		401 KAR 1:070		107 KAR 1:025
230.690	811 KAR 1:125		401 KAR 1:090	346.060	107 KAR 1:005
230.700	811 KAR 1:090		401 KAR 1:100	346.080	107 KAR 1:015
230.710	811 KAR 1:125		401 KAR 1:105	346.110	107 KAR 1:025
230.770	811 KAR 1:032		401 KAR 1:110	351.175	805 KAR 5:010
Ch. 234	811 KAR 1:200	321.330	201 KAR 15:050	351.320	805 KAR 4:010
235.040	401 KAR 3:080	321.440	201 KAR 16:040	351.330	805 KAR 4:010
235.050	601 KAR 25:030	321.450	201 KAR 16:040	351.340	805 KAR 4:010
235.110	601 KAR 25:030	322.040	201 KAR 18:040	351.350	805 KAR 4:070
235.150	601 KAR 25:035	322.100	201 KAR 18:040		805 KAR 4:075
235.200	601 KAR 25:030	322.110	201 KAR 18:040		805 KAR 4:080
	601 KAR 25:050	322.120	201 KAR 18:040		805 KAR 4:085
235.210	601 KAR 25:090	322.140	201 KAR 18:040		805 KAR 4:087
235.280	601 KAR 25:035	322.150	201 KAR 18:040		805 KAR 4:090
	601 KAR 25:050	322.160	201 KAR 18:040		805 KAR 4:095
	601 KAR 25:150	322.290	201 KAR 18:040		805 KAR 4:100
243.030	804 KAR 4:015	322.420	201 KAR 18:040		805 KAR 4:105
243.040	804 KAR 4:015	324.094	201 KAR 11:052		805 KAR 4:110
243.250	804 KAR 12:020	324.115	201 KAR 11:062		805 KAR 4:115
243.300	804 KAR 12:020	324.160	201 KAR 11:033		805 KAR 4:120
243.720	804 KAR 12:020	325.230	201 KAR 1:015		805 KAR 4:125
244.130	804 KAR 1:090		201 KAR 1:025		805 KAR 4:130
	804 KAR 2:007	325.240	201 KAR 1:015		805 KAR 4:135
244.260	804 KAR 12:020		201 KAR 1:025		805 KAR 4:140
244.310	804 KAR 12:020	325.261	201 KAR 1:050		805 KAR 4:145
244.330	804 KAR 4:210		201 KAR 1:055		805 KAR 4:150
244.340	804 KAR 12:020		201 KAR 1:060	351.990	805 KAR 4:010
244.510	804 KAR 2:007	325.265	201 KAR 1:035		805 KAR 4:070
247.610-247.685	302 KAR 1:030		201 KAR 1:045		805 KAR 4:075
247.710-247.785	302 KAR 1:020		201 KAR 1:060		805 KAR 4:080
250.020-250.170	12 KAR 1:035	325.270	201 KAR 1:040		805 KAR 4:085
	12 KAR 1:080		201 KAR 1:045		805 KAR 4:087
	12 KAR 1:110		201 KAR 1:060		805 KAR 4:090
250.170	904 KAR 2:060	325.280	201 KAR 1:050		805 KAR 4:095
Ch. 257	302 KAR 20:060		201 KAR 1:055		805 KAR 4:100
	302 KAR 20:070		201 KAR 1:060		805 KAR 4:105
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	601 KAR 9:040	325.330	201 KAR 1:065		805 KAR 4:120
287.061	808 KAR 1:070		201 KAR 1:075		805 KAR 4:125
288.450	808 KAR 1:070	325.340	201 KAR 1:095		805 KAR 4:130
289.031	808 KAR 1:070	325.380	201 KAR 1:086		805 KAR 4:135
290.040	808 KAR 1:070	325.390	201 KAR 1:090		805 KAR 4:140
291.440	808 KAR 1:070	Ch. 333	902 KAR 11:010		805 KAR 4:145
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304.14-120	806 KAR 12:060		902 KAR 11:030		
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