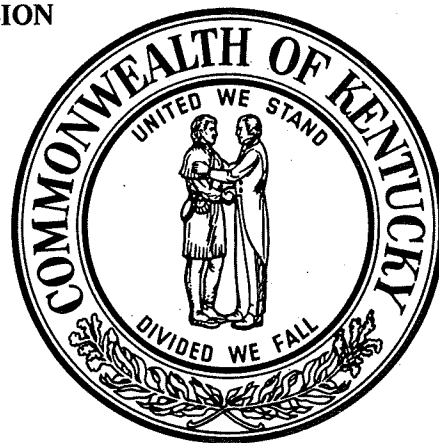


LEGISLATIVE RESEARCH COMMISSION

FRANKFORT, KENTUCKY

VOLUME 3, NUMBER 10

SUNDAY, MAY 1, 1977



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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

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION Bureau of Environmental Protection Division of Sanitary Engineering

The Department for Natural Resources and Environmental Protection has scheduled a public hearing at 10 a.m. EDT June 2, 1977, in the Auditorium of the Capital Plaza Tower, Frankfort, Kentucky 40601 on the following regulation, published in this issue:

401 KAR 6:015. Public and semi-public water supplies [3 Ky.R. 717].

Emergency Regulations Now In Effect

JULIAN M. CARROLL, GOVERNOR
Executive Order 77-217
March 16, 1977

EMERGENCY REGULATION Department for Human Resources Bureau for Health Services

WHEREAS, KRS 210.300 provides that the Secretary for Human Resources shall prescribe from time to time, by regulation, for the designation of hospital districts, for the purpose of determining to which of the State institutions for the mentally ill persons admitted from each county shall initially be sent; and

WHEREAS, Kentucky State Hospital, Danville, Kentucky, is being phased out as a State institution for the mentally ill; and

WHEREAS, in order to provide for an orderly phaseout of this facility as a State mental institution, it is necessary to cease admission of patients effective March 21, 1977; and

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

WHEREAS, the Secretary of the Department for Human Resources, pursuant to KRS 210.300 and 13.082, has promulgated a regulation to implement the phaseout:

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

JULIAN M. CARROLL, Governor

DREXELL R. DAVIS, Secretary of State

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services

902 KAR 6:040E. Hospital district assignments.

RELATES TO: KRS 210.300, [222.200,] Chapter 202A
PURSUANT TO: KRS 210.300, Chapter 202A
EFFECTIVE: March 16, 1977
EXPIRES: July 14, 1977

NECESSITY AND FUNCTION: KRS 210.300 authorizes the Secretary of the Department for Human Resources to designate hospital districts for the purpose of determining to which of the state institutions for the mentally ill the persons admitted from each county shall initially be sent. KRS Chapter 202A authorizes the transfer of a mentally defective or mentally ill inmate of any penal and correctional institution to the state hospital service designated by the secretary for that purpose.

Section 1. (1) The following state mental hospital districts are created. Except as otherwise provided herein, involuntarily and voluntarily hospitalized persons will be admitted to the hospital serving the district in which they reside.

(2) District I: Western State Hospital, Hopkinsville, Kentucky, counties of: Allen, Ballard, Barren, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Hardin, Hart, Henderson, Hickman, Hopkins, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Simpson, Todd, Trigg, Union, Warren, Washington,

(a) Provided, however, residents of the following counties may be admitted to Lourdes Hospital, Paducah, Kentucky: Ballard, Calloway, Fulton, Graves, Hickman, Livingston, McCracken, and Marshall.

(b) Provided, further, that residents of the following counties may be admitted to T. J. Sampson Community Hospital, Glasgow, Kentucky: Allen, Barren, Hart, Metcalfe, and Monroe.

(c) Provided, further, that residents of the following counties may be admitted to Our Lady of Mercy Hospital, Owensboro, Kentucky: Daviess, Hancock, Henderson, McLean, Ohio, Union, and Webster.

(3) District II: River Region Hospital, Louisville, Kentucky, counties of: Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer, and Trimble.

[(4) District III: Kentucky State Hospital, Danville, Kentucky, counties of: Adair, Boyle, Casey, Clinton, Cumberland, Garrard, Green, Lincoln, McCreary, Mercer, Pulaski, Russell, Taylor, and Wayne.]

(4) [(5)] District III [IV]: Eastern State Hospital, Lexington, Kentucky, counties of: *Adair*, Anderson, Bath, Bell, Boone, Bourbon, Boyd, *Boyle*, Bracken, Breathitt, Campbell, Carroll, Carter, *Casey*, Clark, Clay, *Clinton*, *Cumberland*, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, *Garrard*, Grant, *Green*, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, *Lincoln*, Madison, Magoffin, Martin, Mason, *McCreary*, Menifee, *Mercer*, Montgomery, Morgan, *Nicholas*, Owen, Owsley, [Nicholas,] Pendleton, Perry, Pike, Powell, *Pulaski*, Robertson, Rockcastle, Rowan, *Russell*, Scott, *Taylor*, *Wayne*, Whitley, Woodford, and Wolfe.

Section 2. Inmates of state penal and correctional institutions transferred to the Department for Human Resources shall be admitted to the Forensic Medicine Facility, LaGrange, Kentucky.

Section 3. (1) Individuals charged with a felony and re-

quiring psychiatric evaluation or treatment or both shall be admitted upon court order to the Forensic Medicine Facility, Anchorage, Kentucky.

(2) Individuals admitted upon court order to the Forensic Medical Facility, Anchorage, Kentucky, may be transferred to other state institutions for the mentally ill or to a psychiatric unit in a local general hospital.

(3) Prompt notification of the court is required by KRS Chapter 202A, and sending of appropriate papers to the hospital is required by KRS Chapter 202A.

Section 4. A person may be admitted to a hospital other than the one in the district of his residence upon verbal or written permission of the Commissioner of the Bureau for Health Services or his authorized designee. If verbal, then written confirmation shall follow within five (5) working days of the admission.

Section 5. A person may be admitted to a psychiatric unit in a local general hospital provided that unit has had prior approval of the Commissioner of the Bureau for Health Services or his authorized designee.

BURNICE RANSDELL, JR., Special Assistant
to the Commissioner

ADOPTED: March 14, 1977

APPROVED:

PETER D. CONN, Secretary

RECEIVED BY LRC: March 16, 1977 at 3:20 p.m.

Amended Regulations Now In Effect

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

201 KAR 20:011. School approval.

RELATES TO: KRS 314.111, 314.011(5)

PURSUANT TO: KRS Chapter 314

EFFECTIVE: April 6, 1977

NECESSITY AND FUNCTION: It is necessary to establish standards for continued approval of schools of nursing to assure that students will have an appropriate educational program to prepare them for licensure.

Section 1. If a school of nursing has a twenty percent (20%) or more failure rate on the State Board Test Pool Examination:

- (1) A letter of concern will be issued;
- (2) A representative of the board will visit the nursing program.

Section 2. If for two (2) consecutive fiscal years a school of nursing has a twenty percent (20%) or more failure rate on the State Board Test Pool Examination:

- (1) A letter of warning will be issued;
- (2) The nurse administrator will appear before the board;
- (3) A representative of the board will visit the nursing program at regular intervals, at least quarterly.

Section 3. If for three (3) consecutive years a school of nursing has a twenty percent (20%) or more failure rate on the State Board Test Pool Examination:

- (1) The nursing program will be put on probation;
- (2) Students shall not be recruited;
- (3) A new class shall not be admitted.

Section 4. If for four (4) consecutive years a school of nursing has a twenty percent (20%) or more failure rate on the State Board Test Pool Examination:

- (1) Approval shall be withdrawn;
- (2) Provision will be made for students enrolled in the program to complete the requirements for graduation and to take the State Board Test Pool Examination.

Section 5. If fifty percent (50%) or more of the State Board Test Pool Examinations administered over a five (5) year period yields a twenty percent (20%) or more failure rate the board will investigate and determine if the program should be on probation.

Section 6. If a nursing program had five (5) or more first-time writers for an administration of a State Board Test Pool Examination the group will be considered to constitute a class.

Section 7. Failure rate means the percentage of first-time writers taking the State Board Test Pool Examination in Kentucky with a score of less than 350.

Section 8. A nursing program that has fifty percent (50%) or more failures in the sub-exam for one (1) clinical area will be required to review the curriculum with the board or a representative of the board.

Section 9. A nursing program that has been on probation two (2) times during an eight (8) year period will be served notice of a hearing to show why [have] approval should not be [automatically] withdrawn.

DORIS McDOWELL, Executive Director

ADOPTED: November 19, 1976

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: January 26, 1977 at 11 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
State Labor Relations Board
As Amended

803 KAR 3:010. General rules of procedure.

RELATES TO: KRS 345.120

PURSUANT TO: KRS 345.120(7)

EFFECTIVE: April 6, 1977

NECESSITY AND FUNCTION: The State Labor Relations Board is authorized by KRS 345.120(7) to promulgate uniform rules necessary to carry out its duties. The function of this regulation is to establish general rules to be followed by the Board during its administrative functions.

Section 1. Purpose. These rules are hereby adopted to aid the State Labor Relations Board and interested parties in proceeding under the Fire Fighters Collective Bargaining Act. *During the course of business, the board may waive or modify its rules with unanimous consent of the parties and the board or board agent. No waiver or modification of board rules shall be permitted contrary to specific statutory requirement.* [The board may waive any requirement it deems necessary in the course of its business unless an interested party shows prejudice thereby.]

Section 2. Policy. The policy of the state being primarily to encourage, promote and develop fair employment practices, both by employers and employees, [nothing in] these rules shall be so construed to *facilitate* [prevent] the State Labor Relations Board in [from] using its best and good faith efforts to adjust any disputes arising under this act.

Section 3. Definitions. Any terms used herein that are defined in the Fire Fighters Collective Bargaining Act shall have the meaning therein set forth.

Section 4. Proceedings Consolidated. Proceedings *before the board may be consolidated in order to expedite the settling of the dispute with unanimous consent of the parties and the Board or Board agent.* [under several sections of the act may be combined]

Section 5. Construction. These rules and regulations shall be liberally construed to effect the purpose of the act.

HENRY A. TRIPLETT, Chairman

Kentucky Labor Relations Board

ADOPTED: March 22, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 24, 1977 at 2:30 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
State Labor Relations Board
As Amended

803 KAR 3:020. Election and certification of unit representatives.

RELATES TO: KRS 345.160(1)(b), 345.120

PURSUANT TO: KRS 345.120(7)

EFFECTIVE: April 6, 1977

NECESSITY AND FUNCTION: The State Labor Relations Board is authorized by KRS 345.120(7) to promulgate uniform rules necessary to carry out its duties. The function of this regulation is to establish rules for the Board regarding the election and certification of representatives for fire fighting units pursuant to KRS 345.060(1)(b).

Section 1. Scope. This chapter governs the general procedure relating to elections to determine a collective bargaining representative for all employees in a unit appropriate for that purpose. [Supervisors employed in fire departments who are not actively engaged in fire fighting are not considered as firefighters.]

Section 2. Petition for Election. (1) Who may file. A petition to determine a collective bargaining representative or an appropriate collective bargaining unit may be filed by an individual, or by a labor organization acting on their behalf, or by the municipal employer or anyone lawfully authorized to act on the [its] behalf of at least thirty (30) percent of the employees who have signed affiliation cards on the union showing proof of representation.

(2) Form, number of copies. The petition shall be prepared on a form furnished by the commissioner and the original and five (5) copies thereof shall be signed and filed with the board.

(3) Contents. The petition shall include the following:

(a) The name, address and affiliation, if any, of the petitioner, and the name and telephone number of its principal representative.

(b) The name and address of the municipal employer involved, if the municipal employer is not the petitioner, and the name and telephone number of its principal representative.

(c) A description of the claimed appropriate [supervisory] collective bargaining unit specifying inclusions and exclusions, as well as the approximate number of supervisors in the unit.

(d) The names and addresses of any known labor organization who claim to represent fire-fighter personnel in the claimed appropriate collective bargaining unit.

(e) A brief statement setting forth the nature of the question that has arisen concerning representation.

(f) Any other relevant facts.

Section 3. Elections. (1) Who shall conduct; extension of time for; method. All elections shall be conducted under the supervision of the *board*, [commission] which may extend the time within which any election shall be held. All elections shall be by secret ballot.

(2) Observers. Any party may be represented by observers, selected in accordance with such limitations as the board may prescribe.

(3) Challenge of voters. Any observer or board agent conducting the election may challenge, for good cause, the eligibility of any person to vote in the election. The ballots of such challenged person shall be impounded.

(4) Count and tally of ballots. Upon the conclusion of the election, the ballots shall be counted in the presence of and with the assistance of, the parties or their observers, and the board agent conducting the election shall cause to be furnished to the parties a tally of ballots.

(5) Inconclusive elections:

(a) When conducted and procedure. When more than one (1) proposed representative appears on the ballot and the results are inconclusive the Board *shall* [may] conduct a run-off election as prescribed in KRS 345.060(3).

(b) Eligibility. The board may in its direction of run-off, in its discretion, maintain the same eligibility date or establish a new eligibility date.

Section 4. Certification of Results of Election. If challenged ballots are insufficient in number to affect the results, and if no run-off election is to be held and no timely objections are filed as provided below, the board shall forthwith issue to the parties a certification of the results of the election.

Section 5. Objection to Election. (1) Filing; forms; copies. Within five (5) days after the tally of ballots has been furnished, any party may file with the board objections to the conduct of the election or conduct affecting the results of the election. Such objections shall be in writing and shall contain a brief statement of facts upon which the objections are based. An original and five (5) copies of such objections shall be signed and filed with the board, the original being sworn to.

(2) Service on other parties. The party filing such objections shall at the same time serve a copy upon each of the other parties.

Section 6. Hearing on Challenges or Objections. If challenges, which affect the results of the election, or objections raise a substantial question which cannot be resolved without a hearing, the board may issue and serve a notice of hearing on said issues:

(1) Hearing procedure. The rules relating to conduct of hearings on election petitions shall govern hearing on challenges or objections.

(2) Board action. After the close of the hearing, the board may proceed either forthwith upon the record, or after, oral argument or the submission of briefs, as it may deem proper, to determine issues with regard to the challenges or objections, as the case may be, either sustaining or overruling the challenges to objections:

(a) If the board directs that challenged ballots be opened

and counted, said ballots shall be opened and counted, and the board shall issue a revised tally and shall forthwith issue a certification of election.

(b) If the board should sustain the objections it may direct a new election to be held at such time and under such circumstance and conditions it deems appropriate.

(c) If the board should overrule the objections it shall forthwith issue a certification of the election.

HENRY A. TRIPLETT, Chairman
Kentucky Labor Relations Board

ADOPTED: February 15, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: February 15, 1977 at 3 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
State Labor Relations Board
As Amended

803 KAR 3:030. Unfair labor practice complaints.

RELATES TO: KRS 345.070, 345.120

PURSUANT TO: KRS 345.120(7)

EFFECTIVE: April 6, 1977

NECESSITY AND FUNCTION: The State Labor Relations Board is authorized by KRS 345.120(7) to promulgate uniform rules necessary to carry out its duties. The function of this regulation is to establish general rules for the Board relating to the Administrative and adjudicatory handling of unfair labor practice complaints.

Section 1. Who may file a Complaint. A complaint that a person has engaged or is engaging in an unfair labor practice may be submitted by any party in interest. Such complaint shall be in writing upon a form provided by the board, the original being signed and sworn to before any person authorized to administer oaths or acknowledgments. Five (5) additional copies of the complaint shall be filed.

Section 2. Complaint. The complaint shall include:

(1) The full name and address of the person making the complaint, hereinafter referred to as the complainant;

(2) The full name and address of the person against whom the complaint is made; hereinafter referred to as the respondent;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice or practices, including the time and place of occurrence of particular acts and the names of all persons involved.

Section 3. Service of Complaint. On the filing of a complaint, the board shall immediately serve on all parties in interest a copy thereof and a notice of a hearing by *return receipt* [registered] mail to their last known post office address. The hearing will be held not less than five (5) days after notice is served upon the respective parties.

Section 4. Answer. The person or persons complained of may file an answer before the hearing or at the hearing. The answer shall contain a clear and concise statement of the facts which constitute a defense. The answer shall specifically admit, deny, or explain each allegation of the complaint, unless the person complained of shall be without knowledge, in which case he shall so state. Any allegation in the complaint not specifically denied in the answer, unless it is stated in that answer that the respondent is without knowledge, shall be deemed to be admitted as true. *If no answer is filed, its absence shall be deemed a general denial.*

Section 5. Filing and Service of Answer. [The] *If an answer is filed, the original and five (5) copies of the answer shall be signed and filed with the board, [commission] the original being sworn to. The respondent shall serve a copy upon each of the other parties.*

Section 6. Amendment of Complaint and Answer. Any complaint or answer may be amended at any time prior to the issuance of a final order by the board.

Section 7. Notice of Hearing. Notice of the time and place of a hearing shall be given to all parties. The hearing will be held in the office of the Department of Labor, Louisville, Kentucky *except as otherwise agreed by the board and the parties.*

Section 8. Hearing Procedure. A hearing will be held at specified times in which the claimants shall complete proof as far as possible. Upon request of either party, extra time to complete proof may be granted. Hearings will be conducted in a manner properly suited to ascertain the substantial rights of the parties and to determine the outcome fairly and expeditiously.

Section 9. Postponement of Hearing. Postponements, ordinarily will not be allowed, except in case of an extreme emergency or in unusual circumstances. No postponements in excess of twenty (20) days shall be allowed.

Section 10. Examination of Witnessess. Witnessess shall be examined under oath. Opposing parties shall have the right to cross examine any witness whose testimony is introduced by an adverse party.

Section 11. Stipulation of Fact. In any such proceeding, stipulations of fact may be introduced into evidence with respect to any issue.

Section 12. Exhibits. In the absence of objection by another party, exhibits shall be entered as evidence and marked with an appropriate designation.

Section 13. Rules of Evidence. Hearings before the board shall not be governed by the rules of evidence prevailing in the courts of the Commonwealth of Kentucky. However, due regard will be had for generally accepted rules of administrative agency hearings in the Commonwealth of Kentucky.

Section 14. Standards of Conduct. All persons appearing in any proceeding shall conform to the standards of ethical conduct. Contemptuous conduct at a hearing will not be tolerated and will be considered as grounds for exclusion.

Section 15. Computation of Time. In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, and federal or state holidays shall not be counted.

Section 16. Decisions of the Board. After the close of a hearing, the board shall make and file findings of fact and an order which shall be signed by a board member and dated. The order, which shall state the determination as to the rights of the parties, shall either dismiss or sustain the complaint in whole or in part; or require the respondent to cease and desist from prohibited practices and take such affirmative action as will effect the policies and intent of KRS 345.010 to 345.130.

Section 17. Review of Findings. (1) Right to file, time. Within twenty (20) days from the date that a copy of the findings of fact, conclusions of law and order of the single member or examiner was mailed to the last known address of the parties in interest, any party in interest, who is dissatisfied with such findings of fact, conclusions of law and order, may file a written petition with the board, and at the same time cause copies thereof to be served upon the other parties, to review such findings of fact, conclusions of law or order. If the board is satisfied that a party in interest has been prejudiced because of exceptional delay in the receipt of a copy of any findings of fact, conclusion of law or order, it may extend time another twenty (20) days for filing the petition for review.

(2) Petition for review. This shall briefly state the grounds of dissatisfaction with the findings of fact, conclusions of law and order, and such review may be requested on the following grounds:

(a) That any finding of material fact is clearly erroneous as established by the clear and satisfactory preponderance of the evidence and prejudicially affects the right of the petitioner designating all relevant portions of the record.

(b) That a substantial question of law or administrative policy is raised by any necessary legal conclusions in such order.

(c) That the conduct of the hearings or the preparation of the findings, conclusion of law or order involved a prejudicial procedural error, specifying in detail the nature thereof and designated portions of the record, if appropriate.

HENRY A. TRIPLETT, Secretary
Kentucky Labor Relations Board

ADOPTED: February 15, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: February 15, 1977 at 3 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
State Labor Relations Board
As Amended

803 KAR 3:040. Deadlocked negotiations petition.

RELATES TO: KRS 345.080, 345.120

PURSUANT TO: KRS 345.120(7)

EFFECTIVE: April 6, 1977

NECESSITY AND FUNCTION: The State Labor Relations Board is authorized by KRS 345.120(7) to promulgate uniform rules necessary to carry out its duties. The function of this regulation is to establish rules for the Board relating to their investigatory, administrative and adjudicatory handling of fact findings as to whether firefighters or their representatives and their employers are deadlocked in negotiations.

Section 1. The petition may be filed by any party to the controversy, and shall be on a form furnished by the board; the original being notarized. Five (5) additional copies shall be filed with the board. The party filing the petition, shall, at the same time, cause a copy of said petition to be served on two (2) other parties or its representative, by *return receipt* [registered] mail.

Section 2. Contents. The petition shall include the following:

(1) The name, address and affiliation of the labor organization involved, and its principal representative.

(2) The name, address, and principal representative of the municipal employer involved.

(3) A description of the certified or recognized collective bargaining unit involved, as well as the approximate number of employees in such unit.

(4) A statement setting forth the basis of the petition, either that after a reasonable period of negotiation the parties are deadlocked; or that the party other than the petitioner has failed or refused to meet and negotiate in good faith at reasonable times in a bona fide effort to arrive at a settlement, *and at least thirty (30) days has passed since beginning of negotiations.*

(5) A statement to the effect that, within the knowledge of the petitioner, said deadlock or failure or refusal to meet and negotiate in good faith in a bona fide effort to arrive at a settlement, does not involve discipline or discharge cases under civil service provisions of a state or local ordinance.

(6) A clear and concise statement of facts constituting said alleged deadlock, or said failure or refusal to meet and negotiate in good faith.

(7) A statement as to whether or not the municipal employer involved has established fact-finding procedures, (if so, the petitioner must attach a copy of such fact-finding procedures).

(8) Any other relevant facts.

Section 3. Withdrawal of Board. A petition may be withdrawn only with the consent of the board under such conditions as the board may establish to effectuate the policies of the law.

Section 4. *Commissioner of Labor's* [Board] Investigations. (1) Scope. After a petition has been filed, the *commissioner* [board] shall make an investigation to determine whether or not the parties are deadlocked after a reasonable period of negotiation; of whether or not either

party failed or refused to meet and negotiate in good faith at reasonable times in a bona fide effort to arrive at a settlement.

(2) Nature. In such investigation the *commissioner* [board] may assign an *agent* [a board] to conduct an informal investigation to assist the *commissioner* [board] in making *his* [its] determination; or the *commissioner* [board] may conduct a formal hearing for that purpose; or it may utilize both procedures.

[Section 5. Consolidation of Proceedings. Whenever the Board deems it necessary the Board may consolidate fact-finding proceedings.]

Section 5. [6.] Notice of Hearing. (1) When issued, contents. If it should appear to the *commissioner* [board] that a hearing is warranted, the *commissioner* [board] shall issue and serve, upon each party, a notice of hearing at a place feasible in the jurisdiction of the employer involved, on a date and at such time therein fixed.

(2) Amendment or withdrawal. Any such notice of hearing may be amended or withdrawn at any time before the close of the hearing by the *commissioner* [board] or *his* [board] agent conducting the hearing.

Section 6. [7.] (1) Scope and nature. The *commissioner's* [board in fact-finding cases] hearing shall be limited to pertinent matters necessary to establish the facts to determine whether, after a reasonable period of negotiation, the parties are deadlocked; or whether the municipal employer or labor organization has failed or refused to meet and negotiate in good faith at reasonable times in a bona fide effort to arrive at a settlement.

(2) Who shall conduct. The hearing may be conducted by the *commissioner* [full board] or an *agent designated by the commissioner*. [or any member or members thereof, or any member of its staff or any individual designated by the board, all acting on behalf of the board.] At any time, a hearing officer may be substituted for the hearing officer previously presiding.

Section 7. [8.] Certification of results of investigation. (1) When issued. After consideration of either the report of the *commissioner* [board agents] conducting the informal investigation, or the record adduced in the hearing, or both, the *commissioner*, [board] shall issue a certification of the results of said investigation with respect to the question as to whether or not a fact-finding should be initiated.

(2) Contents. Said certification shall contain findings of fact and conclusions with regard to the investigation, whether initiating fact-finding or dismissing the petition, or such other action, consistent with the intent of the law.

(3) Appointment of fact-finders. If the certification requires that fact-findings be initiated *the commissioner shall within five (5) days appoint an impartial chairman for the fact-finding panel. Additionally, the other two (2) members shall be one (1) member named by the labor organization and one (1) by the employer.* [and that the board should appoint the fact-finders, the selection of fact-finders shall be made from a panel established by the board.]

(4) Service on the parties, record. A copy of the *commissioner's* [board's] certification shall be immediately served upon the parties, and, if a fact-finder is designated, upon the fact-finders selected. The *commissioner* [board] shall also therewith submit to the

fact-finders a copy of any written informal investigation report, and a copy of the record before the *commissioner* [board] in the matter.

Section 8. [9.] Hearing before the fact-finders. (1) Notice of Hearing. Following the receipt of notification of his appointment, the *impartial chairman* [fact-finders] shall issue and serve, upon each of the parties, a notice of hearing at a place feasible in the jurisdiction of the municipality involved at a date and at such time as therein fixed.

(2) Amendment or withdrawal. Any such notice of hearing may be amended or withdrawn at any time before the close of the hearing by the fact-finders.

(3) Scope and nature of hearing. The hearing shall be public and concern pertinent matters necessary for the fact-finders to determine the facts in the dispute and which in the opinion of the fact-finders assist him in reaching his recommendation for the solution of the dispute.

(4) Rescheduling hearing. Upon its own motion, or upon proper cause shown by any of the parties, the fact-finders may, prior to the opening of the hearing, reschedule the date of such hearing.

(5) Transcripts. *The* [Unless waived by the parties and consented to by fact-finders] hearings shall be stenographically reported and transcribed. Such transcripts shall be the sole official transcript. Costs involved for the original of such transcript shall be borne equally by the parties. Copies of the transcript shall be available to the parties and to the public at rates set by the board.

Section 9. [10.] Fact-finding report. (1) Issuance. After the close of the hearing the fact-finders shall prepare and make a fact-finding report *within 120 days from the date the petition to initiate the fact-finding procedure was received by the commissioner.*

(2) Contents. Such report shall contain:

(a) A statement of findings of fact and conclusions, upon all material issues presented on the record;

(b) Recommendations for the solution of the dispute; and

(c) A memorandum stating the reasons and basis for such findings, conclusions and recommended solutions.

(3) Service. Upon the completion of his report the *fact-finding panel* [fact-finders] shall cause copies of same to be served on the parties as well as the board, and the Commissioner of the Department of Labor.

Section 10. [11.] Compensation of fact-finders. The fact-finding proceeding shall be entitled to a per diem compensation for days spent in hearing in a sum not to exceed fifty dollars (\$50) per day and for days spent in preparation and issuance of his report in a sum not to exceed fifty dollars (\$50) per day. The fact-finders shall also be compensated for ordinary expenses occurred in the proceedings.

HENRY A. TRIPLETT, Chairman
Kentucky Labor Relations Board

ADOPTED: February 15, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: February 15, 1977 at 3 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Office of Fire Marshal
As Amended

806 KAR 50:015. Standards of safety; fire code.

RELATES TO: KRS 227.220

PURSUANT TO: KRS 13.082, 227.300

EFFECTIVE: April 6, 1977

NECESSITY AND FUNCTION: KRS 227.300 requires the State Fire Marshal's Office to establish by regulation principles and practices for construction in order to safeguard life and property from the hazards of fire and panic. These proposed regulations set out the basic procedures, and definitions used in the State Fire Marshal's Office.

Section 1. Citations. These regulations constitute and may be cited as the "Standards of Safety."

Section 2. Purpose and Application. (1) The purpose of the "Standards of Safety" is to provide, in accordance with KRS 227.300, reasonable rules and regulations, based upon recognized good fire prevention and fire protection engineering principles and practices, for the safeguarding, to reasonable degree, of human life and property from the hazards of fire and panic:

(a) By establishing minimum requirements governing the design and construction of buildings, particularly those involving the public interest or welfare, and including any building or structure, permanent or temporary which is used or occupied or is to be used or occupied by persons who are employed, lodged, housed, cared for, assembled, served, entertained, or instructed, therein, including, but not limited to, hotels, motels, apartments, schools or other educational institutions, colleges, hospitals of all kinds, penal institutions, asylums, nursing homes, convalescent homes, or homes for the aged, mercantile establishments, office buildings, apartment houses, theaters, churches, restaurants, auditoriums, grandstands and stadiums, gymnasiums, armories, night clubs, lodge halls, dance halls, factories, work shops, meeting rooms, bowling alleys, manufacturing and processing establishments, and all other buildings and structures of same or similar character or of same or similar use.

(b) By establishing minimum standards for safeguarding the more common fire hazards.

(c) By establishing minimum requirements for public and private care and cleanliness, as they relate to fire hazards; and

(d) By establishing minimum regulations governing the operation and maintenance of certain occupancies which have a direct bearing on general safety of life and property (including provisions for issuance of permits, inspection of property, etc.).

(2) Except as otherwise specifically provided, the general provisions of the "standards of safety" apply to all buildings, occupancies, installations or conditions, including those occupancies for which special requirements are given.

(3) While safety to life warrants as close compliance as possible with the "standards of safety," nothing herein shall apply to farm property, unless there are activities of an industrial nature sufficient to require the consideration of the State Fire Marshal from a life hazard standpoint.

(4) Unless otherwise provided, the "standards of safety"

are intended primarily to apply to new or remodeled buildings, installations, equipment, or conditions; however, they shall also apply to existing buildings, installations, equipment, conditions and occupancies where safety to life or protection of the public interest requires their enforcement.

(5) The standards herein contained are to be considered a minimum. Where an ordinance has been adopted by a municipality, the "standards of safety" do not modify any provision of said ordinance, unless the "standards of safety" impose greater restrictions, in which case the provisions of the "standards of safety" shall control.

(6) Where the purpose of any provision of the "standards of safety," as it pertains to safety to life and property from fire, can be fulfilled by other means, the Fire Marshal may modify the provision to permit certain specific alternatives.

(7) It is not the intent of the "standards of safety" to dictate use of specific materials, provided the necessary degree to safety is otherwise attained. Other materials than those herein specified may be used if approved and having the equivalent strength, fire resistance, and other qualities needed for the purpose for which they are intended.

(8) Many of the "standards of safety" are specific. Others, for the sake of brevity and simplification, are of general nature. All features of construction and occupancy, and operations of any nature, shall be such as to provide reasonable safety to life and property from fire and shall conform to recognized safety practice requirements. Unless specifically covered by a provision of these standards, the following nationally recognized codes, standards, and regulations shall be deemed safe practice requirements. These codes, standards, and regulations have been approved by the commissioner, and copies have been placed on file in the Office of the State Fire Marshal and with the Legislative Research Commission.

(a) Standards of the National Fire Protection Association known as the National Fire Codes, Volume 1-16, (1976-77 Edition).

1. Copies of the 16 volumes, or of any pamphlet contained therein are available for a fee from: National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

2. The National Fire Codes contain the following codes, standards, recommended practices, and manuals:

"Volume 1."	
Pamphlet	Title and Edition
10	Portable Fire Extinguishers, '75
11	Foam Extinguishing Systems, '75
11A	High Expansion Foam Systems, '70
11B	Synthetic Foam and Combined Agent Systems, '74
12	Carbon Dioxide Systems, '73
12A	Halon 1301 Systems, '73
12B	Halon 1211 Systems, '73
13	Sprinkler Systems, Installation, '75
"Volume 2."	
14	Standpipe & Hose Systems, '74
15	Water Spray Fixed Systems, '73
16	Foam-Water Sprinkler & Spray Systems, '74
17	Dry Chemical Systems, '75
18	Wetting Agents, '72

Pamphlet	Title and Edition
19B	Respiratory Protective Equipment For Fire Fighters, '71
194	Fire Hose Connections, '74
196	Fire Hose, '74
197	Initial Fire Attack, Training Standard on, '66
20	Centrifugal Fire Pumps, '74
22	Water Tanks, '74
24	Outside Protection, '73
26	Supervision of Valves, '58
30	Flammable & Combustible Liquids Code, '73

"Volume 3."

31	Oil Burning Equipment, '74
32	Dry Cleaning Plants, '74
321	Classification of Flammable Liquids, '73
327	Cleaning Small Tanks, '75
33	Spray Application, '73
34	Dip Tanks, '74
35	Manufacture of Organic Coatings, '71
36	Solvent Extraction Plants, '74
37	Sta. Combustion Engines & Gas Turbines, '75
385	Tank Vehicles for Flammable & Combustible Liquids, '74
386	Portable Shipping Tanks, '74
395	Flammable & Combustible Liquids on Farms and Isolated Construction Projects, '72
40	Cellulose Nitrate Motion Picture Film, '74
40E	Storage of Pyroxylin Plastic, '75
43A	Liquid and Solid Oxidizing Materials, '75
43C	Storage of Gaseous Oxidizing Materials, '75
43D	Storage of Pesticides in Portable Containers, '75
44A	Fireworks, Manufacturing, Transportation and Storage, '74
45	Fire Protection for Laboratories Using Chemicals, '75
48	Magnesium, Storage, Handling, '74

"Volume 4."

481	Titanium, Storage, Handling, '74
490	Ammonium Nitrate Storage, '75
493	Intrinsically Safe Apparatus, '75
495	Explosive Materials, '73
496	Purged Enclosures for Electrical Equipment, '74
498	Explosives, Motor Vehicle Terminals, '70
50	Bulk Oxygen Systems, '74
50A	Gaseous Hydrogen Systems, '73
50B	Liquefied Hydrogen Systems, '73
51	Welding & Cutting, Oxygen-Fuel Gas Systems for, '74
51A	Acetylene Cylinder Charging Plants, '74
51B	Cutting & Welding Processes, '71
54	National Fuel Gas Code, '74
56A	Inhalation Anesthetics, '73
56B	Respiratory Therapy, '73
56C	Laboratories in Health-Related Institution, '73
56D	Hyperbaric Facilities, '70
56E	Hypobaric Facilities, '72
56F	Nonflammable Medical Gas Systems, '74
56G	Inhalation Anesthetics in Ambulatory Care Facilities, '75
57	Fumigation, '73

Pamphlet	Title and Edition	Pamphlet	Title and Edition
	"Volume 5."		
58	Liquefied Petroleum Gases, Storage and Handling, '74	90B	Warm Air Heating & Air Conditioning, '73
59	Liquefied Petroleum Gases at Utility Gas Plants, '74	91	Blower & Exhaust Systems, '73
59A	Liquefied Natural Gas, Storage and Handling, '75	96	Commercial Cooking Equipment, Vapor Removal, '73
60	Pulverized Fuel Systems, '73	101	Life Safety Code, '73
61A	Manufacturing and Handling Starch, '73	102	Tents, Grandstands & Air-Supported Structures Used for Places of Assembly, '72
61B	Grain Elevators, Bulk Handling Facilities, '73	211	Chimneys, Fireplaces & Vents, '72
61C	Feed Mills, Dust Hazards, '73	214	Water Cooling Towers, '71
61D	Agricultural Commodities for Human Consumption, '73	220	Building Construction, Standard Types, '75
63	Industrial Plants, Dust Explosion, '75	224	Homes, Camps in Forest Areas, '74
65	Aluminum Processing and Finishing, '75	231	General Storage, Indoor, '74
651	Aluminum or Magnesium Powder, '74	231B	Cellular Rubber and Plastics, Storage, '74
653	Coal Preparation Plants, Dust Hazards, '71		"Volume 10."
654	Plastics Industry, Dust Hazards, '75	231C	Rack Storage of Materials, '75
655	Sulfur Fires, Explosions, Prevention, '71	231D	Storage of Rubber Tires, '75
656	Spice Grinding Plants, Dust Hazards, '71	232	Record Protection, '75
66	Pneumatic Conveying Systems, '73	241	Building Construction and Demolition Operations, '75
664	Woodworking Plants, Dust Hazards, '71	251	Fire Tests, Building Construction & Materials, '72
69	Explosion Prevention Systems, '73	252	Fire Tests, Door Assemblies, '72
	"Volume 6."	255	Building Materials, Tests of Surface Burning Characteristics, '72
70	National Electrical Code, '75	256	Fire Tests, Roof Coverings, '70
	"Volume 7."	257	Fire Tests of Window Assemblies, '75
71	Central Station Signaling Systems, '74	302	Motor Craft, '72
72A	Local Protective Signaling Systems, '75	303	Marinas & Boatyards, '75
72B	Auxiliary Signaling Systems, '75	306	Control of Gas Hazards on Vessels, '75
72C	Remote Station Signaling Systems, '75	312	Vessels During Construction, Protection of, '70
72D	Proprietary Signaling Systems, '75	407	Aircraft Fuel Servicing, '75
72E	Automatic Fire Detectors, '74	408	Aircraft Fire Extinguishers, '73
73	Public Fire Service Communications, '75	409	Aircraft Hangars, '75
74	Household Fire Warning Equipment, '75	412	Aircraft Foam Fire Fighting Vehicles, Test Procedures, '74
75	Electronic Computer/Data Processing Equipment, '72	414	Aircraft Rescue, Fire Fighting Vehicles, '75
76A	Essential Electrical Systems, '73	415	Aircraft Fueling Ramp Drainage, '73
78	Lightning Protection Code, '75	416	Airport Terminal Buildings, '75
79	Electrical Metalworking Machine Tools, '74	417	Aircraft Loading Walkways, '73
80	Fire Doors and Windows, '75	418	Roof-top Heliport Construction and Protection, '73
	"Volume 8."		"Volume 11."
81	Fur Storage, Cleaning, '69	256	Fire Tests, Roof Coverings, '70
82	Incinerators, Rubbish Handling, '72	501B	Mobile Homes, '74
85	Oil-and Gas-Fired Watertube Furnaces-One Burner, '73	501C	Recreational Vehicles, '74
85B	Furnace Explosions in Natural Gas-Fired Multiple Burner Boiler-Furnaces, '74	501D	Recreational Vehicle Parks, '75
85D	Fuel Oil-Fired Multiple Burner Boiler-Furnaces, '74	505	Powered Industrial Trucks, '75
85E	Pulverized Coal-Fired Multiple Burner Boiler-Furnaces, '74	512	Truck Fire Protection, '75
86A	Ovens and Furnaces, '73	513	Motor Freight Terminals, '75
86B	Industrial Furnaces, '74	601A	Guard Operations in Fire Loss Prevention, '75
86C	Industrial Furnaces—Special Processing Atmospheres, '74	701	Flame-Resistant Textiles and Films, Fire Tests for, '75
	"Volume 9."	702	Flammability of Wearing Apparel, '75
87	Piers and Wharves, '75	703	Fire Retardant Treatments, Building Materials, '61
88A	Parking Structures, '73	704	The Fire Hazards of Materials, '75
88B	Repair Garages, '73	1001	Fire Fighter Professional Qualifications, '74
90A	Air Conditioning & Ventilating Systems, '75	1231	Water Supplies for Suburban and Rural Fire Fighting, '75
		1901	Automotive Fire Apparatus, '75
		1921	Fire Department Portable Pumping Units, '75
		1931	Fire Department Ground Ladders, '75
		1971	Protective Clothing for Structural Fire Fighting, '75

Pamphlet	Title and Edition	Pamphlet	Title and Edition
	"Volume 12."		
1	Fire Prevention Code, '75	307	Marine Terminals, Operation, '67
2M	Model Drafts for Enabling Legislation, '67	311	Ship Fire Signal, '49
3M	Health Care Emergency Preparedness, '75	402	Aircraft Rescue, Fire Fighting, Standard Operating Procedures, '73
4	Organization for Fire Services, '71	403	Aircraft Rescue, Fire Fighting Services at Airports, '75
4A	Fire Department Organization, '69		
6	Industrial Fire Loss Prevention, '74		"Volume 16."
7	Fire Emergencies Management, '74	406M	Fire Dept. Handling Crash Fires, '75
8	Effects of Fire on Operations, Management Responsibility for, '74	410A	Aircraft Electrical Maintenance, '75
9	Training Reports and Records, '70	410B	Aircraft Oxygen Maintenance, '71
10L	Model Enabling Act, Portable Fire Extinguishers, '75	410C	Aircraft Fuel System Maintenance, '72
13A	Sprinkler Systems, Maintenance, '71	410D	Aircraft Cleaning, Painting & Paint Removal, '71
13E	Fire Department Operations in Properties Protected by Sprinkler, Standpipe Systems, '73	410E	Aircraft Welding Operations in Hangars, '75
198	Fire Hose, Care of, '72	410F	Aircraft Cabin Cleaning Operations, '75
21	Steam Fire Pumps, Maintenance, '75	419	Airport Water Supply Systems, '75
27	Private Fire Brigades, '75	421	Aircraft Interior Fire Protection, '73
291	Fire Hydrants, Uniform Markings, '74	422M	Aircraft Fire Investigators Manual, '72
292M	Water Charges, Private Protection, '74	601	Guard Service in Fire Loss Prevention, '75
295	Wildfire Control by Volunteer Fire Departments, '73	604	Salvaging Operations, '64
		801	Facilities Handling Radioactive Materials, '75
		802	Nuclear Reactors, '74
		901	Uniform Coding for Fire Protection, '73
		901AM	Fire Reporting Field Incident Manual, '73
		910	Protection of Library Collections, '75
		911	Protection of Museum Collections, '74
		1904	Fire Department Aerial Ladders and Elevating Platforms, '75
	"Volume 13."		
325M	Properties of Flam. Liquids, Gases, Solids, '69		
328	Manholes and Sewers, Flammable & Combustible Liquids and Gases in, '75		
329	Underground Leakage of Flammable and Combustible Liquids, '72		
393	Gasoline Blow Torches, '74		
41L	Model Rocketry Code, '68		
46	Forest Products, Outdoor Storage, '73		
46A	Wood Chips, Outdoor Storage, '73		
46B	Outdoor Storage of Logs, '71		
47	Lumber Yards, Retail, Wholesale, '73		
482M	Zirconium, Plants Producing, '74		
49	Hazardous Chemicals Data, '75		
	"Volume 14."		
491M	Hazardous Chemical Reactions, '75		
492	Separation Distances of Ammonium Nitrate and Blasting Agents, '68		
494L	Model State Fire Works Law, '74		
497	Electrical Installations in Chemical Plants, '75		
53M	Fire Hazards in Oxygen-Enriched Atmospheres, '74		
56HM	Home Respiratory Therapy, '73		
68	Explosion Venting, Guide, '74		
	"Volume 15."		
70B	Electrical Equipment Maintenance, '75		
70L	Model State Electrical Law, '73		
76C	High-Frequency Electricity in Health Care Facilities, '75		
77	Static Electricity, '72		
80A	Protection from Exposure Fires, '75		
89M	Clearances, Heat Producing Appliances, '71		
92M	Waterproofing and Draining of Floors, '72		
97M	Glossary of Heating Terms, '72		
203M	Roof Covering, '70		
204	Smoke & Heat Venting Guide, '68		
206M	Building Areas & Heights, '70		
231A	General Storage, Outdoor, '75		
232AM	Archives and Record Centers, '72		

3. Incorporated by reference on December 1, 1976.

(b) National Building Code recommended by the American Insurance Association, 1976 Edition, hereafter referred to as "The National Building Code."

1. Copies of the National Building Code are available for a fee from: American Insurance Association, 85 John Street, New York, New York 10038.

2. The National Building Code contains the minimum standards for the construction, alteration, equipment, use and occupancy, location and maintenance, moving and demolition of buildings and structures.

3. Date incorporated by reference December 1, 1976.

(c) One and Two Family Dwelling Code 1975 Edition, hereafter referred to as "The One and Two Family Dwelling Code," except Part V (Plumbing).

1. Copies of the One and Two Family Dwelling Code are available for a fee from: Southern Building Code Congress International, 3617 Eighth Avenue, South Birmingham, Alabama 35222.

2. The One and Two Family Dwelling Code applies to the construction, prefabrication, alteration, repair, use, occupancy and maintenance of detached one (1) and two (2) family dwellings not more than three (3) stories in height, and their accessory structures.

3. Data incorporated by reference December 1, 1976.

Section 3. Definitions. (1) Unless otherwise expressly stated, the following terms, as used in these standards, shall have the meanings indicated in this article.

(2) Words used in the present tense include the future; the singular number includes the plural and the plural the singular.

(3) Where terms are not defined in this article, they shall have their ordinarily accepted meaning or such as the context may imply.

(a) "Addition" as applied to a building or structure, means any construction which increases the area or the height of any portion of the building or structure.

(b) "Alley" means any public space or thoroughfare less than twenty-one (21) feet in width which has been dedicated or devoted to public use.

(c) "Alteration" as applied to a building or structure, means any change or modification in construction, exit facilities, or permanent fixture or equipment which does not include any addition to the building or structure.

(d) "ASTM" means American Society for Testing and Materials.

(e) "Approved" as applied to a material, device, or mode of construction, means materials, devices or equipment listed by Underwriter's Laboratories, Inc., the testing laboratory of the American Gas Association, or other recognized testing authority or approved by the Fire Marshal.

(f) "Area" as applied to a building or structure, means the maximum horizontal projected area of the building or structure at or above grade.

(g) "Areaway" means an unroofed subsurface space adjacent to a building.

(h) "Attic" means the space between the ceiling beams of the top habitable story and the roof rafters.

(i) "Automatic" as applied to a fire door or other opening protective, means normally held in an open position and automatically closed by a releasing device that is actuated by abnormal high temperature, a predetermined rate of rise in temperature or electrically connected to an approved fire alarm system.

(j) "Basement" means that portion of a building the average height of which is more than half below grade. However, the space shall not be considered a basement if its ceiling is seven and one-half (7½) feet or more above the grade level at any point next to the building. [If this space is used for human habitation it shall be considered a story.]

(k) "Building" means the total area enclosed between exterior walls, or exterior walls and fire walls. For the purpose of this Code each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

(l) "Combustible material" as applied to installation of heating equipment means any material made or surfaced with wood, compressed paper, plant fibers, or other material that will ignite and burn whether flameproof or not, or whether plastered or not plastered.

(m) "Concrete" means a mixture of portland cement, aggregates and water.

(n) "Concrete, reinforced" means concrete in which reinforcement other than provided for shrinkage or temperature changes is embedded in such a manner that the two (2) materials act together as a resisting force.

(o) "Court" means any open, uncovered, unoccupied space on the same lot with a building.

1. Inner court means any court other than an outer court or yard.

2. Outer court means a court other than a yard having at least one (1) side thereof opening to a street, alley, or yard or other permanent open space.

3. Yard means a court on the same lot with a building extending along the entire length of a lot line.

(p) "Dwelling" means a building occupied exclusively for residence purposes and having:

1. One (1) dwelling unit; or
2. Two (2) dwelling units; or

3. One (1) or two (2) dwelling units with a total of not more than fifteen (15) boarders or roomers in these units served with meals or sleeping accommodations or both.

(q) "Dwelling unit" means one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

(r) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and which serves two (2) or more floors of a building or structure.

1. Freight elevator means an elevator ordinarily used for carrying freight and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride.

2. Passenger elevator means an elevator used primarily to carry persons other than the operator.

(s) "Existing" means in existence before the time that this code becomes effective.

(t) "Fire chief" means the authorized head of a fire department that is recognized by the Fire Marshal's Office.

(u) "Fire department" for the purposes of these standards, means a fire department recognized by the Fire Marshal's Office.

(v) "Fire door" means a door and its assembly, so constructed and assembled in place as to give protection against the passage of fire (see approved).

(w) "Fire resistance rating" means the time in hours that the material or construction will withstand the standard fire exposure, as determined by fire test made in conformity with the "Standard Method of Fire Tests in Building Construction and Materials," ASTM E119-55. (See Appendix B for fire resistance ratings for specific types of construction.)

(x) "Fire resistive construction" means construction conforming to the requirements of Section 702 of the National Building Code.

(y) "Fire retardant treated lumber" means lumber that has been treated by an approved pressure impregnation process and has a flame spread rating not higher than equivalent of twenty-five (25) with no evidence of significant progressive combustion when tested for thirty (30) minutes duration under the Standard Test Method for Fire Hazard Classification of Building Materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84. All fire retardant treated lumber shall be easily identifiable.

(z) "Fire walls." (See walls.)

(aa) "Grade" with reference to a building or structure, means the elevation of the ground adjoining the building.

(bb) "Heavy timber construction" means construction conforming to the requirements of Section 706 of the National Building Code.

(cc) "Height:"

1. As applied to buildings, means the vertical distance from grade to the highest finished roof surface, or to a point at the average height of a roof having a pitch of more than one (1) foot in four and one-half (4½) feet; "height" of a building in stories does not include basements. (See basement.)

2. As applied to a story, means the vertical distance from top to top of two (2) successive tiers of floor beams or finished floor surfaces.

3. As applied to a wall, means the vertical distance to the top measured from the foundation wall, or from a girder, or other immediate support of such wall.

(dd) "Horizontal separation" means a permanent open space between the building wall under consideration and the lot line or the center line of a facing street, alley or public way. Where two or more buildings are on a lot, the horizontal separation of the wall under consideration shall be measured from an imaginary line drawn at a distance from the facing wall equal to the horizontal separation applicable for that wall.

(ee) "Interior finish" means the material of walls, partitions or fixed or movable type ceilings and other exposed interior surfaces of building. Interior finish includes materials affixed to the building structure as distinguished from decorations and furnishings, which are not so affixed.

1. Class A interior finish-flame spread rating, 0-25.
2. Class B interior finish-flame spread rating, 26-75.
3. Class C interior finish-flame spread rating, 76-200.
4. Class D interior finish-flame spread rating, 201-500.
5. Class E interior finish-flame spread rating over 500.

(ff) "Legislative body" means a city council, fiscal court, board of directors, commissioners, committee, or any group however named, which governs a recognized fire department.

(gg) "Masonry" means a built-up construction or combination of building units of such materials as clay, shale, concrete, glass, gypsum or stone set in mortar; in plain concrete.

1. "Hollow masonry unit" means a masonry unit whose net cross-sectional area in any plane parallel to the bearing surface is less than seventy-five (75) percent of its cross-sectional area measured in the same plane.

2. "Masonry of hollow units" means masonry consisting wholly or in part of hollow masonry units laid continuously in mortar.

3. "Solid masonry" means consisting of solid masonry units laid continuously in mortar, or consisting of plain concrete.

4. "Solid masonry unit" means a masonry unit whose net cross-sectional area in every plane parallel to the bearing surface is seventy-five (75) percent or more of its gross cross-sectional area measured in the same plane.

5. "Reinforced masonry" means unit masonry in which reinforcement is embedded in such manner that the two (2) materials act together in resisting forces.

(hh) "Multifamily house" means a building or portion thereof containing three (3) or more dwelling units; including tenement houses, apartment houses, flats, etc.

(ii) "Noncombustible" as applied to a building construction material, means a material which, in the form in which it is used, falls into one of the following groups:

1. Materials no part of which will ignite or burn and which will not liberate flammable gases or melt when heated to a temperature of 1,380 degrees F. and to the maximum temperature to which it will be subjected under its normal use under the applicable conditions as follows:

a. Where the combustibility of material is a factor in the application or requirements for clearance of the material from a heating appliance, flue, or other device which is a source of high temperature and such clearance is the only consideration requiring that the material be non-combustible.

b. When the material other than backing is used to support only interior finish.

c. When the material is used for window sashes, doors, trims, or frames required to be non-combustible but not required as opening protectives to prevent the spread of fire through an opening.

2. Materials having a structural base of a non-combustible material as defined in paragraph (ii) with surfacing not over one-eighth (1/8) inch thick which has a flamespread rating not higher than fifty (50).

3. Materials other than as described in subparagraphs 1 or 2 having a surface flamespread rating not higher than twenty-five (25) without evidence or continued progressive combustion when tested (as per ASTM E84) for a duration of thirty (30) minutes. It does not apply to surface finishes or coatings which are applied to the surface of combustible materials. Flamespread rating as used herein refers to a rating obtained according to the standard test method for fire hazard classification of the building materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84.

(jj) "Noncombustible" as applied to the installations of heating equipment, means any material which will not ignite and burn.

(kk) "Occupancy:"

1. "Assembly occupancy" means the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel, religious, social, or recreational purposes; including among others:

Armories	Lecture Rooms
Assembly Halls	Lodge Rooms
Auditoriums	Motion Picture Theaters
Bowling Alleys	Museums
Broadcasting Studios	Night Clubs
Chapels	Opera Houses
Churches	Passenger Stations
Clubrooms	Pool Rooms
Community Buildings	Recreation Areas
Courthouses	Restaurants
Dance Halls	Skating Rinks
Exhibition Rooms	Television Studios
Gymnasiums	Theaters

2. "Business occupancy" means the occupancy or use of a building or structure or any portion thereof for the transaction of business, the rendering or receiving of professional services, or the displaying, selling or buying of goods, wares, or merchandise, or the housing of vehicles of transportation, except where occupancy is of high hazard; including among others:

Banks	Service Stations
Barber Shops	Offices
Beauty Parlors	Stores
Department Stores	Radio Stations
Garages	Telephone Exchanges
Markets	Television Stations

3. "Educational occupancy" means the occupancy or use of a building or structure or any portion thereof by persons assembled for the purpose of learning or of receiving educational instruction; including among others:

Academies	Pre-school Child
Care Centers	Relocable Classroom Unit
Colleges	Schools
Kindergartens	Seminaries
Libraries	Universities

4. "High hazard occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, high flammable or explosive materials or which as inherent characteristics that constitutes a special fire hazard; including among others:

Aluminum Power Factories	Grain Elevators
Charging or filling stations	Lacquer Factories
Distilleries	Liquefied Petroleum Gas

Dry Cleaning Plants
 Dry Dyeing Plants
 Explosive-Manufacture, Sale
 or Storage
 Flour and Feed Mills
 Gasoline Bulk Plants

Mattress Factories
 Paint Factories
 Pyroxylin-Factories, or
 Warehouses
 Rubber Factories
 Sales Rooms

5. "Industrial occupancy" means the occupancy or use of a building structure or any portion thereof for assembling, fabricating, finishing, manufacturing, packaging or processing operations, except for occupancies of high hazard; including among others:

Assembly Plants
 Creameries
 Electrical Substations
 Factories
 Ice Plants
 Laboratories
 Laundries
 Manufacturing Plants

Mills
 Power Plants
 Processing Plants
 Pumping Stations
 Repair Garages
 Smokehouses
 Workshops

6. "Institutional occupancy" means the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained; including among others:

Asylums
 Homes for the Aged
 Hospitals
 Houses of Correction
 Infirmarys
 Jails

Nursing Homes
 Orphanages
 Penal Institutions
 Reformatories
 Sanitariums
 Nurseries

7. "Residential occupancy" means the occupancy or use of a building or structure or any portion thereof by persons for who sleeping accommodations are provided but who are not harbored or detained to receive medical, charitable or other care or treatment, or are not involuntarily detained, including among others:

Apartments
 Boarding Houses
 Club Houses
 Convents
 Dormitories
 Dwellings

Hotels
 Lodging Houses
 Motels
 Multifamily Houses
 Studios
 Tenements

8. "Storage occupancy" means the occupancy or use of a building or structure or any portion thereof for the storage of goods, wares, merchandise, agricultural, or manufactured products or the sheltering of livestock and other animals except where the occupancy is classified as high hazard.

(ll) "Ordinary construction" means construction conforming to the requirements of Section 707 of the National Building Code.

(mm) "Penthouse" means an enclosed structure other than a roof structure, located on the roof, extending not more than twelve (12) feet above a roof and used primarily for living or recreational accommodations. (See story.)

(nn) "Place of assembly" shall apply to all buildings or sections of buildings used for the gathering of more than 100 persons in one (1) room or space for religious, recreational, educational, political, social, or amusement purposes, or for the consumption of food or drink.

(oo) "Pre-fabricated" means fabricated prior to erection or installation on a building or structure foundation.

(pp) "Protected noncombustible construction" means construction conforming to the requirements of Section 704 of the National Building Code.

(qq) "Public place" means a thoroughfare or open space over twenty-one (21) feet wide which is dedicated to a

governmental body maintaining accessibility to the fire department and other public services.

(rr) "Public way" means a thoroughfare over twenty-one (21) feet wide on a privately owned, privately maintained property but designated for public use and which by agreement is kept accessible at all times to the fire department and other public services.

(ss) "Repair" means the replacement of existing work with equivalent materials for the purpose of its maintenance; but not including any addition, change or modification in construction, exit facilities, or permanent fixtures of equipment.

(tt) "Required" means required by some provision of these standards.

(uu) "Self-close" as applied to a fire door or other protective, means normally closed and equipped with approved device which will insure closing after having been opened for use.

(vv) "Shaft" means a verticle opening or passage through two or more floors of a building or through floors and roof.

(ww) "Shall" indicates mandatory provisions of these standards.

(xx) "Should" indicates advisory provisions of these standards which, while not mandatory, are highly desirable and strongly recommended.

(yy) "Solid wooden door or the flush type" means a door of solid wooden construction (no indented panels or hollow spaces) not less than one and three-fourths (1 3/4) inch in thickness at any point.

(zz) "Sprinklered" means equipped with an approved automatic sprinkler system.

(aaa) "Story" means that part of a building comprised between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds thirty-three and one-third (33 1/3) percent of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds 1,000 square feet or thirty-three and one-third (33 1/3) percent of the roof area. The basement of a building used for educational occupancy shall be considered a story if it is used for purposes other than storage, mechanical, or electrical equipment.

(bbb) "Street" means any public thoroughfare or space twenty-one (21) feet or more in width, which has been dedicated or devoted to the public for public use.

(ccc) "This office" means the State Fire Marshal's Office.

(ddd) "Unprotected noncombustible construction" means conforming to the requirements of Section 705 of the National Building Code.

(eee) "Walls:"

1. "Bearing wall" means a wall which supports any vertical load in addition to its own weight.

2. "Cavity wall" means a wall built of masonry or of plain concrete, or a combination of these materials, so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are tied together with metal ties.

3. "Curtain wall" means a nonbearing wall between columns or piers and which is not supported by girders or beams.

4. "Faced wall" means a wall in which the masonry facing the bracing is so bonded as to exert common action under load.

5. "Fire wall" means a wall constructed in accordance with Section 800, for the purpose of subdividing a building or separate buildings to restrict the spread of fire and which

starts at the foundation and extends continuously through all stories through and above the roof, except where the roof is fire-resistive and wall is carried up tightly against the underside of the roof slab.

6. "Foundation wall" means a wall below the first floor extending below the adjacent ground level and serving as a support for a wall, pier, column, or other structural part of a building.

7. "Hollow wall" of masonry means a wall built of masonry units so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are bonded together with masonry units.

8. "Nonbearing wall" means a wall which supports no load other than its own weight.

9. "Panel wall" means a nonbearing wall built between columns or piers and wholly supported at each story.

10. "Party wall" means a wall used or adapted for joint services between two (2) buildings.

11. "Veneered wall" means a wall having a facing which is not attached and bonded to the backing as to form an integral part of the wall for purpose of load bearing and stability.

(fff) "Wood frame construction" shall mean construction conforming to Section 708 of the National Building Code. Buildings having exterior masonry veneer, metal, or stucco, on wooden frame, constituting wholly or in part the structural support of the building, are considered "frame" buildings.

Section 4. Administration, Enforcement, and Permits.

(1) Jurisdiction. Any person, persons, firm or corporation failing, refusing, or neglecting to comply with the standards of safety shall be punished as provided by KRS 227.990.

(2) Permits:

(a) General: Permits required by this subsection will be issued when the requirements of the standards of safety have been complied with, and they may be suspended or revoked if the requirements are violated. Application for such permits shall be made in writing. When submission of plans and specifications is required by the standards of safety, it is strongly recommended that preliminary plans and specifications be submitted for review in order to eliminate unnecessary delays to the registered architect through minimizing any changes to the final working drawings. Any deviation from the final plans and/or specifications shall have prior approval from the Office of the Fire Marshal in writing.

(b) Application: Application for "state permits" required by paragraph (c), following, shall be made to the Office of the Fire Marshal, Department of Insurance, Frankfort, Kentucky. Where submission of plans and specifications is required by the standards of safety, the application for a "state permit" together with at least one (1) complete set of plans and specifications shall be submitted.

(c) State permits: A permit or license shall be obtained from the Fire Marshal, for the following:

1. The transportation, selling, storing for resale, or delivering of liquefied petroleum gases, or for engaging in the business of installing or servicing liquefied petroleum gas equipment; or for persons who actually perform such installations or servicing operations. Licenses issued under this subparagraph shall be in accordance with the provisions of KRS 234.120. Under this subparagraph, licenses or permits are not required for storage or transportation in quantities of ten (10) gallons or less by the ultimate

consumer, handling in quantities of less than one (1) gallon where the gas is an integral part of a device for its utilization, or for use as a motor fuel while in the fuel tank of the motor vehicle.

2. The construction, or substantial remodeling, of any plant or building of a class listed in subsection (3) (b) of this section "Design Responsibility - Plans and Specifications."

3. The construction of substantial remodeling of any plant or building containing an occupancy for which a license is required under KRS 234.120 relating to the storage and handling of liquefied petroleum gases.

4. Conditions where permits are required by Section 6, Flammable Liquids, Section 7, Dry Cleaning, Section 8, Airports, and NFPA Pamphlet 495 Explosives.

(d) Local permits: Where the "state permits" are required as above, local permits shall also be obtained from an authorized city official, where provisions have been made by the municipality for the issuance of permits, and where the municipality has adopted the standards of safety, or has regulations at least as stringent as the standards of safety.

(e) Certificates of occupancy: The provisions on "Certificates of Occupancy" in the National Building Code will be enforced in their entirety.

(3) Design responsibility, plans and specifications:

(a) Responsibility for the design, plans, and specifications, covering the construction or substantial remodeling of any building of the classes listed below, shall be intrusted to a professional architect registered in Kentucky, acting within the scope of his professional registration in accordance with KRS Chapter 323. The responsibility for the design, plans, and specifications for the mechanical and electrical systems within such buildings, and, when in the discretion of the Fire Marshal the circumstances so require, the structural design for such buildings, shall be intrusted to a professional engineer acting within the scope of his professional registration in accordance with KRS Chapter 322. Such architects' and engineers' seals and signatures shall be attached to the data covering each area of construction for which the particular professional is responsible.

(b) Plans and specifications in specific detail and in conformity with good architectural and engineering practices shall be submitted to the Office of the Fire Marshal, Department of Insurance, Frankfort, Kentucky, and approval received (see "state permits" preceding) before construction or substantial remodeling is started for the following:

1. Asylums, hospitals, nursing or convalescent homes for the aged; however named, and regardless of capacity.

2. A school or other educational facility, regardless of capacity.

3. A residential occupancy, defined, for the purpose of this section only, as:

a. Hotels, includes buildings or groups of buildings under the same management in which there are more than fifteen (15) sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.

b. Apartment buildings. Includes buildings containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartments, or by any other name.

c. Dormitories. Includes buildings where group sleeping accommodations are provided for persons not members of the same family group in one (1) room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, orphanages, fraternity houses, military barracks, ski lodges; with or without meals.

4. A place of assembly, regardless of capacity.

5. Mercantile buildings having a capacity in excess of 100 persons (30 square feet per person) or the type construction exceeds the height and/or area limits as set forth in Table 510, Section 510-2, Article V of the National Building Code, 1976 Edition.

6. Industrial buildings having a capacity in excess of 100 persons or the type construction exceeds the height and/or area limits as set forth in Table 510, Section 510-2, Article V of the National Building Code, 1976 Edition.

7. Office buildings having a capacity in excess of 100 persons or the type construction exceeds the height and/or area limits as set forth in Table 510, Section 510-2, Article V of the National Building Code, 1976 Edition.

8. Any building having more than 20,000 square feet of floor area or the type construction exceeds the height and/or area limits as set forth in Table 510, Section 510-2, Article V of the National Building Code, 1976 Edition.

(c) The architects shall notify this office before the end of construction or re-modeling of any building listed above, in order that a final inspection may be made prior to occupancy. When supervision of the construction is not conducted by the architect it shall be noted on the Fire Marshal's "project information sheet."

(4) Inspection:

(a) This office has state-wide jurisdiction to inspect all places insofar as it is necessary for the enforcement of all laws, ordinances and lawful orders requiring any place to be safe from fire loss. The chief of the fire department or an officer or member of his department, designated by him for that purpose, has authority to inspect all places within his jurisdiction except the interiors of private dwellings in order to determine whether hazardous conditions exist in which case he shall order proper remedies. The power of inspection mentioned in this paragraph applies to the interior of private dwellings only when a fire has occurred or when there is reason to believe dangerous conditions exist in the dwelling. (KRS 227.270, 227.370)

(b) If any owner fails to comply with an order issued pursuant to KRS 227.380 or with an order as modified on appeal to the commissioner, the officer may cause the property to be repaired or removed if repair is not feasible, and all fire hazard conditions remedied at the expense of the owner. (KRS 227.390) The fire chief shall have primary responsibility for the safety of places under his jurisdiction. Regulations of this office establish minimum standards, which shall not prevent any city from enacting more stringent regulations; but this office will cooperate with local officials in enforcing all fire safety laws and ordinances of the state and of its political subdivisions. (KRS 227.220, 227.230, 227.320) Inspection of property in the territory served by the fire department shall be made as often as practicable or as often as the legislative body may direct. A written report of continued violations should be sent to the Fire Marshal who will cooperate with local authorities to secure compliance with the standards of safety and other laws, ordinances and regulations of the state and its political subdivisions relating to matters within the scope of this office. (KRS 227.220 et seq.)

(c) It shall be the duty of the chief of police in each political subdivision having a police department to render all possible assistance in the enforcement of the provisions of the standards of safety, and to direct and require police officers to enter places of public assembly for such purpose.

Section 5. Constitutionality. If any part of the "standards of safety" is adjudged to be invalid such judgment shall not invalidate the remainder of the "standards of safety," but shall be confined in its effect solely to the part directly involved in the proceeding in which rendered.

Section 6. Storage, Handling and Transportation of Flammable Liquids. Permit requirements:

(1) State permits:

(a) A permit subject to the provisions of Section 4(2) shall be obtained from the Fire Marshal for the construction, substantial remodeling, or operation of any refinery, bulk storage plant, distributing station, or service station; and for the transporting of flammable liquids in tank vehicles other than in drums, cans, or other containers, of less than sixty (60) gallons individual capacity.

(b) Every owner of a tank vehicle used for the transportation of flammable liquids in Kentucky shall make application annually to the Fire Marshal for a permit to operate such vehicle. Such application shall be accompanied by a statement of the condition of the vehicle at the time application is made. The Fire Marshal will issue annually numbered permits upon receipt of proper application and certification of conditions.

(c) The annual permit number shall be displayed at the top of the rear of each tank. Such numbers shall be of a sharply contrasting color and a minimum of three inches in height.

(d) No person shall place any flammable liquid in a tank vehicle for transportation in Kentucky until such vehicle has received, and displayed a permit number as required in paragraph (c) above from the Fire Marshal.

(2) Local permits: A permit, subject to the provisions of Section 4(2), shall be obtained from an authorized city official for:

(a) The storage or handling of Class I liquids in excess of one (1) gallon in any building of "residential occupancy," in excess of ten (10) gallons inside any other building, and in excess of fifty (50) gallons outside of any building.

(b) Storage or handling of Class II liquids in excess of ten (10) gallons in any building of "residential occupancy," in excess of sixty (60) gallons in any other building, and in excess of 120 gallons outside any building.

(c) The storage or handling of Class III liquids in excess of 275 gallons inside any building, and in excess of 1,100 gallons outside of any building.

(d) The construction, substantial remodeling, or operation of a refinery, bulk storage plant, distributing station or service station.

(e) Quantities of paints, oils, varnishes, and similar flammable liquids in excess of those given above, for use on the premises, stored for not more than thirty (30) days.

Section 7. Dry Cleaning and Dyeing: (1) Definitions:

(a) For the purposes of the standards of safety, "dry cleaning" shall be considered the process of removing dirt, grease, paints, and stains from wearing apparel, textiles, fabrics, rugs, etc., through the use of nonaqueous liquid solvents by one or more of the following methods:

1. Immersion and agitation in open vessels.
2. Immersion and agitation in approved closed machines.
3. Spotting or local application of solvents to spots of dirt, grease, paints and stains not removed by immersion and agitation processes.

4. Brushing or scouring with solvents.

(b) "Dry dyeing" shall be considered the process of drying clothes, textiles, fabrics, rugs, etc., in solutions of dye colors and non-gaseous liquid solvents.

(c) In the following regulations, wherever reference is made to "dry cleaning," that term shall be constructed as applying to both dry cleaning and dry dyeing operations.

(2) Permits and plans:

(a) A permit from the Fire Marshal, subject to the provisions of Section 4(2), shall be obtained for the construction or operation of a dry cleaning or dry dyeing plant; or for using any room or structure for dry cleaning or dry dyeing operations; or for the storage of flammable or volatile substances for use in such business.

(b) Plans shall be drawn to an indicated scale and shall show the relative location of the dry cleaning building, boiler room, finishing building or department, storage tanks for solvents, and in the location and arrangement of all equipment, such as pumps, washers, drying tumblers, extractors, filter traps, stills, condensers, and piping. Such plans and specifications, based on NFPA Pamphlet No. 32, shall be submitted with the application for a permit. Where a dry cleaning operation is intended to meet Class III requirements as specified in NFPA Pamphlet No. 32, specifications shall include sufficient information to identify listed equipment and solvents (listees' name and model designation on equipment, and name and trade designation for solvents).

Section 8. Airports. Permits: (1) A permit subject to the provisions of Section 4(2) shall be secured from the Fire Marshal before beginning the construction or operation of any airport, or hangar, or similar building intended for the storage or service of airships or airplanes.

(2) If the permit is subject to the provisions of Section 4(2) it shall be secured from the Fire Marshal for the storage, handling and dispensing of flammable liquids.

Section 9. Drilling or Operation of Oil and/or Gas Wells:

(1) Permits:

(a) The drilling of any oil or gas well shall be prohibited within the fire limits, and should be prohibited within the corporate limits of any city or town. No person, firm or corporation shall drill, bring in, or operate any oil or gas well, or install any tanks, pipe lines, or other equipment for the storage or handling of oil or gas in connection with such wells, inside the corporate limits of any city or town, without having first secured a permit from an authorized city official and the Fire Marshal, subject to the provisions of Section 4(2).

(b) Application for such permit shall be accompanied by plans and specifications in duplicate, showing the location of well, sludge pond, tank or tanks, and pipe lines, with reference to surrounding structures, roads, streets, and alleys; and the capacity of any tank, tanks, or containers.

(2) Location and shooting of well:

(a) No gas or oil wells shall be drilled or brought in within 150 feet of any building or structure (except derrick or auxiliary building), or within twenty-five (25) feet of any road, street, or alley.

(b) Nitroglycerine may be used for shooting or bringing in wells provided the shooting is done by a representative of a licensed torpedo company. All transportation, handling, and use of explosives shall be in conformity with the regulations of the Division of Explosives and Blasting, Department of Mines and Minerals.

(c) No well shall be loaded, or any torpedo set, except during daylight hours.

(d) Empty nitroglycerine cans, or other explosive containers shall be returned to a magazine the same day they are used. Leaky or discarded containers shall be properly destroyed, as provided in the regulations of the Division of Explosives and Blasting, Department of Mines and Minerals.

(3) Sludge ponds:

(a) No sludge pond shall be located with any point of its border closer than fifty (50) feet to any building, structure (except derrick or auxiliary buildings), highway, street, or alley.

(b) All sludge ponds shall be drained and covered with earth as soon as practicable after drilling operations have been completed.

(4) Tanks and containers:

(a) No receiving tanks, or other containers, for the storage of oil or gas shall be located closer than fifty (50) feet to any building or structure (except derrick or auxiliary building), or closer than twenty-five (25) feet to any highway, street, or alley.

(b) No such tank or container having a capacity in excess of 100 barrels, and no group of more than two (2) such tanks or containers having an aggregate capacity in excess of 500 barrels, shall be located within 100 feet of any building or structure (except derrick or auxiliary building).

(c) The individual capacity of any tank or container shall not exceed 500 barrels, and the aggregate capacity of any group of tanks or containers shall not exceed 1,000 barrels.

(d) The location, installation, diking, and protection of tanks or containers shall be in conformity with the requirements of NFPA Pamphlet No. 30, with particular attention given to those regulations pertaining to tanks or containers holding crude oil.

(5) Piping: All piping installed for use in handling of petroleum shall be suitable material, and shall be installed and tested in accordance with the applicable provisions of NFPA Pamphlet No. 30.

(6) Valves:

(a) Cut-off control valves shall be provided in pipe lines at points where such valves are needed to prevent drainage of tanks or pipes, or continuous flow from pumps, in event of rupture or during repairs involving any part of the equipment.

(b) In installations where the rock pressure is such that wells are of the "gusher" type, a cut-off control valve shall be installed in the shaft pipe at the point where this pipe rises above the ground; or, in the case of a wildcat well, an oil and gas saver shall be properly installed on the casing head.

Section 10. 806 KAR 50:010 is hereby repealed.

WARREN SOUTHWORTH, State Fire Marshal
ADOPTED: November 11, 1976

HAROLD B. McGUFFEY, Commissioner
APPROVED: JAMES E. GRAY, Secretary
RECEIVED BY LRC: November 15, 1976 at 1:30 p.m.

Proposed Amendments

SECRETARY OF CABINET Kentucky Retirement Systems (Proposed Amendment)

105 KAR 1:010. Contributions and interest rates.

RELATES TO: KRS 16.505 to 16.652, 61.510 to 61.692, 78.510 to 78.852

PURSUANT TO: KRS 13.082, 16.640, 61.645, 78.780

NECESSITY AND FUNCTION: KRS 16.645, 61.565 and 78.545, require the Board to determine the employer contribution rate based on an actuarial valuation. KRS 61.552 requires the Board to adopt a rate of interest payable on a recontribution of refund. KRS 16.560, 61.575 and 78.640 provide that the Board may determine the rate of interest payable on the members' contribution account. KRS 61.670 provides that the Board shall adopt such actuarial tables as are necessary for the administration of the system. This regulation sets the employer contribution rates, and rate of interest on a recontribution of refund and member contribution account and establishes the actuarial tables for computation of retirement allowances for members of the Kentucky Employees Retirement System (KERS), County Employees Retirement System (CERS) and State Police Retirement System (SPRS).

Section 1. The employer contribution rate payable by a participating agency applicable to creditable compensation earned on or after July 1, 1976 shall be as follows:

KRS 61.565 State Police Retirement System13½%
KRS 61.656 Ky. Employees Retirement System7¼%
KRS 61.565 County Employees Retirement System	...7¼%
KRS 61.592 Ky. Employees Retirement System17¼%
KRS 61.592 County Employees Retirement System	... 16%

Section 2. The interest rate on a recontribution of refund as provided under KRS 61.552 shall be six (6) percent compounded annually, except that the interest rate on recontribution of refund made by an employee who has been reinstated by order of the Personnel Board shall be at the rate of zero (0) percent, if the refund is recontributed within a reasonable period of time.

Section 3. Interest creditable on a member's accumulated contributions in accordance with KRS 16.560, 61.575, and 78.640 shall be at the rate of three (3) percent.

Section 4. Reduction factors to be applied to determine immediate annuity equivalent to annuity deferred to Normal Retirement age under KRS 16.577, 16.578, 61.595, 61.640 and 61.680 shall be as follows except:

(1) A SPRS, KERS or CERS hazardous duty employee who would attain thirty (30) years of service (fifteen (15) years of which would be current service) prior to age fifty-five (55), if his employment had continued shall have his retirement benefit computed based on the appropriate factor as follows:

TABLE A

Years Required to Complete 30 Years Service	Percentage Payable
1	94.5%
2	89.0%
3	83.5%
4	78.0%
5	72.5%

(2) A KERS or CERS non-hazardous member who has combined service of thirty (30) or more years (fifteen (15) years of which would be current service) and has not attained age fifty-five (55) will have benefits computed using the appropriate factor as follows:

TABLE B

Years Prior to Age 55	Percentage Payable
1	97.0%
2	94.0%
3	91.0%
4	88.0%
5	85.0%
6	82.0%
7	79.0%
8	76.0%
9	73.0%
10	70.0%

(3) [Effective January 1, 1976, a] A KERS or CERS non-hazardous member who is age fifty-five (55) or older and would attain thirty (30) years of service (fifteen (15) years of which would be current service) prior to age sixty-five (65) if employment were continued shall have benefits computed using the appropriate factor as follows:

TABLE C

Years Required to Complete
30 Years Service

Percentage
Payable

1	95.0%
2	90.0%
3	85.0%
4	80.0%
5	75.0%
6	71.0%
7	67.0%
8	63.0%
9	59.0%
10	55.0%

(4) A KERS or CERS non-hazardous member who dies prior to age fifty-five (55), and would have attained thirty (30) or more years of service (fifteen (15) of which would be current service) on or before reaching his fifty-fifth (55th) birthday, if employment were continued, shall have benefits computed by first multiplying his deferred benefit by the percentage payable as determined from Table C in subsection (3) based on the number of years required to complete thirty (30) years of service and then multiply this result by the percentage payable as determined from Table B in subsection (2) based on said member's age at the time thirty (30) years of service (fifteen (15) years of which would be current service) would have been attained.

39	24.4%	37.1%
38	23.8%	34.9%
37	23.2%	33.0%
36	22.5%	31.3%
35	21.9%	29.9%
34	21.2%	28.7%
33	20.6%	27.6%
32	20.0%	26.7%
31	19.5%	25.8%
30	19.0%	25.1%
29	18.5%	24.4%
28	18.0%	23.8%
27	17.5%	23.2%
26	17.0%	22.5%
25	16.5%	21.9%

The member's exact age in years and months shall be determined and the above factors shall be used to extrapolate in order to determine the appropriate factor.

[Section 5. This regulation shall become effective July 1, 1976.]

GEORGE R. ARVIN, General Manager

ADOPTED: April 1, 1977

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: April 14, 1977 at 8:50 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: General Manager, Kentucky Retirement Systems, 226
West Second Street, Frankfort, Kentucky 40601.

TABLE D

Early Age	Normal Retirement Age	
	65	55
64	95.0%	
63	90.0%	
62	85.0%	
61	80.0%	
60	75.0%	
59	71.0%	
58	67.0%	
57	63.0%	
56	59.0%	
55	55.0%	
54	51.3%	94.5%
53	47.9%	89.0%
52	44.9%	83.5%
51	42.1%	78.0%
50	39.5%	72.5%
49	37.1%	68.8%
48	34.9%	65.2%
47	33.0%	61.7%
46	31.3%	58.2%
45	29.9%	54.7%
44	28.7%	51.3%
43	27.6%	47.9%
42	26.7%	44.9%
41	25.8%	42.1%
40	25.1%	39.5%

SECRETARY OF THE CABINET
Crime Victims Compensation Board
(Proposed Amendment)

107 KAR 1:025. Attorney's fees.

RELATES TO: KRS 346.040, 346.110

PURSUANT TO: KRS 13.082, 346.040, 346.110

NECESSITY AND FUNCTION: Under KRS 346.040(2), the Crime Victims Compensation Board's powers and duties include the adoption of rules for the approval of attorney's fees for representation before the Board or upon judicial review as provided for in KRS 346.110. This regulation sets forth the conditions of such payment.

Section 1. If the claimant is represented by an attorney and the attorney so requests, the board, may, as a part of any award or by separate order subsequent to the award, allow a reasonable attorney's fee for the filing of a claim and any subsequent proceedings. Such fee shall not exceed fifteen (15) percent of the amount of the award, and shall be paid out of the award and not in addition to the award.

No attorney representing a claimant shall contract for or receive as a fee any sum larger than fifteen (15) per cent of the amount of the award. Any fee contract in violation of this provision shall be void. [If a claimant is represented by an attorney, the attorney's fees shall be subject to approval by the board.]

EARL OSBORN, Chairman

ADOPTED: March 3, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: April 14, 1977 at 10:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Cattie Lou Miller, Executive Director, Crime Victims Compensation Board, 113 East Third Street, Frankfort Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION
Division of Occupations and Professions
Board of Licensure for Nursing
Home Administrators
(Proposed Amendment)

201 KAR 6:010. Licensure.

RELATES TO: KRS Chapter 216A

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS Chapter 216A authorizes the Kentucky Board of Licensure for Nursing Home Administrators to regulate the practice of nursing home administration in Kentucky, including the adoption of standards for licensure. The purpose of this regulation is to establish uniform requirements for the licensing of nursing home administrators.

Section 1. Requirements for Issuance of License. An applicant for a license as a nursing home administrator shall in addition to meeting the requirements provided by KRS 216A.080 [126A.080]:

(1) Establish a bona fide residency or express an intent to reside in Kentucky, unless employed by a health care facility located in Kentucky.

(2) (a) *Have satisfactorily completed a course of study for, and have been awarded a baccalaureate degree; and have six (6) months of continuous management experience in a health care facility within three (3) years from the date of application. Said management experience shall include at least partial responsibility for personnel management, budget preparation and fiscal management, and public relations; [Have satisfactorily completed sixty-four (64) college semester hours (or its equivalent) in courses deemed suitable for preparation for nursing home administration by the board. However, for a period of six (6) months following the effective date of this regulation, board approved experience as an administrator of a health facility or service may be substituted on a year for year basis in lieu of this education requirement, provided such experience was gained within three (3) years prior to the effective date of this regulation.] or*

(b) [(3)] Have satisfactorily completed at least sixty-four (64) college semester hours and one (1) year of continuous management experience in a health care facility within three (3) years from the date of application. Said management experience shall include at least partial responsibility for personnel management, budget preparation and fiscal management and public relations. [Have had at least one (1) year of management administrative experience in a health related field. In the case of applicants with more than sixty-four (64) college semester hours, the one (1) year experience requirement in a health related field may be reduced by three (3) months for each additional thirty-two (32) college semester hours, with a maximum reduction of six months.]

(3) [(4)] Pay a license fee of \$100 at the time of application, seventy-five dollars (\$75) of which shall be refunded in the event the applicant is not subsequently licensed.

[Section 2. Educational Requirement after July 1, 1977.

On and after July 1, 1977, an applicant for a license as a nursing home administrator shall have completed a course of study for and have been awarded a baccalaureate degree from an accredited institution of higher learning. If such academic preparation is not acceptable to the board as suitable preparation for nursing home administration, the applicant shall submit evidence satisfactory to the board that he had attended a specialized approved course of study in the area of health care administration.]

Section 2.[3.] Examination Subject. Every applicant for a license as a nursing home administrator shall successfully pass a written examination which shall include, but not be limited to, the following subjects:

(1) Applicable standards of environmental health and safety;

(2) Local health and safety regulations;

(3) General administration;

(4) Psychology of patient care;

(5) Principles of patient care;

(6) Personal and social care;

(7) Therapeutic and supportive care and service in long-term care;

(8) Departmental organization and management; and

(9) Community interrelationships.

Section 3. [4.] Temporary Permits. The fee for a temporary permit shall be fifty dollars (\$50). The permit shall not be transferable to any other health facility.

Section 4.[5.] Renewal of Licenses. Upon expiration of the license the licensee shall make [making] an application for biennial renewal of a license [,]. Such [such] licensee shall pay a biennial renewal fee of \$100 and at the same time, submit evidence satisfactory to the board that during the biennial period immediately preceding such application that he has attended a continuing education program of approved study which contained a minimum of six (6) college semester hours or [eighty (80) clock hours; provided, however,] fifty (50) clock hours [shall be acceptable if the licensee had a baccalaureate or higher degree, or made an examination score of 120 or above, or has two (2) years experience in administrative duties in a health care facility]. Upon receipt of such application for renewal of a license, the renewal fee, and the evidence required with respect to continuing education, the board shall issue a renewed

license to such nursing home administrator. Failure to pay the license renewal fee sixty (60) days from the date on which it is due shall cause the license to automatically expire and terminate.

Section 5. [6.] Endorsement. The board may license by endorsement, without examination, a nursing home administrator currently licensed by examination by the proper authorities of any other state upon payment of a fee of \$100, [provided the conditions specified in KRS 216A.130 are met,] and provided the applicant demonstrates to the board:

(1) That he is familiar with state and local health and safety regulations relating to nursing homes; [and]

(2) That his license has not been revoked or suspended in any other state; [.] and

(3) *That he meets current educational and experience requirements contained in Section 1 of this regulation.*

Section 6. [7.] Refusal, Suspension, and Revocation of Licenses. The board may suspend, revoke, or refuse to issue or renew a license of a nursing home administrator, or may reprimand or otherwise discipline a licensee after due notice and an opportunity to be heard at a formal hearing, upon substantial evidence that such applicant or licensee:

(1) Has violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the rules and regulations of the board pertaining thereto;

(2) Has willfully or repeatedly violated any of the provisions of the law, code, rules, or regulations of the licensing or supervising authority or agency of the state or political subdivision thereof having jurisdiction of the operation and licensing of nursing homes;

(3) Has been convicted of a felony involving moral turpitude;

(4) Has practiced fraud, deceit, or misrepresentation in securing or procuring a nursing home administrator license;

(5) Is incompetent to engage in the practice of nursing home administration or to act as a nursing home administrator;

(6) Has practiced fraud, deceit, or misrepresentation in his capacity as a nursing home administrator;

(7) Has committed acts of misconduct in the operation of a nursing home under his jurisdiction;

(8) Is addicted or dependent upon the use of alcohol, controlled substances or other drugs; or [and]

(9) Has wrongfully transferred or surrendered possession, either temporarily or permanently, his license to any other person.

Section 7. [8.] Complaints and Hearing Procedures. Any person, public officer, or association, or the board may prefer charges against any licensee:

(1) Such charges shall be in writing and shall be submitted to the board.

(2) The board, or any person or persons appointed by it for the said purpose, may hold a preliminary hearing to determine whether a formal hearing on the charges is necessary.

(3) The board may dismiss the charges and take no action thereon, by formal hearing or otherwise, in which event the charges and the order dismissing the charges shall be filed with the board.

(4) If the board decides that the charges shall be heard formally, the board may hear the charges or designate a hearing officer to hear the charges and set a time and place for a hearing.

(5) A copy of the charges, together with notice of the time and place of the hearing, shall be served on the accused at least thirty (30) days before the date fixed for the hearing.

(6) Upon the conclusion of the hearing, the board may revoke the license of the accused, or suspend such license for a fixed period, or reprimand, or take other disciplinary action, or dismiss the charges.

(7) An order of suspension made by the board may contain such provisions as to reinstatement of the license as the board shall direct.

Section 8. [9.] Conduct of Hearing. At any hearing conducted pursuant to these regulations, any party to the proceedings may appear personally and with counsel and shall be given the opportunity to introduce evidence and witnesses and to cross-examine witnesses:

(1) At any formal hearing conducted pursuant to these regulations, if a party shall appear without counsel, the board or person designated as a hearing officer shall advise such party of his right to be represented by counsel; and that if he desires to proceed without counsel that he may call witnesses, cross-examine witnesses, and introduce evidence in his behalf.

(2) Appearances shall be noted on the official record of hearing.

(3) The board or designated hearing officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for any indefinite period of time, but shall be set down for a day certain.

(4) If an adjournment is requested in advance of the hearing date, such request shall be submitted in writing and shall specify the reason for such request.

(5) In considering an application for adjournment of a hearing the board or hearing officer shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment.

(6) The board or designated hearing officer shall issue subpoenas and subpoena duces tecum upon request of any party to the proceedings of any hearing set down by the board.

(7) The board or hearing officer shall not be bound by the strict rules of evidence in the conduct of a hearing, but the determination and recommendations of the hearing officer shall be founded upon sufficient legal evidence to sustain them.

(8) Upon the conclusion of a hearing the board shall take such action upon such written findings and determinations as it deems proper.

Section 9. [10.] Display of Licenses. Every person licensed as a nursing home administrator shall display such license and certificate of biennial registration in a conspicuous place in the office or place of business or employment of such licensee.

Section 10. [11.] Duplicate Licenses. The board may issue a duplicate license upon payment of a fee of ten dollars (\$10).

WILLIAM T. BURKETT, Secretary for Board
ADOPTED: April 5, 1977

APPROVED: RUSSELL McCLURE, Secretary

RECEIVED BY LRC: April 7, 1977 at 2:45 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Chairman, Board of Licensure for Nursing Home Administrators, P. O. Box 456, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Plumbing
(Proposed Amendment)

401 KAR 1:130. Mobile home park waste systems and connections.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 318.130 [211.090 and Executive Order 74-449]

NECESSITY AND FUNCTION: The Department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This regulation relates to mobile home park waste systems and connections and it specifies the material as well as the method that will be used in installing the necessary plumbing to serve mobile homes.

Section 1. Materials. All materials shall conform to other sections of this code.

Section 2. Sewers. The main and branch sewers for the connections of mobile homes shall be laid at a uniform grade and alignment and all joints shall be watertight. Clean-outs shall be provided at intervals not to exceed 100 feet for main and branch sewers in sizes six (6) inches and smaller. They shall be extended to the grade with cast iron soil pipe and shall be provided with a brass clean-out plug. A four (4) inch concrete pad, eighteen (18) inches square, shall be provided around each clean-out. All main and branch sewers eight (8) inches and larger will not require clean-outs but will require standard manholes at intervals not to exceed 400 feet as well as in all changes in direction. [A four (4) inch cast iron or schedule forty (40) galvanized steel stack shall be provided at each 100 feet intervals on the main or branch sewer lines or part thereof, and at the end of each main or branch sewer line. The base of the stack shall be washed. In lieu thereof, a three (3) inch stack may be placed at each mobile home site. Vent stacks shall be of a minimum height of ten (10) feet but in no instance shall they be less than six (6) inches higher than the height of the mobile home that they serve. Each stack must be supported by a concrete pier that extends at least six (6) inches in all directions from the vent stack. The pier must be placed on a four (4) inch concrete pad twenty-four (24) inches square installed beneath the main or branch sewer. The pier must extend from this pad to a height of twenty-four (24) inches above the grade. The pier and the pad must be an integral unit.] Each mobile home shall be provided with a four (4) inch sewer. A three (3) inch waste connection shall be provided and extended one (1) inch above the grade with cast iron pipe using a cast iron ferrule with a three (3) inch standard thread. A four (4) inch concrete pad twenty-four (24) inches square shall be provided around the waste opening. A three (3) inch screw plug shall be fastened by a chain to the concrete pad which must be used when the mobile home opening is not in use. The waste pipe connection between the mobile home and the sewer waste opening [provided by the park] shall be a waterproof connection *constructed of either cast iron, schedule 40 steel pipe, copper pipe or schedule 40 ABS or PVC piping* [and of a material approved by the department].

Section 3. Individual Residential Mobile Home Waste System and Connection. An individual residential mobile home shall either be connected to a municipal sewer system

or to an approved private sewage disposal system in accordance with other sections of this code. Each mobile home must be provided with at least a three (3) inch cast iron soil pipe waste connection to the house sewer. [A three (3) inch stack shall be provided and extended six (6) inches above the height of the mobile home and be constructed of either cast iron or schedule 40 galvanized steel pipe. Every stack must be supported by a concrete pier that extends at least six (6) inches in all directions from the vent stack. The pier shall be placed on a four (4) inch concrete pad twenty-four (24) inches square installed beneath the sewer. The pier must extend from this pad to a height of twenty-four (24) inches above the grade. The pier and the pad must be an integral unit.] All piping that does not have at least an eighteen (18) inch cover shall be cast iron pipe. Waste connections between the permanent cast iron piping and the mobile home waste connection must be a water proof connection *constructed of either cast iron, schedule 40 steel pipe, copper pipe or schedule 40 ABS or PVC piping* [and of a material approved by the department].

ROBERT D. BELL, Secretary

ADOPTED: April 4, 1977

RECEIVED BY LRC: April 5, 1977 at 2:30 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Arthur Curtis, Jr., Bureau of Environmental Quality,
5th Floor, Capital Plaza Tower, Frankfort, Kentucky
40601.

EDUCATION AND ARTS CABINET
Department of Education
Office of Superintendent
(Proposed Amendment)

701 KAR 1:010. State plan for career education.

RELATES TO: KRS 158.515 [156.160]

PURSUANT TO: KRS 13.082, 156.010, 156.070

NECESSITY AND FUNCTION: A State Plan for the administration of Career Education is *necessary in order to implement the provisions of KRS 158.505 through 158.550*. [to implement federal regulations and is necessary in order to be eligible to receive federal funds under P.L. 93-380.]

Section 1. Pursuant to the authority vested in the State Board of Education by KRS 156.070 and 156.160, the Career Education State Plan *dated March, 1977* is presented herewith for filing with the Legislative Research Commission and incorporated by reference.

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: March 22, 1977

RECEIVED BY LRC: March 31, 1977 at 2 p.m.

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

EDUCATION AND ARTS CABINET

Department of Education
Office of Superintendent
(Proposed Amendment)

701 KAR 1:020. State plan for the administration of ESEA Title IV.

RELATES TO: KRS 156.100

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: A State Plan is necessary in order to be eligible to receive federal funds under Title IV, P.L. 93-380.

Section 1. Pursuant to the authority vested in the Kentucky State Board of Education, the Kentucky State Plan for the Administration of ESEA, Title IV shall be prepared and approved by the State Board of Education, in accordance with the appropriate federal guidelines, and submitted to the U. S. Commissioner of Education for his approval. This document is incorporated by reference and hereinafter shall be referred to as the "State Plan" (*Revised March 22, 1977*). Copies of the State Plan may be obtained from the Division of Title IV, State Department of Education.

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: March 22, 1977

RECEIVED BY LRC: March 31, 1977 at 2 p.m.

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

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., McKesson Laboratories, 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: Vangard 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., McKesson Laboratories, 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: Vangard 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., McKesson Laboratories, 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., McKesson Laboratories, 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.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: April 13, 1977 at 1 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, *Bolar Pharmaceuticals*, 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, *Parmed Pharmaceuticals*, Philips-Roxane Laboratories, Richie Laboratories, Rugby Laboratories, *Theda Corporation*, United Research Laboratories, Zenith Laboratories;

(2) Chlorphen: Vanguard Laboratories;

(3) Chlor-Trimeton: Schering Corporation;

(4) C. P. M.: Midway Medical Company.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: April 13, 1977 at 1 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) Benadryl: 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: 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, Barre Drug Company, Cooper Drug Company, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, [;] Theda Corporation;

(4) Hydramine Elixir: Richie Pharmacal.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: April 13, 1977 at 1 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 1:160. Oxytetracycline 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 for-

mulary 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 Oxytetracycline Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the Council to be therapeutically equivalent.

Section 1. Oxytetracycline Hydrochloride Capsule Pharmaceutical Products. The following Oxytetracycline Hydrochloride Capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Oxytetracycline Hydrochloride 250 mg. Capsule Form:

(1) Oxlopar: Parke Davis;

(2) Oxy-Kesso-Tetra: McKesson Laboratories;

(3) Oxy-Tetrachel: Rachele Laboratories;

(4) *Oxytetracycline Hydrochloride: Cooper Drug Company, H. L. Moore Drug Exchange, Lederle Laboratories, Purepac Pharmaceuticals, Rondex Laboratories, Richie Pharmacal, [and] Rogers Wholesalers, Three P Products Corporation, United Research Laboratories, [;] and Vanguard Laboratories;

(5) Terramycin: Pfizer Laboratories.

*Therapeutic equivalence is determined for Cooper Drug Company, Purepac Pharmaceuticals, Rondex Laboratories and United Research Laboratories only if manufactured after June, 1975.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: April 13, 1977 at 1 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 1:170. Propoxyphene 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 Propoxyphene Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the Council to be therapeutically equivalent.

Section 1. Propoxyphene Hydrochloride Capsule Pharmaceutical Products. The following propoxyphene

hydrochloride capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

(1) Propoxyphene Hydrochloride 32 mg. Capsule Form:

(a) Darvon: Eli Lilly and Company;

(b) Mardon: Geneva Drugs, Ltd.;

(c) Propoxyphene Hydrochloride: *Cooper Drug Company*, *Murray Drug Corporation*, *Mylan Pharmaceuticals, Inc.*, *Paramount Surgical Supply Corp.*, *Richie Pharmacal*, *Spencer-Mead, Inc.*, and *Zenith Laboratories*.

(2) Propoxyphene Hydrochloride: 65 mg. Capsule Form:

(a) Darvon: Eli Lilly and Company;

(b) Dolene: Lederle Laboratories;

(c) Mardon: Geneva Drugs, Ltd.;

(d) Propoxyphene Hydrochloride: *Abbott Laboratories*, *Bell Pharmacal*, *Bolar Pharmaceuticals*, *Columbia Medical Company*, *Cooper Drug Company*, *Geneva Generics*, *Midway Medical Company*, *H. L. Moore Drug Company*, *Murray Drug Corporation*, *Mylan Pharmaceuticals*, *Paramount Surgical Supply Corp.*, *Parmed Pharmaceuticals*, *Purepac Pharmaceutical Company*, *Rachelle Laboratories*, *Rexall Drug Company*, *Richie Pharmacal*, *Spencer-Mead, Inc.*, *Theda Corporation*, *United Research Laboratories*, *Zenith Laboratories*;

(e) SK-65: *Smith, Kline and French Labs.*; and

(f) *Vandar*: *Vanguard Laboratories*.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

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 1:175. Propoxyphene Hydrochloride with APC.

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

Section 1. Propoxyphene Hydrochloride with APC Pharmaceutical Products. The following propoxyphene

hydrochloride with APC pharmaceutical products are determined to be therapeutically equivalent: Propoxyphene Hydrochloride with APC 65 mg. Capsule Form:

(1) Darvon Compound: Eli Lilly and Company;

(2) Dolene Compound-65: Lederle Laboratories;

(3) Propoxyphene Hydrochloride with APC: *Bell Pharmacal Company*, *Cord Laboratories*, *Geneva Generics*, *ICN Pharmaceuticals*, *Midway Medical Company*, *Murray Drug Corporation*, *Mylan Pharmaceuticals*, *Parmed Pharmaceuticals*, *Philips-Roxane Laboratories*, *Purepac Pharmaceuticals*, *Rachelle Laboratories*, *Rexall Drug Company*, *Richie Pharmacal*, *Rondex Pharmaceuticals*, *Theda Corporation*, *Walgreens*;

(4) Repro-Compound: Reid-Provident Laboratories;

(5) SK-65 Compound: *Smith, Kline & French*;

(6) *Vandar* Compound: *Vanguard Laboratories*.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: April 13, 1977 at 1 p.m.

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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 1:180. Tetracycline 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 Tetracycline Hydrochloride pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

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

(1) Tetracycline Hydrochloride 250 mg. Tablet Form:

(a) Panmycin: Upjohn Company;

(b) Sumycin: E. R. Squibb & Sons;

(c) Tetrachel: *Rachelle Laboratories*; and

(d) Tetracycline Hydrochloride: *H. L. Moore Drug Exchange*, *Mylan Pharmaceuticals*, *Richie Pharmacal*.

(2) Tetracycline Hydrochloride 500 mg. Tablet Form:

(a) Panmycin: Upjohn Company;

- (b) Sumycin: E. R. Squibb & Sons; and
- (c) Tetracycline Hydrochloride: Mylan Pharmaceuticals, Richie Pharmacal.

Section 2. Tetracycline Hydrochloride Capsule Pharmaceutical Products. The following Tetracycline Hydrochloride capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage:

- (1) Tetracycline Hydrochloride 250 mg. Capsule Form:
 - (a) Achromycin V: Lederle Laboratories;
 - (b) Bristacycline: Bristol Laboratories;
 - (c) Centet: Central Pharmacal;
 - (d) [(c)] Kesso-Tetra: McKesson Laboratories;
 - (e) [(d)] Ranmycin: Upjohn Company;
 - (f) [(e)] OID-Tet: Mallinckrodt Chemical;
 - (g) [(f)] Retet-250: Reid-Provident;
 - (h) [(g)] Robitet: A. H. Robins Company;
 - (i) [(h)] SK-Tetracycline: Smith, Kline & French;
 - (j) [(i)] Sumycin: E. R. Squibb & Sons;
 - (k) [(j)] Tetrachel: Rachelle Laboratories;
 - (l) [(k)] Tetracycline Hydrochloride: Alliance Laboratories, Bell Pharmacal Company, Bocan Drug Company, Columbia Medical, Cooper Drug Company, Geneva Drugs, Ltd., International Laboratories, H. L. Moore Drug Exchange, Murray Drug Corporation, Mylan Pharmaceuticals, Paramount Surgical Supply Corporation, Parke Davis & Company, Philips-Roxane Laboratories, Purepac Pharmaceuticals, Rexall Drug Company, Spencer-Mead, Inc., Theda Corporation, United research Laboratories, Walgreens, Wyeth Laboratories, Zenith Laboratories;
 - (m) [(l)] Tetracycline: Pfizer Laboratories; and
 - (n) [(m)] V-Tet: Vanguard Laboratories.
- (2) Tetracycline Hydrochloride 500 mg. Capsule Form:
 - (a) Achromycin V: Lederle Laboratories, Inc.
 - (b) Bristacycline: Bristol Laboratories;
 - (c) Kesso-Tetra: McKesson Laboratories;
 - (d) Panmycin: Upjohn Company;
 - (e) OID-Tet: Mallinckrodt Chemical;
 - (f) Retet-500: Reid-Provident;
 - (g) Robitet: A. H. Robins Company;
 - (h) SK-Tetracycline: Smith, Kline & French;
 - (i) Sumycin: E. R. Squibb & Sons;
 - (j) Tetrachel: Rachelle Laboratories;
 - (k) Tetracycline Hydrochloride: Alliance Laboratories, Bell Pharmacal Company, Bocan Drug Company, Columbia Medical Company, Cooper Drug Company, Geneva Drugs, Ltd., International Laboratories, H. L. Moore Drug Exchange, Murray Drug Corporation, Mylan Pharmaceuticals, Paramount Surgical Supply Corp., Parke-Davis & Company, Philips-Roxane Laboratories, Purepac Pharmaceuticals, Rexall Drugs, Spencer-Mead, Inc., Theda Corporation, United Research Laboratories, Walgreens, Zenith Laboratories;
 - (l) Tetracycline: Pfizer Laboratories; and
 - (m) V-Tet: Vanguard Laboratories.

Section 3. Tetracycline Hydrochloride Syrups and Pediatric Drops. The following Tetracycline Hydrochloride 125 mg/5 ml and 100 mg/ml [5] pediatric drops are determined to be therapeutically equivalent, in each respective dosage:

- (1) Tetracycline Hydrochloride 125 mg/5 ml Syrups:
 - (a) Achromycin: Lederle Laboratories;
 - (b) Biocycline: National Pharmaceuticals;
 - (c) Kesso-Tetra: McKesson Laboratories;
 - (d) Panmycin: Upjohn Company;

- (e) Retet-S: Reid-Provident;
- (f) Robitet: A. H. Robins Company;
- (g) SK-Tetracycline: Smith, Kline & French;
- (h) Sumycin: E. R. Squibb & Sons;
- (i) Tetrachel: Rachelle Laboratories;
- (j) Tetracycline Hydrochloride: Bell Pharmacal, H. L. Moore Drug Exchange, Purepac Pharmaceuticals, Rexall Drug Company, Richie Pharmacal, Spencer-Mead, Inc., United Research Laboratories; and
- (k) V-Tet: Vanguard Laboratories.
- (2) Tetracycline Hydrochloride 100 mg/ ml [5] Pediatric Drops:
 - (a) Achromycin V: Lederle Laboratories;
 - (b) Panmycin: Upjohn Company; and
 - (c) Tetrachel: Rachelle Laboratories.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: April 13, 1977 at 1 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 1:220. 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, Rugby Laboratories, Spencer-Mead, Inc., Theda Corporation, Zenith Laboratories; and

(d) Uni-Prob: United Research Laboratories.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

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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

- (1) *Hydrinate Elixir*: Barre Drug Company; and
(2) *Motion-Aid Elixir*: Vanguard Laboratories.

THOMAS S. FOSTER, 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 1:230. 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: *Bolar Pharmaceuticals*, 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.

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

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

902 KAR 1:250. Dextroamphetamine Sulfate Tablet.

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

PURSUANT TO: KRS 13.082

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

Section 1. Dextroamphetamine Sulfate Tablet Pharmaceutical Products. The following Dextroamphetamine Sulfate tablet pharmaceutical products are determined to be therapeutically equivalent in each respective dosage: Dextroamphetamine Sulfate 5 mg. Tablet Form:

(1) Dexedrine: Smith, Kline & French Laboratories;

(2) Dextroamphetamine Sulfate: Geneva Drugs, Ltd., Kasar Laboratories, Pace-Bond Drug Company, Paramount Surgical Supply Corporation, *Purepac Pharmaceuticals*, *Rondex Laboratories*, and Zenith Laboratories.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

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

902 KAR 1:260. Isoniazid Tablet.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)
PURSUANT TO: KRS 13.082

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

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

- (1) Isoniazid 100 mg. Tablet Form:
 - (a) Isoniazid: Columbia medical Company, Cooper Drug Company, Eli Lilly & Company, H. L. Moore Drug Exchange;
 - (b) Niconyl: Parke Davis & Company; and
 - (c) Nydrazid: E. R. Squibb & Sons.
- (2) Isoniazid 300 mg. Tablet Form:
 - (a) Isoniazid: Columbia Medical Company, Cooper Drug Company, Eli Lilly & Company, and H. L. Moore Drug Exchange.

THOMAS S. FOSTER, Chairperson

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

Section 1. Ferrous Sulfate *Enteric Coated* Tablet Pharmaceutical Products. The following ferrous sulfate *enteric coated* tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Ferrous Sulfate *Enteric Coated* Tablets 5 gr.:

- (1) Enseals: Eli Lilly and Company;
- (2) Feosol: Smith Kline and French, Labs.;
- (3) Ferrous Sulfate: Parmed Pharmaceuticals.
- [(3) Ferrous Sulfate: Columbia Medical Company, Geneva Generics, Lederle Laboratories, Mylan Pharmaceuticals, Philips-Roxane Labs., Purepac Pharmaceuticals, Richie Pharmacal, Rondex Laboratories, United Research Laboratories;]
- [(4) Film Seals: Parke Davis and Company;]
- [(5) Neo-Vadrin: First Texas Pharmaceuticals.]

Section 2. Ferrous Sulfate Sugar Coated Tablet Pharmaceutical Products. The following ferrous sulfate sugar coated pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Ferrous Sulfate Sugar Coated Tablets 5 gr.:

- (1) Ferrous Sulfate: Bell Pharmacal Company, Columbia Medical Company, Cooper Drug Company, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, Murray Drug Corporation, Mylan Laboratories, Philips-Roxane Laboratories, Purepac Pharmaceuticals, Richie Pharmacal, Rondex Laboratories, Rugby Laboratories, Theda Corporation, United Research Laboratories, Vanguard Laboratories;
- (2) Film Seals: Parke Davis & Company;
- (3) Neo-Vadrin: First Texas Pharmaceuticals.

THOMAS S. FOSTER, 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 1:290. Ferrous Sulfate Tablets.

RELATES TO: KRS 217.814 to 217.826, 217.990(9)(10)
PURSUANT TO: KRS 13.082

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

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, *Bolar Pharmaceuticals*, Columbia Medical Company, Geneva Generics, H. L. Moore Drug Exchange, Lederle Laboratories, *McKesson Laboratories*, Midway Medical Company, Murray Drug Corporation, *Parmed Pharmaceuticals*, Philips-Roxane Laboratories, *Purepac Pharmaceuticals*, Richie Pharmacal, Rogers Wholesalers, *Rondex Laboratories*, *Rugby Laboratories*, Theda Corporation, Three P Products Corporation, Vanguard Laboratories;

(c) Janimine: Abbott Laboratories;

(d) Presamine: USV Pharmaceuticals;

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

(f) Tofranil: Geigy Pharmaceuticals.

(2) Imipramine Hydrochloride 25 mg. Tablet Form:

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

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

(c) Janimine: Abbott Laboratories;

(d) Presamine: USV Pharmaceuticals;

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

(f) Tofranil: Geigy Pharmaceuticals.

(3) Imipramine Hydrochloride 50 mg. Tablet Form:

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

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

(c) Janimine: Abbott Laboratories;

(d) Presamine: USV Pharmaceuticals;

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

(f) Tofranil: Geigy Pharmaceuticals.

THOMAS S. FOSTER, Chairperson

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

902 KAR 1:324. Hyoscyamine and Atropine Sulfates, Hyoscine Hydrobromide, and Phenobarbital Tablets and Elixirs.

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 Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital pharmaceutical products by their generic and brand names that have been determined by the council to be therapeutically equivalent.

Section 1. Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital Tablet Pharmaceutical Products. The following Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. tablet pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg. and Phenobarbital 16.2 mg. Tablet Form:

(1) *Barbidonna*: Mallinckrodt;

(2) [(1)] *Donnatal*: A. H. Robins Company;

(3) [(2)] *Don-A-Spas*: Richie Pharmacal;

(4) *Sedacord*: Cooper Drug Company Division, *Chromalloy Pharmaceuticals*;

(5) [(3)] *Relaxadon*: Geneva Generics;

(6) [(4)] *Spalix*: Reid-Provident;

(7) *Spasmolin*: Murray Drug Corporation; and

(8) *Theda Spas*: Theda Corporation.

Section 2. Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital Capsule Pharmaceutical Products. The following Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. capsule pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. Capsule Form:

(1) *Donnatal*: A. H. Robins Company; and

(2) *Vanatal*: Vanguard Laboratories.

Section 3. [2.] Hyoscyamine Sulfate, Atropine Sulfate, Hyoscine Hydrobromide and Phenobarbital Elixir Pharmaceutical Products. The following Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. elixir pharmaceutical products are determined to be therapeutically equivalent, in each respective dosage: Hyoscyamine Sulfate 0.1037 mg., Atropine Sulfate 0.0194 mg., Hyoscine Hydrobromide 0.0065 mg., and Phenobarbital 16.2 mg. Elixir Form:

(1) *Antispasmodic Elixir*: Spencer-Mead, Inc.;

- (2) [(1)] Barophen Elixir: *Murray Drug Corporation*, National Pharmaceutical Company;
 (3) *Bay-Ase Elixir*: *Bay Laboratories*;
 (4) [(2)] Donna-Phenal Elixir: Columbia Medical Company;
 (5) [(3)] Don-A-Spas Elixir: Richie Pharmacal Company;
 (6) *Donnamor Elixir*: *H. L. Moore Drug Exchange*;
 (7) [(4)] Donnatal Elixir: A. H. Robins Company;
 (8) *Hyoscyamine Sulfate*, *Atropine Sulfate*, *Hyoscine Hydrobromide* and *Phenobarbital*: *Cooper Drug company Division, Chromalloy Pharmaceuticals*;
 (9) [(5)] Midaphen Elixir: Midway Medical Company;
 (10) *Sedapar Elixir*: *Parmed Pharmaceuticals*; and
 (11) [(6)] Vanatal Elixir: Vanguard Laboratories.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

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

Laboratories, Spencer-Mead, Inc., *Theda Corporation*, 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, Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Rugby Laboratories, Spencer-Mead, Inc., *Theda Corporation*, United Research Laboratories, Vanguard Laboratories; and 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, Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Spencer-Mead, Inc., *Theda Corporation*, United Research Laboratories, Vanguard Laboratories; and

(b) Librium: Roche Laboratories.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: April 13, 1977 at 1 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, Rachelle Laboratories, Rexall Drug Company, Richie Pharmacal Company, Rugby

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

902 KAR 6:040. Hospital district assignments.

RELATES TO: KRS 210.300, [222.200,] Chapter 202A

PURSUANT TO: KRS 210.300, Chapter 202A

NECESSITY AND FUNCTION: KRS 210.300 authorizes the Secretary of the Department for Human Resources to designate hospital districts for the purpose of determining to which of the state institutions for the mentally ill the persons admitted from each county shall initially be sent. KRS Chapter 202A authorizes the transfer of a mentally defective or mentally ill inmate of any penal and correctional institution to the state hospital service designated by the secretary for that purpose.

Section 1. (1) The following state mental hospital districts are created. Except as otherwise provided herein, involuntarily and voluntarily hospitalized persons will be admitted to the hospital serving the district in which they reside.

(2) District I: Western State Hospital, Hopkinsville, Kentucky, counties of: Allen, Ballard, Barren, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Hardin, Hart, Henderson, Hickman, Hopkins, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Simpson, Todd, Trigg, Union, Warren, Washington,

(a) Provided, however, residents of the following counties may be admitted to Lourdes Hospital, Paducah, Kentucky: Ballard, Calloway, Fulton, Graves, Hickman, Livingston, McCracken, and Marshall.

(b) Provided, further, that residents of the following counties may be admitted to T. J. Sampson Community Hospital, Glasgow, Kentucky: Allen, Barren, Hart, Metcalfe, and Monroe.

(c) Provided, further, that residents of the following counties may be admitted to Our Lady of Mercy Hospital, Owensboro, Kentucky: Daviess, Hancock, Henderson, McLean, Ohio, Union, and Webster.

(3) District II: River Region Hospital, Louisville, Kentucky, counties of: Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer, and Trimble.

[(4) District III: Kentucky State Hospital, Danville, Kentucky, counties of: Adair, Boyle, Casey, Clinton, Cumberland, Garrard, Green, Lincoln, McCreary, Mercer, Pulaski, Russell, Taylor, and Wayne.]

(4) [(5)] District III [IV]: Eastern State Hospital, Lexington, Kentucky, counties of: Adair, Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Campbell, Carroll, Carter, Casey, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Green, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, [Nicholas,] Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Taylor, Wayne, Whitley, Woodford, and Wolfe.

Section 2. Inmates of state penal and correctional institutions transferred to the Department for Human Resources shall be admitted to the Forensic Medicine Facility, LaGrange, Kentucky.

Section 3. (1) Individuals charged with a felony and requiring psychiatric evaluation or treatment or both shall be admitted upon court order to the Forensic Medicine Facility, Anchorage, Kentucky.

(2) Individuals admitted upon court order to the Forensic Medical Facility, Anchorage, Kentucky, may be transferred to other state institutions for the mentally ill or to a psychiatric unit in a local general hospital.

(3) Prompt notification of the court is required by KRS Chapter 202A, and sending of appropriate papers to the hospital is required by KRS Chapter 202A.

Section 4. A person may be admitted to a hospital other than the one in the district of his residence upon verbal or written permission of the Commissioner of the Bureau for Health Services or his authorized designee. If verbal, then written confirmation shall follow within five (5) working days of the admission.

Section 5. A person may be admitted to a psychiatric unit in a local general hospital provided that unit has had prior approval of the Commissioner of the Bureau for Health Services or his authorized designee.

BURNICE RANDELL, JR., Special Assistant
to the Commissioner

ADOPTED: March 14, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 16, 1977 at 3:20 p.m.

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

Proposed Regulations

SECRETARY OF THE CABINET Department of Revenue

103 KAR 30:235. Sales of ~~utility services~~ to the federal government.

RELATES TO: KRS 139.470

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: The 1976 Kentucky General Assembly amended the sales tax law to exempt sales to Kentucky State Government and to local governments in Kentucky, effective July 1, 1976. Sales of utility services to the federal government have continued to be taxed under policy that has been followed since the inception of the sales tax in 1960. All other sales to the federal government had been exempt. Recent research by the Attorney General's Office reveals some case law supporting the government's claim that to continue to tax sales to the federal government constitutes discrimination against the federal government. This regulation explains how the sales tax is to apply to transactions involving the federal government, consistent with the case law referred to above.

Section 1. On and after the 30th day following the effective date of this regulation, sales tax does not apply to receipts from sales to the federal government. This regulation is prospective only and no refunds or credit adjustments will be made for purchases made prior to the 30th day following the effective date of this regulation. Also, no assessments will be made on sales that were exempted administratively by the department during that same period.

Section 2. The term "federal government" as used in this regulation means federal agencies, instrumentalities or corporations which are exempt from all state taxation under the Federal Constitution or statutes. An agency, corporation or instrumentality is not entitled to the exemption simply because it is regulated by or receives funds or grants from the federal government.

Section 3. The exemption applies only to sales made directly to the federal government for use in the government function. Any official or employee who uses his position to make a tax-free purchase for his own personal use or that of any other person will subject himself to the penalties provided in KRS 139.990 and other applicable laws.

Section 4. Sales made directly to the federal government are to be included in the gross receipts to be entered on line 1 of the retailer's Kentucky Sales and Use Tax Return. Retailers may deduct such sales on line 21 of the return. Retailers claiming a deduction for sales to the federal government must maintain in their files a copy of the exemption authorization letter issued to the federal agency and a copy of the invoice upon which an official, or an employee exercising comparable authority, of the federal government has signed and acknowledged in writing that delivery of the property was actually made to the federal government.

Section 5. The exemption may not be claimed by contractors purchasing property to be used in fulfilling contracts with the federal government. As provided by 103 KAR 26:070, sales of property to contractors for use in fulfilling contracts with the federal, state, or local governments for erecting, remodeling, or repairing structures or improvement on or to real estate are subject to tax.

Section 6. All federal government agencies seeking exemption under authority of this regulation must apply to the Sales and Severance Tax Division for a tax exemption authorization letter. The application form may be obtained from the Sales and Severance Tax Division, Capitol Annex Building, Frankfort, Kentucky, 40601 or from one (1) of the department's eleven (11) field offices.

MAURICE P. CARPENTER, Commissioner
ADOPTED: March 30, 1977
APPROVED: JAMES E. GRAY, Secretary
RECEIVED BY LRC: March 30, 1977 at 3:50 p.m.
SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Commissioner, Department of Revenue, Capitol Annex, Frankfort, Kentucky 40601.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

200 KAR 1:011. Repeal of 200 KAR 1:010.

RELATES TO: KRS 171.650, 12.080

PURSUANT TO: KRS Chapters 12, 13, 42, 45, 56, 171

NECESSITY AND FUNCTION: With the inception of 200 KAR 1:020, Access to public records, 200 KAR 1:010 became obsolete and it is necessary to repeal same.

Section 1. 200 KAR 1:010 is hereby repealed.

RUSSELL McCLURE, Secretary
ADOPTED: March 30, 1977
RECEIVED BY LRC: March 31, 1977 at 10:55 a.m.
SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Secretary, Executive Department for Finance and Administration, 301 Capitol Annex, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Sanitary Engineering

401 KAR 6:015. Public and semi-public water supplies.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.032(3), (4), (5), (6)

NECESSITY AND FUNCTION: The Department is directed by the aforementioned statutory provision to promulgate regulations applicable to all public and semipublic water supply systems operating within the Commonwealth of Kentucky. By accepting primary enforcement responsibility for the Federal Safe Drinking Water Act (PL 93-523) the Commonwealth agrees to adopt and enforce the provisions of that Act. This regulation therefore establishes the standards and safeguards necessary and relative to the planning, operation and maintenance of public and semipublic water supply systems for the protection of public health.

Section 1. Definitions. (1) "Administrator" means the Administrator of the U.S. Environmental Protection Agency or his authorized representative.

(2) "Auxiliary intake" means any piping connection or other device whereby raw (untreated) water may be secured from another location and/or source other than that normally used.

(3) "By-pass" means a physical arrangement whereby water may be diverted around any feature of the purification process of a public or semipublic water supply.

(4) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(5) "Cross-connection" means any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water and the other either water of unknown or questionable safety, or steam, gas or chemical, whereby there may be flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.

(6) "Department" means the Kentucky Department for Natural Resources and Environmental Protection, Bureau of Environmental Protection, Division of Sanitary Engineering, or its successor.

(7) "Ground water source" means any source of water for a public water supply that does not have a free water surface exposed to the atmosphere.

(8) "Maximum contaminant level" means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

(9) "Person" means any individual, firm, corporation, officer or employee thereof, water association, water district, public institution, municipality, county, partnership, company, governmental agency, club, organization of any kind, or any political subdivision of the Commonwealth of Kentucky.

(10) "Potable water" means any water which meets the provisions of this regulation, the quality of which is approved by the department for human consumption.

(11) "Private water supply" means a residential water supply located on private property under the control of the

homeowner, the use of which is limited to members of his family.

(12) "Public water system" means any system irrespective of ownership, for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system."

(a) "Community water system" means a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents.

(b) "Non-community water system" means a public water system which serves at least fifteen (15) service connections used by individuals for a period less than year-round or which serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year but less than year-round.

(13) "Sanitary survey" means an on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

(14) "Semipublic water supply" means any water supply made available for drinking and/or domestic use which serves more than one (1) family but does not qualify as a public water system.

(15) "Standard methods" means the latest edition of "Standard Methods for the Examination of Water and Wastewater" prepared and jointly published by APHA, AWWA and WPCF, herein filed by reference. This publication is printed and distributed by the Publication Office, American Public Health Association, 1015 Eighteenth Street, N.W., Washington, D.C.

(16) "Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

(17) "Supplier of water" means any person who owns or operates a public water system.

(18) "Surface water source" means any source of water supply for a public water system that has a free water surface exposed to the atmosphere. Included are ponds, reservoirs, streams of all sizes, and free flowing springs.

(19) "Water supply system" means the source of supply and all structures and appurtenances used for the collection, treatment, storage and distribution of water for a public or semipublic water supply.

(20) "Water treatment plant" means that portion of the water supply system which is designed to alter either the physical, chemical or bacteriological quality of the water. Also referred to as the purification plant.

(21) "Professional engineer" means an engineer with current registration as a professional engineer in Kentucky.

Section 2. General Provisions. (1) Water systems covered. Except where otherwise provided, this applies to each public water system in Kentucky; except that this regulation shall not apply to a public water system which consists only of distribution and storage facilities (and does not have any collection and treatment facilities), which ob-

tains all of its water from, but is not owned or operated by a public water system to which such regulations apply, and which does not sell water to any person.

(2) Operation and responsibility. No person shall operate or commence operation of a public or semipublic water supply except in compliance with the provisions of this regulation. However, water supply systems constructed prior to the effective date of this regulation may be continued in use provided the operation and maintenance, as well as the bacteriological, chemical, physical and radiological standards thereof comply with the requirements herein, or such system obtain a variance or exemption from those standards with which it does not comply.

(3) Operator certification.

(a) Each public water system must be operated under the supervision of an individual holding a current Kentucky operators certificate for at least the class of system he supervises. Certified operators are required for the operation of treatment facilities as well as systems having only distribution facilities. In the event the operator is not physically present while a plant is operating, he must be immediately available.

(b) Certified operators are not required for semipublic water systems, but they are expected to be operated by qualified persons.

(4) "Boil water" notice. In the event the maximum bacteria level as specified in these regulations is exceeded, the department may issue a public notice that water provided by a system is unfit for human consumption unless first boiled.

(5) Cross-connections prohibited. All cross-connections are hereby prohibited. The use of automatic devices such as reduced pressure zone backflow preventers and siphon breakers may be approved by the department in lieu of proper air gap separation under specific regulated conditions as a means of protecting the water supply system. A combination of air gap separation and automatic device(s) shall be required where the department determines that the degree of hazard to public health warrants that neither device alone would be sufficient to protect the public health.

(6) By-passes prohibited. No by-pass shall be established or maintained whereby water may be directed around any feature of a water purification process of a public or semipublic water supply system without the specific approval of the department on the basis that the by-pass would not cause any violation of these regulations or was necessitated by emergency.

(7) Auxiliary intakes prohibited. No auxiliary intake shall be used in direct connection with a public or semipublic water supply system except during a period of emergency with the express approval of the department.

(8) Sewer and water connections. The sanitary sewer serving the purification plant and auxiliary facilities, including all plumbing fixtures, toilets, showers, drinking fountains and floor drains shall discharge to the public sewer system wherever possible. Where no such sewer is available, the connection shall be made to a suitable sewage disposal facility. There shall be no direct physical connection between the sewer system and any filter backwash, and filter-to-waste drains, or clearwell overflow lines. A suitable air gap must be provided between such drains and overflow lines and the approved sanitary, storm sewer, or natural drainage system as to preclude possibility of backup of sewage or waste into the drain and overflow lines.

(9) Disinfection of water supply. All public and semipublic water supplies shall provide continuous automatic disinfection by chlorination and shall provide a minimum free chlorine residual of 0.2 milligrams per liter (or ppm) at all points throughout the distribution system. A contact period of at least thirty (30) minutes shall be provided between the chlorine and the water to allow adequate time for disinfection. Disinfecting agents other than chlorine may be approved by the department provided reliable feeding equipment is available and testing procedures for a residual are recognized in "Standard Methods."

(10) Disinfection of new, repaired and extending distribution systems. All new water distribution systems including storage distribution tanks and repaired portions of, or extensions to existing systems shall be thoroughly disinfected before being placed in service, by the use of chlorine or chlorine compounds in such amounts as to produce a concentration of at least fifty (50) ppm and a residual of at least twenty-five (25) ppm at the end of twenty-four (24) hours and followed by thorough flushing. New water distribution lines shall not be placed into service until five bacteriological samples are examined and are shown to be negative following disinfection. Other methods of disinfection shall have the written approval of the department.

(11) Substances which may have deleterious physiological effect, or for which physiological effects are not known, shall not be introduced into the water supply system in a manner which would permit them to reach the consumer.

(12) Certified laboratories. For the purpose of determining compliance with this regulation samples may be considered only if they have been analyzed by a laboratory certified by the department or its authorized agent except that measurements for turbidity and free chlorine residual may be performed by any person acceptable to the department.

(13) Monitoring of consecutive public water systems. When a public water system supplies water to one or more other public water systems, the department may modify the monitoring requirements imposed by this regulation to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes.

(14) Policy. The department shall provide information on design criteria and policy upon request.

(15) The department, upon presenting appropriate credentials, or its authorized agent, upon presenting a written inspection notice from the department to any supplier of water subject to the national primary drinking water regulation or to a primary drinking water regulation, is authorized to enter during normal business hours pursuant to KRS 224.033(10) any establishment, facility or other property of such supplier in order to determine whether such supplier has acted or is acting in compliance with the federal act or this act. Such entry may include collection of water samples for laboratory analyses, inspection of records, files, papers, processes, controls and facilities required to be kept installed or used under the provision of either of said acts. The department or its authorized agent may test any feature of a public water system including its raw water source, whether or not the Department has evidence that the system is in violation of an applicable legal requirement.

Section 3. Design, Construction And Approval Of New Facilities. (1) Preliminary plans. When any supplier or potential supplier of water plans to undertake the construction of a new water treatment plant or expand an existing

one in any way, preliminary plans shall be submitted to the department before any financial commitments can be made, or any construction initiated. An applicant shall demonstrate to the department evidence of his efforts to avoid locating part or all of the new expanded facility at a site which is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof. Except for the intake structure, the facility should be out of the 100-year flood plain.

(2) Preliminary Information. The following information shall be submitted to the department by a professional engineer on behalf of the applicant:

- (a) A statement as to the name and owner of the plant.
- (b) USGS Quadrangle map which shows where the site of the proposed facility is located.
- (c) The proposed source of water and quantity available.
- (d) A chemical and bacteriological analysis of the water from the proposed source by a laboratory certified by the department or its authorized agent.
- (e) A description of the proposed facility including size, flow rate in filters, settling basin size, and other general criteria.
- (f) Operation plan including anticipated load, hours of operation, area served and name of plant operator.

(3) Preliminary plans approval. Upon receipt and review of the preliminary plans as set forth in Section 3(1), the department will either approve the preliminary plans or return them to the supplier of water for revision. Approval of the preliminary plans signifies approval only of the concept described in the preliminary plans and does not alter in any way the responsibility of the supplier of water to submit complete plans and specifications to the department for final approval. The facility must be designed in compliance with the approved preliminary plans. Any change in the final design from the concept set forth in the preliminary plans must be approved prior to its incorporation in the final plans and specifications.

(4) Preliminary plans for semipublic treatment facilities or distribution systems. Preliminary plans are not required by the department for semipublic treatment facilities or for distribution system construction, extensions or improvements.

(5) Final plans and specifications, water treatment plants and distribution facilities:

- (a) Plans and specifications for all public water supplies shall be prepared and submitted to the department by a professional engineer. The plans submitted shall bear his seal. The seal of a professional engineer is not required on plans and specifications for semipublic water supplies. The construction or installation of any new facilities or works or the alteration or reconstruction of any new facilities or works in any public or semipublic water supply shall not begin until plans and specifications, or any changes thereto together with design data as may be required for proper review of the plans, have first been submitted in four (4) copies to the department through the local department of health concerned and have been approved by the department in writing. Plans and specifications, reports and other information shall be submitted of such form and contents as may be specified by the department, and shall be submitted at least thirty (30) days prior to the date on which action is requested of the department. The front page of the plans shall contain the name of the water supply, its ownership, location by city and county, and the name of the person preparing the plans.

(b) The review of plans by the department is limited to sanitary features of design and other features of public health significance and does not include the examination of structural, mechanical or electrical design or economic factors.

(c) The plans shall be drawn to scale and accompanied by proper specifications so as to permit a comprehensive engineering review and shall include but not limited to the following:

- 1. A plan and sectional view with all necessary dimensions of the water treatment facilities.
- 2. A piping diagram showing all appurtenances including treatment facilities in sufficient detail, as well as pertinent elevation data, to permit a hydraulic analysis of the system.
- 3. The specifications shall contain details on all treatment equipment, including catalog identification of pumps, chlorinators, chemical feeders and related equipment.

(6) Approval of final plans. When approved, one (1) set of plans and specifications stamped "approved" shall be returned to the engineer or person who prepared the plans and specifications.

(7) Construction:

(a) During construction a set of approved plans and specifications shall be available at the job site at all times to assure that all work is done in accordance with the approved plans and specifications.

(b) If the department's representative observes work being done in a manner which does not conform to the "approved" plans and specifications, the department shall put the contractor on notice of his non-compliance until the lack of conformity with the "approved" plans and specifications has been corrected.

(8) Final approval of facility. Upon completion of the construction, a statement shall be submitted by the engineer or person who prepared plans, certifying that the project has been completed in accordance with the "approved" plans and specifications.

(9) Expiration of approval. Unless construction is begun within one (1) year from date of approval, the approval shall expire. Extension of approval may be granted upon written request to the department.

Section 4. Bacteriological Sampling, Analytical Techniques and Maximum Contaminant Levels. (1) Who must make bacteriological sampling. All suppliers of water, operating a public water system (community and non-community water systems) and semipublic water systems are subject to the provisions of this Section. Suppliers who produce water and suppliers who purchase water from others are similarly affected. Persons operating private water supplies are not subject to the sampling and analytical provisions set forth herein.

(2) Sampling frequency, public water systems:

(a) Sampling frequency for all public water systems. Suppliers of water for community and non-community water systems shall collect samples to be analyzed for coliform bacteria for the purpose of determining compliance with these regulations. Coliform density samples shall be taken at regular time intervals and in number proportionate to the population served by the system. In no event shall the frequency be less than as set forth following:

MINIMUM NUMBER OF SAMPLES PER MONTH

Population Served	Minimum Number Samples	Population Served	Minimum Number Samples
25 to 2,500	2	37,001 to 41,000	45
2,501 to 3,300	3	41,001 to 46,000	50
3,301 to 4,100	4	46,001 to 50,000	55
4,101 to 4,900	5	50,001 to 54,000	60
4,901 to 5,800	6	54,001 to 59,000	65
5,801 to 6,700	7	59,001 to 64,000	70
6,701 to 7,600	8	64,001 to 70,000	75
7,601 to 8,500	9	70,001 to 76,000	80
8,501 to 9,400	10	76,001 to 83,000	85
9,401 to 10,300	11	83,001 to 90,000	90
10,301 to 11,100	12	90,001 to 96,000	95
11,101 to 12,000	13	96,001 to 111,000	100
12,001 to 12,900	14	111,001 to 130,000	110
12,901 to 13,700	15	130,001 to 160,000	120
13,701 to 14,600	16	160,001 to 190,000	130
14,601 to 15,500	17	190,001 to 220,000	140
15,501 to 16,300	18	220,001 to 250,000	150
16,301 to 17,200	19	250,001 to 290,000	160
17,201 to 18,100	20	290,001 to 320,000	170
18,101 to 18,900	21	320,001 to 360,000	180
18,901 to 19,800	22	360,001 to 410,000	190
19,801 to 20,700	23	410,001 to 450,000	200
20,701 to 21,500	24	450,001 to 500,000	210
21,501 to 22,300	25	500,001 to 550,000	220
22,301 to 23,200	26	550,001 to 600,000	230
23,201 to 24,000	27	600,001 to 660,000	240
24,001 to 24,900	28	660,001 to 720,000	250
24,901 to 25,000	29	720,001 to 780,000	260
25,001 to 28,000	30	780,001 to 840,000	270
28,001 to 33,000	35	840,001 to 910,000	280
33,001 to 37,000	40	910,001 to 970,000	290
		970,001 to 1,050,000	300

(b) Population served calculation. For purposes of determining the population served to calculate sampling frequency, the technique below which most closely fits the supplier of water shall be used:

1. When the supplier of water serves an area defined by an official census count and/or a population projection, the most recent census count or official population projection shall be used; or,

2. Where no official figures on population are available on the area served by a supplier of water, the population served shall be considered to be a factor of not less than 3.3 times the number of residential connections or a factor of not less than three (3) times the total number of all connections, whichever is greater.

(3) Sampling frequency for semipublic water suppliers. Samples of water from semipublic water systems shall be tested, for the purpose of determining coliform density, no less than once per month.

(4) Sampling scheduling. The time at which each public and semipublic water supplier shall take routine samples for the purpose of determining coliform density shall be scheduled by the department.

(5) Forwarding samples. The department shall notify each public and semipublic water supplier as to which state laboratory samples should be sent for coliform density analysis.

(6) Sampling points. Samples taken for coliform analysis shall be taken at representative points throughout

the water distribution system. Different sampling points shall be used at all times including remote points in the distribution system. When the sample is collected, the free chlorine residual will be determined and recorded on the form provided with the sample container.

(7) Sample collection, public water systems. The bacteriological samples for public water systems shall be collected by the supplier of water in bottles especially prepared and sterilized in accordance with "Standard Methods." The water sample must be freed of any disinfecting agency immediately at the time of its collection.

(8) Analytical techniques for bacteriological contamination. The analysis for the determination of bacteriological contamination shall be determined by either the membrane filter technique or the multiple tube fermentation technique (MPN procedure). The analysis shall be conducted in accordance with "Standard Methods" except that a standard sample size shall be employed. The standard sample used in the membrane filter procedure shall be 100 milliliters. The standard sample used in the five (5) tube most probable number (MPN) procedure (fermentation tube method) shall be five (5) times the standard portion. The standard portion is either ten (10) milliliters or 100 milliliters as described herein.

(9) Maximum bacteriological contaminant level, membrane filter technique. When the membrane filter technique is used, the number of coliform bacteria shall not exceed any of the following:

(a) One (1) per 100 milliliters as the arithmetic mean of all samples examined per month pursuant to Section 4(2)(a).

(b) Four (4) per 100 milliliters in more than one (1) sample when less than twenty (20) are examined per month.

(c) Four (4) per 100 milliliters in more than five (5) percent of the samples when twenty (20) or more are examined per month.

(10) Maximum bacteriological contaminant level, multiple tube fermentation technique (MPN procedure).

(a) Ten (10) ml standard portion. When the fermentation tube method and ten (10) milliliter standard portion are used, coliform bacteria shall not be present in any of the following: more than ten (10) percent of the portions in any month; or three (3) or more portions in more than one (1) sample when less than twenty (20) samples are examined per month; or three (3) or more portions in more than five (5) percent of the samples when twenty (20) or more samples are examined per month.

(b) One hundred ml standard portion. When the fermentation tube method and 100 milliliter standard portions are used, coliform bacteria shall not be present in any of the following: more than sixty (60) percent of the portions in any month; or, five (5) portions in more than one (1) sample when less than five (5) samples are examined per month; or, five (5) portions in more than twenty (20) percent of the samples when five (5) or more samples are examined per month.

(11) Small system compliance period. For community or non-community systems that are required to sample at a rate of less than four (4) per month, and semipublic systems, compliance with Section 4(9) and Section 4(10) shall be based upon sampling during a three (3) month period, except that, at the discretion of the Department compliance may be based upon sampling during a one (1) month period because of public safety.

(12) Bacteriological check sampling. In order to protect the public and to prevent needless public alarm, the following check sampling levels are established:

(a) Membrane filter technique. When coliform bacteria occur in a single sample, at least two (2) consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the department until the results obtained from at least two (2) consecutive check samples show less than one (1) coliform bacterium per 100 milliliters.

(b) Multiple tube fermentation technique:

1. Ten (10) ml portion. When coliform bacteria occur in three (3) or more ten (10) ml portions of a single sample, at least two (2) consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the department until the results obtained from at least two (2) consecutive check samples show no positive tubes.

2. One hundred ml portion. When coliform bacteria occur in all five (5) of the 100 ml portions of a single sample, at least two (2) consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or a frequency established by the department until the results obtained from at least two (2) consecutive daily check samples show no positive tubes.

(13) Check sample locations. The location at which the check samples were taken pursuant to Section 4(12) shall not be eliminated from future sampling without approval of the department. The results from all coliform bacterial analyses performed pursuant to this subpart, except those obtained from check samples and special purpose samples, shall be used to determine compliance with the maximum contaminant level for coliform bacteria. Check samples shall not be included in calculating the total number of samples taken each month to determine compliance.

(14) Check sample reporting. When the presence of coliform bacteria in water taken from a particular sampling point has been confirmed by any check samples examined as directed in Section 4(12), the supplier of water shall report that fact to the Department's Division of Sanitary Engineering within forty-eight (48) hours.

(15) Maximum contaminant level exceeded.

(a) When a maximum contaminant level set forth in Section 4(9) or Section 4(10) is exceeded, the supplier of water shall report that fact to the Department's Division of Sanitary Engineering and notify the public as prescribed in Section 10 herein.

(b) In addition, the department may issue or cause to be issued a public notice to boil drinking water before human consumption and may conduct an on-site engineering inspection to assist the operator in determining the cause of the contamination and issue an order which includes a reasonable time period during which all causes of the contamination shall be corrected.

(16) Special purpose samples. Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement, or repair have been sufficient, shall not be used to determine compliance with Section 4(2)(a), Section 4(9), or Section 4(10).

Section 5. Turbidity Sampling, Analytical Techniques and Maximum Contaminant Levels. (1) Who must sample for turbidity. All producers of water for community and non-community water systems who use surface water sources in whole or in part are subject to the provisions set forth in this section. Systems that purchase water from other systems or obtain all of their water from ground

water sources or semipublic systems are not subject to these provisions.

(2) Sampling frequency. Samples for the determination of turbidity shall be taken one each day at each producing facility except as otherwise provided herein.

(3) Sampling point. Samples for the determination of turbidity shall be taken at a representative entry point to the distribution system. Where water is produced by more than one (1) treatment plant for a single system, each plant shall be considered a separate sampling point.

(4) Maximum turbidity limit. The maximum contaminant level for turbidity is one (1) turbidity unit (TU) as determined by a monthly average of daily samples or five (5) turbidity units based on an average of two (2) consecutive days.

(5) Measurement technique. The measurement for turbidity shall be by the Nephelometric Method as set forth in "Standard Methods," or an alternate method approved by the department.

(6) Excessive turbidity. If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and not later than one (1) hour thereafter. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier shall report that fact to the Department's Division of Sanitary Engineering within forty-eight (48) hours. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two (2) samples taken on consecutive days exceeds five (5) TU, the supplier of water shall report that fact to the Department's Division of Sanitary Engineering and notify the public as directed in Section 9 herein.

(7) Exceptions. Up to five (5) turbidity units may be allowed if the supplier of water can demonstrate to the department that the higher turbidity does not do any of the following:

(a) Interfere with disinfection;

(b) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or

(c) Interfere with microbiological determinations.

Section 6. Inorganic Chemical Sampling, Analytical Techniques and Maximum Contaminant Levels. (1) Who must sample for inorganic chemicals. All producers of water for community and non-community water systems must sample for the presence of inorganic chemicals. Systems that purchase all of their water from another system or semipublic systems are not required to sample for inorganic chemicals.

(2) Sampling frequency:

(a) Community water systems, surface source. All community water systems utilizing surface water sources shall sample for the presence of inorganic chemicals each year, with the first sampling completed by June 24, 1978.

(b) Community water systems, ground water source. All community water systems utilizing ground water as a source of supply shall sample for the presence of inorganic chemicals each three (3) years with the initial sampling completed by June 24, 1979.

(c) All non-community water systems. All non-community water systems shall sample once each three (3) years with the initial sampling completed by June 24, 1979. The only inorganic chemical for which non-community water systems must sample is nitrates.

(3) Sampling point. The sampling point for the determination of inorganic chemicals shall be at any free flowing outlet of the distribution system.

(4) Maximum inorganic chemical limits (except fluoride):

(a) The following are the maximum contaminant levels for inorganic chemicals other than fluoride:

Contaminant	Level, milligrams per liter
Arsenic	0.05
Barium	1.
Cadmium	0.010
Chromium	0.05
Lead	0.05
Mercury	0.002
Nitrate (as N)	10.
Selenium	0.01
Silver	0.05

(b) The maximum contaminant level for nitrate is applicable to both community water systems and non-community water systems. The levels for the other inorganic chemicals apply only to community water systems.

(5) Fluoridation.

(a) Maximum fluoride concentration. When the annual average of the maximum daily air temperatures for the location in which the community water system is situated is the following, the maximum contaminant levels for fluoride are:

Temperature Degrees Fahrenheit	Degrees Celsius	Level, milligrams per liter
53.7 and below	12.0 and below	2.4
53.8 to 58.3	12.1 to 14.6	2.2
58.4 to 63.8	14.7 to 17.6	2.0
63.9 to 70.6	17.7 to 21.4	1.8
70.7 to 79.2	21.5 to 26.2	1.6
79.3 to 90.5	26.3 to 32.5	1.4

(b) The maximum limit for fluoride is applicable to community water systems only.

(c) Fluoridation of public water supplies is covered by Regulation 401 KAR 6:020.

(6) Measurement technique. Measurement for inorganic chemicals shall be done in accordance with the techniques mutually approved by the Administrator and the Department's Division of Sanitary Engineering.

(7) Inorganic chemical limit exceeded (except nitrate):

(a) If the result of an analysis made indicates that the level of any contaminant listed in Section 6(4) or Section 6(5) (except nitrate) exceeds the maximum contaminant level, the supplier of water shall report to the department within seven (7) days and initiate three (3) additional analyses at the same sampling point within one (1) month.

(b) When the average of the routine sample that exceeds the maximum limit and together with the three (3) additional samples as set forth above rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall notify the department and give notice to the public as prescribed

in Section 10 herein. Monitoring after public notification shall be at frequency designated by the department and shall continue until the maximum contaminant level has not been exceeded in two (2) successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(8) Nitrate limit exceeded. The maximum contaminant level for nitrate shall be determined on the basis of the mean of two (2) analyses. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within twenty-four (24) hours, and if the mean of the two (2) analyses exceeds the maximum contaminant level, the supplier of water shall report his findings to the department and shall notify the public as prescribed in Section 10 herein.

(9) Prior sampling accepted. Surface water data acquired since June 24, 1976 and ground water data acquired since June 24, 1974 may be substituted for the initial analyses required by this section at the discretion of the department.

Section 7. Organic Chemical Sampling, Analytical Techniques and Maximum Contaminant Levels. (1) Who must sample for organic chemicals. All community water systems that obtain all or part of their water from surface water sources must sample for organic chemicals and are subject to the provisions of this section. The department may specify certain community water systems obtaining their water from ground water sources to sample for organic chemicals.

(2) Sampling frequency. Sampling for organic chemicals shall be done no less than once each three (3) years at a period of the year specified by the department, with the initial sampling completed by June 24, 1978.

(3) Sampling points. The sampling point for the determination of organic chemicals shall be at any free flowing outlet of the distribution system.

(4) Maximum organic chemical limits. The following are the maximum contaminant levels for organic chemicals.

	Level, milligrams per liter
Chlorinated hydrocarbons:	
Endrin (1,2,3,4,10, 10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa hydro-1,4-endo, endo-5,8 - dimethano naphthalene).	0.0002
Lindane (1,2,3,4,5,6-hexachloro-cyclohexane, gamma isomer).	0.004
Methoxychlor (1,1,1-Trichloro-2, 2 - bis [p-methoxyphenyl] ethane).	0.1
Toxaphene (C10H10Cl8-Technical Chlorinated Camphene, 67-69 percent chlorine).	0.005
Chlorophenoxy:	
2,4 - D, (2,4-Dichlorophenoxyacetic acid).	0.1
2,4,5 - TP Silvex (2,4,5-Trichloro-Phenoxypropionic acid).	0.01

(5) Measurement technique. Measurement for the determination of the chlorinated hydrocarbon group shall be made in accordance with "Methods for Organic Chlorine Pesticides in Industrial Effluents." Measurement for the determination of the chlorophenoxy group shall be in accordance with the "Methods for Chlorinated Phenoxy Acid Herbicides in Industrial Effluents." Both methods

are found in the publication from the Method Development and Quality Assurance Laboratory, Environmental Protection Agency, Cincinnati, Ohio, dated November 28, 1973. Other methods may be mutually approved by the administrator and the Department's Division of Sanitary Engineering.

(6) Organic chemical limit exceed.

(a) If the results of an analysis for the organic chemicals listed above show that the maximum limits have been exceeded, the supplier of water shall report this information to the department within seven (7) days and initiate three (3) additional analyses within one (1) month.

(b) When the average of the four (4) analyses made above rounded to the same number of significant figures as the maximum contaminant level for the substance in question exceeds the maximum contaminant level, the supplier of water shall report that fact to the Department's Division of Engineering and give notice to the public as specified with Section 10 herein. Monitoring after public notification shall be at a frequency designated by the department and shall continue until the maximum contaminant level has not been exceeded in two (2) successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(7) Prior sampling accepted. For the initial analysis required in this section, data for surface water acquired within one (1) year prior to June 24, 1977 and data for ground water acquired within three (3) years prior to June 24, 1977 may be substituted at the discretion of the department.

Section 8. Radionuclides. (1) Definitions. The following definitions are applicable to this section:

(a) "Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

(b) "Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1,000 of a rem.

(c) "Picocurie (pCi)" means that quantity of radioactive material producing 2.22 nuclear transformation per minute.

(d) "Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

(e) "Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

(f) "Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

(2) Who must sample for radionuclides. All producers of water for community water systems shall sample for radionuclides. Community water systems who purchase all of their water from others are not required to sample for radionuclides. The department shall provide technical assistances in sampling and sample analysis for radionuclides.

(3) Sampling frequency. Sampling for radionuclides shall be on a schedule determined by the department but in

no event shall it be less than once each four (4) years for community water systems.

(4) Sampling points. Samples shall be taken from a free flowing tap within the distribution system of the supplier. When a community water system is supplied by two (2) or more sources having difference concentrations of radioactivity, samples shall be taken at each source.

(5) Maximum radionuclides limits:

(a) Radium 226, radium 228 and Gross Alpha particle radioactivity. The following are the maximum contaminant levels for radium-226, radium-228, and gross alpha particle radioactivity:

1. Combined radium-226 and radium-228 — 5pCi/l.

2. Gross alpha particle activity (including radium-226 but excluding radon and uranium) — 15 pCi/l.

(b) Beta particle and photon radioactivity from man-made radionuclides. The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than four (4) millirem/year. The following are the average annual concentrations assumed to produce a total body or organ dose of 4 mrem/year:

Radionuclide	Critical Organ	pCi per liter (pCi/l)
Tritium	Total body	20,000
Strontium-90	Bone marrow	8

Except for the radionuclides listed, the concentration of man-made radionuclides causing four (4) mrem total body or organ dose equivalents shall be calculated on the basis of a two (2) liter per day drinking water intake using the 168 hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," NBS Handbook 69 as amended August 1963, U. S. Department of Commerce. If two (2) or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed four (4) millirem/year.

(6) Sampling and measurement technique. Sampling and measurement shall be in accordance with procedures set forth in Federal Register 28402 (July 9, 1976) Section 141.16(b); 141.25 and 141.26 which may be obtained through the Department's Division of Sanitary Engineering.

(7) Radionuclides limit exceeded. If the average annual maximum contaminant level for radionuclides is exceeded, the supplier of a community water system shall give notice to the department and notify the public as set forth in Section 10 herein. Monitoring at quarterly intervals for gross alpha particle activity, radium 226 and radium 228 and at monthly intervals for man-made radioactivity, depending on which limit is exceeded, shall be continued until the annual average concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

(8) Prior sampling accepted. Radionuclide sample analysis completed since July 24, 1976 may be substituted for the initial analysis at the discretion of the department.

Section 9. Variances and Exemptions. (1) Variances:

(a) Requirements for a variance. The department may grant variances to the maximum contaminant levels set forth in these regulations upon a finding that: Because of characteristics of the raw water sources which are reasonably available to the system, the system cannot meet the requirements respecting the maximum contaminant levels of such drinking water regulations despite application of the best technology, treatment techniques, or other means, which are generally available (taking costs into consideration); and, the granting of a variance will not result in an unreasonable risk to the health of persons served by the system. A variance may also be granted from the provisions of these regulations or the policy of the department concerning any requirements of a specified treatment technique of an applicable national primary drinking water regulation upon a finding that the public water system applying for the variance has demonstrated that such treatment technique is not necessary to protect the health of persons because of the nature of the raw water source of such system.

(b) Variance request. A supplier of water may request the granting of a variance pursuant to this regulation by submitting in writing a request for a variance to the department. The initial request should contain all the information and data concerning the variance request that is required by the department. Included in the information to be provided the department will be a proposed compliance schedule and a statement that the system will perform monitoring and other reasonable requirements prescribed by the department as a condition to the variance.

(c) Consideration of variance request:

1. In its consideration of whether the public water system is unable to comply with a contaminant level set forth in these regulations, as revised, because of the nature of the raw water source, the department shall consider such factors as the availability and effectiveness of treatment techniques, cost, and other economic considerations (such as the cost of implementing other treatment techniques, improving source water quality, using an alternate source).

2. In consideration of whether a variance should be granted to a required treatment technique the department shall consider such factors as the quality of the water source and source protection measures provided by the water system.

(2) Exemptions:

(a) Requirements for an exemption. The department may exempt any public water system from any requirement respecting a maximum contaminant level or any treatment technique requirement, or from both, of an applicable primary drinking water standard upon a finding that: due to compelling factors (which may include economic factors), the public water system is unable to comply with such contaminant level or treatment technique requirement; or the public water system was in operation on the effective date of such contaminant level or treatment technique requirement; and, the granting of the exemption will not result in an unreasonable risk to health.

(b) Exemption request. A supplier of water may request the granting of an exemption pursuant to these regulations by submitting a request for exemption in writing to the department. The initial request should contain all the information and data concerning the exemption request that is required by the department. Included in this information shall be a proposed compliance schedule and relevant analytical results of water quality sampling (including results of relevant tests conducted pursuant to these regula-

tions) and an explanation of the factors (such as time or economic factors) which prevent such system from achieving compliance.

(c) Consideration of an exemption request. In its consideration of whether the public water system is unable to comply due to compelling factors, the department shall consider such factors as: construction, installation or modification of treatment equipment or systems; the time needed to put into operation a new treatment facility to replace an existing system which is not in compliance; and economic feasibility of compliance.

(3) Disposition of a variance or exemption request. The department shall act on any variance or exemption request submitted within ninety (90) days of receipt of the request.

(a) Variance or exemption denied. If the department decides to deny the application for a variance or exemption, it shall notify the applicant of its intention to issue a denial. Such notice shall include a statement of reasons for the proposed denial and shall offer the applicant an opportunity to present, within thirty (30) days of receipt of the notice, additional information or argument to the department. The department shall make a final determination on the request within thirty (30) days after receiving any such additional information or argument. If no additional information or argument is submitted by the applicant, the application shall be denied.

(b) Variance or exemption granted:

1. If the department proposed to grant a variance or exemption, it shall notify the applicant of its decision in writing. Such notice shall identify the variance or exemption, the facility covered, conditions under which the variance or exemption may be terminated, and shall specify the proposed termination date of the variance or exemption unless otherwise terminated.

2. No variance or exemption shall be effective until the opportunity is provided for a public hearing on the proposed variance or exemption.

(4) Public hearing:

(a) Before a variance, exemption or a schedule proposed by the department may take effect, the department shall provide adequate notice and opportunity for a public hearing on the variance, exemption or proposed schedule. Public notice of the opportunity shall be in a manner consistent with the current applicable Regulation of the U. S. Environmental Protection Agency, and shall in general follow the procedures set forth in Section 10 herein.

(b) Requests for hearing may be submitted by any interested person to the department within thirty (30) days after issuance of the public notices provided for above, and shall include the following:

1. The name, address, and telephone number of the individual, organization or other entity requesting a hearing;

2. A brief statement of the interest of the person making the request in the proposed schedule and of information that the requesting person intends to submit at such hearing; and

3. The signature of the individual making the request, or the signature of a responsible official of the requesting organization or other entity.

(c) A hearing convened pursuant to this section shall be conducted before a hearing officer to be designated by the department in accordance with the rules and procedures of the department.

(d) Within thirty (30) days after the termination of the public hearing the department shall, taking into consideration information obtained during such hearing and other relevant information, confirm, revise or rescind the proposed variance, exemption or schedule.

(e) The variance, exemption or schedule shall become effective thirty (30) days after the notice of opportunity for a hearing is given if no request for a hearing is submitted within this period and the department does not determine to hold a public hearing on its own motion.

(5) Revised compliance schedule. When a variance or exemption has been granted the department shall impose each interim control measures as are necessary and shall issue within one (1) year after the variance or exemption is granted a "proposed" schedule for compliance with these regulations. A public hearing shall be held pursuant to the proposed schedule in accordance with the provisions of this section. Within thirty (30) days after the termination of the public hearing the department shall, taking into consideration information obtained during such hearing, revise the proposed schedule as necessary and prescribe the final schedule for compliance and interim measures for the public water system granted a variance or exemption. The schedule shall be in conformance with the current requirements of the U. S. Environmental Protection Agency applicable to this schedule.

(6) Termination of a variance or exemption. Any variance or exemption granted by the department from these regulations shall be terminated at the earliest of the following dates: The termination date specified at the time the variance or exemption was issued; at the time the system comes into compliance with these regulations; at the time the department determines that the system has failed to comply with the finalized schedule; upon a finding by the department that the nature of the raw water source is such that the specified treatment technique for which the variance was granted is necessary to protect the health of persons served (applicable to a variance only); a finding that the water system has failed to comply with monitoring and other requirements prescribed by the department as a condition to the granting of the variance (applicable to a variance only).

Section 10. Public Notification. (1) Contaminant level exceeded, community water system. If a community water system fails to comply with an applicable maximum contaminant level as set forth in these regulations, the supplier of water shall notify persons served by the system of this failure by:

(a) Including a notice to this effect in the first set of water bills after the failure, and in any event by written notice within three (3) months. Such notice shall be repeated at least once every three (3) months so long as the system's failure continues. If the system issues water bills less frequently than quarterly, or does not issue water bills, the notice shall be made by or supplemented by another form of direct mail; and,

(b) Publication on not less than three (3) consecutive days in a newspaper or newspapers of general circulation in the area served by the system. Such notice shall be completed within fourteen (14) days after the supplier of water learns of the failure; and

(c) Furnishing a copy of the notice to the radio and television stations serving the area served by the system. Such notice shall be furnished within seven (7) days after the supplier of water learns of the failure.

(d) If the area is not served by a daily newspaper of general circulation, notification by newspaper shall instead be given by publication on three (3) consecutive weeks in a weekly newspaper of general circulation serving the area. If no weekly or daily newspaper of general circulation serves the area, notice shall be given by posting the notice in post offices within the area served by the system.

(2) Reports to the department. Any community water system giving public notice pursuant to Section 10(1) herein shall file the following reports and information with the department.

(a) A copy of the notice that was included in the water bills or other direct mailing shall be mailed to the department on the same day that this notice was sent to the water system customers together with an affidavit signed by the chief executive officer of the system stating that the copy of the notice was sent to all customers. This procedure shall be repeated at each mailing of the notice as prescribed in Section 10(1) herein.

(b) A copy of the full page of the newspaper or newspapers in which the notice was published together with an affidavit from the publisher stating the dates on which the notice was published.

(c) A copy of the notice read over the radio or television station together with an affidavit from the station stating the times this announcement was made.

(d) If notice of the failure is given under the provision of Section 10(1)(d) herein, an affidavit from the county judge in which the system is located that the notice was posted as prescribed herein shall be sent to the department.

(3) Other violations, community water systems. If a community water system fails to comply with an applicable testing procedure herein, is granted a variance or an exemption from an applicable maximum contaminant level, fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, or fails to perform any monitoring required herein, the supplier of water shall notify persons served by the system as set forth in Section 10(1)(a) only, unless the department specifies otherwise.

(4) Non-community water system violations. If a non-community water system fails to comply with an applicable maximum contaminant level established herein, fails to comply with an applicable testing procedure, is granted a variance or an exemption from an applicable maximum contaminant level, fails to comply with the requirement of any schedule prescribed pursuant to a variance or exemption or fails to perform any monitoring required, the supplier of water shall give notice of such failure or grant to the persons served by the system. The form and manner of such notice shall be prescribed by the department, and shall insure that the public using the system is adequately informed of the failure or grant.

(5) Form and content of public notices. The public notices given under this section shall be conspicuous and written in a manner to fully inform the users of the system. The notice shall be readable in language and print size and clearly disclose to the population served by the system all facts regarding the problem. The notice should include any action the public should take as a result of the failure and a summary of the steps the system is taking to correct the problem.

Section 11. Reports and Records. (1) Monthly reports. The operator of each public water system shall file reports with the department indicating the monthly operational information. These reports shall be on forms provided by the department or approved by it and shall be received at the department no later than ten (10) days after the end of the month for which the report is filed.

(2) Special reports. The supplier of water shall report to the department within forty-eight (48) hours the failure to comply with any drinking water regulations, contained herein including the failure to comply with monitoring requirements.

(3) Analyses in state laboratories. The supplier of water is not required to report analytical results to the department in cases where a state laboratory performs the analyses and reports the results to the department office which would normally receive such notification from the supplier.

Section 12. Record Maintenance. (1) Who should keep records. All owners or operators of public water and semi-public water systems shall keep on the premises or at a convenient location near the premises the records set forth in this section.

(2) Data summaries. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

(a) The date, place, and time of sampling, and the name of the person who collected the sample.

(b) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or processed water sample or other special purpose sample.

(c) Date of analyses.

(d) Laboratory and person responsible for performing analyses.

(e) The analytical technique/method used.

(f) The results of the analyses.

(3) Availability. The records required by this section shall be public records as defined in KRS 61.870 to 61.884.

(4) Bacteriological analyses. Records of bacteriological analyses shall be kept not less than five (5) years.

(5) Chemical analyses. Records of chemical analyses shall be kept for a period of ten (10) years at which time they may be transferred to the department.

(6) Turbidity Analyses. Records of turbidity analyses shall be kept for a period of at least one (1) year.

(7) Records of violations. Records of action taken by the system to correct violations of primary drinking water regulations shall be kept for a period not less than ten (10) years after the last action taken with respect to the particular violation involved.

(8) Records of sanitary surveys. Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by any local, State or Federal agency, shall be kept for a period not less than ten (10) years after completion of the sanitary survey involved, at which time they may be transferred to the department.

(9) Records of variances or exemptions. Records concerning a variance or exemption granted to the system shall be kept for a period ending not less than five (5) years following the expiration of such variance or exemption.

Section 13. Other Contaminants. (1) Definition of "other contaminants." The contaminants listed in this section do not, in general, have a direct impact on the health of consumers but their presence in excessive quantities may discourage the utilization of drinking water and discredit the supplier. The maximum limits for these contaminants are referred to as "secondary standards" and are enforced as the other standards set forth herein, except that the provisions of Sections 9 and 10 do not apply.

(2) Who must sample for "other contaminants." All suppliers of water for public and semi-public systems shall sample for "other contaminants" at the discretion of the department.

(3) New sources of water. An analysis for these contaminants shall be made when a new source of water supply is proposed to the department for preliminary approval. Excessive amounts of these contaminants or excessive cost

in their removal may be grounds for rejection of the proposed source of water.

(4) Existing sources of water. Existing producers of water shall sample for and make analysis for the "other contaminants" listed in this section at the frequency prescribed by the department. Treatment shall be adequate to assure that the "other contaminant" level does not exceed the concentration limit set forth herein.

(5) Sampling point. Samples may be taken from a free flowing tap in the distribution system, except hydrogen sulfide (H₂S) shall be measured at the entry point to the distribution system.

(6) "Other Contaminant" maximum levels. The following lists the maximum permissive levels of "other contaminants:"

Chemical Symbol	Name	Unit(2)	Maximum Level
CCE	Carbon Chloroform Extract	mg/1	0.2
Cl	Chloride	mg/1	250
—	Color(1)	Platinum Cobalt	15
Cu	Copper	mg/1	1.0
—	Corrosivity	—	Non-Corrosive
H ₂ S	Hydrogen Sulfide	mg/1	0.05
Fe	Iron	mg/1	0.3
Mn	Manganese	mg/1	0.05
MBAS	Methylene Blue Active Substance	mg/1	0.5
—	Odor(1)	Threshold Number	3
—	Phenols	mg/1	0.001
SO ₄	Sulfate	mg/1	250
Zn	Zinc	mg/1	5.0

(1) Surface supplies only

(2) Milligrams per liter (mg/1) is the same as parts per million (ppm)

(7) Sample collection and measurement technique. Samples shall be taken and analyzed in accordance with the methods set forth in "Standard Methods."

(8) "Other contaminants" maximum limits exceeded. If the "other contaminants" limit as set forth herein is exceeded by a supplier of water, the department may direct that supplier to modify the treatment procedure or to locate a more suitable source of water.

Section 14. Penalties. Penalties shall be as provided by KRS 224.994.

Section 15. 401 KAR 6:010 is hereby repealed.

ROBERT D. BELL, Secretary

ADOPTED: April 12, 1977

RECEIVED BY LRC: April 14, 1977 at 12 noon.

PUBLIC HEARING: Pursuant to KRS 13.085 and 224.045(6), a public hearing on this proposed regulation is scheduled for June 2, 1977, at 10 a.m., prevailing Frankfort time, in the Auditorium of the Capital Plaza Tower, Frankfort, Kentucky 40601. For additional information or submission of comments, please contact Nick Johnson, Director, Division of Sanitary Engineering, Department for Natural Resources and Environmental Protection, Century Plaza, US Hwy 127 South, Frankfort, Kentucky 40601.

**DEPARTMENT OF TRANSPORTATION
Bureau of Vehicle Regulation**

601 KAR 9:005. Year-round registration system.

RELATES TO: KRS Chapter 186
PURSUANT TO: KRS 13.082, 186.050, 186.051, 186.240

NECESSITY AND FUNCTION: KRS 186.051 provides that by January 1, 1978, the Department shall establish a year-round system for the registration of motor vehicles that are enumerated in KRS 186.050(1). Such motor vehicles are those primarily designed for carrying passengers and having provisions for not more than nine (9) passengers, including the operator. This regulation implements guidelines for the operation and administration of a year-round registration system.

Section 1. Beginning January 1, 1978, all motor vehicles registered in the Commonwealth of Kentucky under the provisions of KRS 186.050(1) shall be registered under a year-round registration system as hereinafter set forth. Such motor vehicles are those motor vehicles, including taxicabs, airport limousines, and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine (9) passengers, including the operator. All other motor vehicles are excluded from the provisions of this regulation.

Section 2. There shall be twelve (12) separate and distinct registration periods, each of which shall contain twelve (12) consecutive months. Each registration period shall begin on the first day of a calendar month and shall expire on the last day of the last month in the registration period.

Section 3. Beginning January 1, 1978, the registration period for all motor vehicles registered under KRS 186.050(1) that were registered in Kentucky for the registration year ending December 31, 1977, shall begin on March 1 and shall expire on the last day of February each year.

Section 4. Beginning January 1, 1978, the registration period for all motor vehicles, whether new or used, that are registered under the provisions of KRS 186.050(1) that have never been registered in Kentucky prior to January 1, 1978, shall begin on the first day of the calendar month in which the motor vehicle is registered in Kentucky for the first time, and shall expire on the last day of the last month in the registration year period. Thereafter the motor vehicle shall retain the same registration regardless of change of ownership of the motor vehicle. The provisions of this section shall apply to motor vehicles that may have previously been registered in Kentucky but, subsequently, have been registered and titled in another state.

Section 5. Beginning January 1, 1978, any county court clerk may offer for sale the appropriate license tag or decal, or both, as the case may be, for the renewal registration of a motor vehicle included under KRS 186.050(1) not earlier than two (2) months prior to the beginning of the registration period for which the renewal registration of such motor vehicle is required.

Section 6. If the owner renews the registration of the motor vehicle at some date later than the beginning of the

vehicle's regular registration period, the registration fee must be paid for the full year. A motor vehicle registered under these circumstances shall retain its original registration period.

Section 7. There shall be no proration of fees under this registration system, and additional time shall not be allowed for the registration of a motor vehicle beyond its registration year expiration date, unless such additional time is granted by Executive Order of the Governor of Kentucky.

Section 8. The following schedule of registration expiration dates shall apply to motor vehicles, whether new or used, that are to be registered pursuant to Section 4 of this regulation. The fee schedule shall be the same for motor vehicles registered pursuant to Section 3 of this regulation. The fees shall be: state fee \$11.50; clerk's fee \$1; total fee \$12.50.

Motor vehicle registered for the first time in Kentucky during the month of: Shall be issued a certificate of registration and other appropriate material which expires:

January	December 31
February	January 31
March	February 28 (or 29)
April	March 31
May	April 30
June	May 31
July	June 30
August	July 31
September	August 31
October	September 30
November	October 31
December	November 30

O. B. ARNOLD, Commissioner

ADOPTED: April 14, 1977

APPROVED: CALVIN G. GRAYSON, Secretary

RECEIVED BY LRC: April 14, 1977 at 10:15 a.m.

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

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

702 KAR 1:031. Repeals 702 KAR 1:030.

RELATES TO: KRS 161.159

PURSUANT TO: KRS 13.082, 156.070, 156.130, 65.280

NECESSITY AND FUNCTION: To repeal existing life insurance regulation and avoid duplicity. New regulation combines administrative procedures for both life and health

insurance coverage for eligible employees of local boards of education.

Section 1. 702 KAR 1:030 is hereby repealed.

JAMES B. GRAHAM,
Superintendent of Public Instruction

ADOPTED: March 22, 1977

RECEIVED BY LRC: March 31, 1977 at 2 p.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children

707 KAR 1:021. Repeals 707 KAR 1:020.

RELATES TO: KRS 157.200 to 157.305

PURSUANT TO: KRS 13.082, 156.070, 156.130, 156.160

NECESSITY AND FUNCTION: To repeal existing regulation and avoid duplicity. New regulation covers more extensively rationale for establishment of regulations regarding private organizations' programs for exceptional children.

Section 1. 707 KAR 1:020 is hereby repealed.

JAMES B. GRAHAM,
Superintendent of Public Instruction

ADOPTED: March 22, 1977

RECEIVED BY LRC: March 31, 1977 at 2 p.m.

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

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Education for Exceptional Children

707 KAR 1:045. State plan for promotion of the education of the blind.

RELATES TO: KRS 156.100, 156.130, 156.165, 156.200, 157.130, 157.200 to 157.305

PURSUANT TO: KRS 13.082, 157.160, 157.070

NECESSITY AND FUNCTION: A state plan for the administration of the Federal Act "To Promote the

Education of the Blind," P.L. 91-230, and 93-380 as amended by 94-142, P.L. 88-352, is necessary in order to receive the Commonwealth of Kentucky, Department of Education allotment which is administered through the American Printing House for the Blind, Louisville, Kentucky.

Section 1. Definitions. (1) "Legal blindness" means central visual acuity of 20/200 or less in the better eye with correcting lenses, or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than twenty (20) degrees.

(2) "Blind student" means any legally blind individual pursuing a course of study in programs of less than college level in the Commonwealth of Kentucky other than students enrolled in the Kentucky School for the Blind or the Kentucky Industries and Rehabilitation Center for the Blind.

(3) "Schools" means any educational-based program of less than college level to include all public and private/parochial pre-schools, elementary and secondary levels in the Commonwealth except the Kentucky School for the Blind or the Kentucky Industries and Rehabilitation Center for the Blind.

(4) "Eye specialist" means an ophthalmologist or optometrist.

(a) "Ophthalmologist" means a physician who is licensed to practice medicine and surgery and who specializes in diagnosis and treatment of defects of the eye.

(b) "Optometrist" means a licensed non-medical practitioner who measures refractive errors and eye muscle disturbances.

(5) "Chief school official" means the superintendent of any local school district; the administrator or director of any non-public school.

(6) "Printing house" means the American Printing House for the Blind.

Section 2. General Provisions. The Kentucky Department of Education shall make available, subject to available monies from the Federal Act allotment, appropriate textbooks in braille or large type, recordings, educational aids, and special equipment to all legally blind students enrolled in any educational program within the Commonwealth of Kentucky provided the following criteria are met:

(1) Eligibility:

(a) The student must be legally blind.

(b) The visual acuity must be certified by an eye specialist.

(c) The eye examination must have been within six (6) months of the initial registration date if the student has not been previously registered and every two (2) years following the initial registration.

(d) Students must be enrolled in a school within Kentucky except the Kentucky School for the Blind or the Kentucky Industries and Rehabilitation Center for the Blind.

(e) Enrollment in school as of the first Monday in January must be certified by the chief school official.

(2) Registration:

(a) The State Department of Education shall provide registration forms to each educational program in Kentucky.

(b) Pre-registration information shall be mailed from the State Department of Education by the first week in November.

(c) Official registration notices shall be mailed during the last week of December.

(d) Official registration shall be during the month of January. All such registrations are taken as of the first Monday in January of each year to be used as the basis for determining a per capita rate for quota allotments for the ensuing federal fiscal year beginning the following October 1.

(e) Registration forms must be received by the Department of Education no later than the first Friday of February but no earlier than the first Monday in January.

Section 3. Administration of the Federal Act. (1) Designation of ex-officio trustee:

(a) The Superintendent of Public Instruction, as the chief state school official, or his designee, a member of the State Department of Education, is authorized by the Federal Act to serve as the ex-officio trustee from the Commonwealth of Kentucky to serve as the administrative officer for the Federal Act. The responsibility of administering the Kentucky allotment rests only with the Department of Education and its ex-officio trustee.

(b) The ex-officio trustee is directly responsible to the Superintendent of Public Instruction and the Assistant Superintendent, Bureau of Education for Exceptional Children.

(2) Responsibilities of ex-officio trustee: The privileges and responsibilities of the ex-officio trustee include, but are not limited to the following:

(a) Preparing and submitting in writing to the Superintendent of Public Instruction and the Assistant Superintendent at the close of the federal fiscal year, a report of the Federal Act allotment to include number of students registered, number of public and non-public schools participating and distribution of allocations and materials.

(b) Preparing and forwarding registration notifications to all chief school officials.

(c) Preparing, signing, and forwarding of registrations of blind students in educational programs of less than college grade to the Printing House.

(d) Receiving and signing certificates of allocation as of October 1, of each year.

(e) Receiving, approving, and forwarding of all orders to the Printing House to be charged to quota allocations.

(f) Receiving and handling all correspondence from the Printing House regarding quota orders; receiving and disseminating information from the Printing House with regard to requests for recommendations of materials to be published and/or manufactured for school use, and forwarding replies to the Printing House as requested; receiving and answering all requests for information which comes from the Printing House with regard to the Federal Act.

(g) Attendance at, and participation in, the annual board meeting of the ex-officio trusteeship. Such participation may include serving on a Printing House committee.

Section 4. Control of Funds. (1) No direct cash allotments are made to the state. The Kentucky allotment is deposited as credit in two (2) separate accounts with the Printing House.

(a) One (1) account will be for the materials needed for registered legally blind students attending the public schools.

(b) One (1) account will be for the materials needed for

registered legally blind students attending the private/non-public schools.

(2) All materials supplied through the Federal Act must be manufactured at, or processed by, the Printing House.

(3) Public school carry-over allotments:

(a) Unused public school allotments at the end of the federal fiscal year will be credited to a general ledger public school account for use based on priority needs. The ex-officio trustee will have the responsibility for determining the greatest area of need for disbursement.

(b) If such allotment is available at the end of the federal fiscal year, each public school district having a student registered shall be informed of the availability of possible funds.

(4) Non-public carry-over allotments:

(a) Unused non-public school allotments at the end of the federal fiscal year are to remain within each non-public school unless such school no longer has a legally blind student registered.

(b) Should such non-public school have an unused allotment but no longer has a legally blind student registered, that unused amount will be credited to a general ledger non-public school account for use based on priority needs. The ex-officio trustee will have the responsibility for determining the greatest area of need for disbursement.

(c) If such non-public allotment is available at the end of the federal fiscal year, each non-public school having a student registered shall be informed of the availability of possible funds.

Section 5. Civil Rights Act. (1) all schools registering a legally blind student must assure, in writing, compliance with Title VI of the Civil Rights Act of 1974.

(2) Forms of such compliance shall be provided to the schools by the Department of Education.

(3) Assurance of compliance forms must be submitted with the official registration form.

Section 6. Confidentiality. (1) All registration papers received are considered confidential.

(2) The parent(s) or legal guardian of each blind student is required to sign the registration form authorizing the child's school to submit the information to the State Department of Education for registration.

(3) The ex-officio trustee, as representative of the state, shall:

(a) Maintain a current listing of those persons within the State Department of Education who legitimately have access to the personally identifiable data;

(b) Assure that all data forms are maintained in locked storage;

(c) Mark all forms received as "Confidential Information."

(4) The Department of Education shall keep a record of all parties except parents and authorized agency employees obtaining access to the records of any child. These records must show the name of the party, date access was given, and the purpose for which information is to be used.

(5) If a folder contains data on more than one (1) child, inspection may only be permitted to data which relates specifically to the student in question.

Section 7. Local School Responsibility. (1) Designation of local authorized agent.

(a) The chief school official of each educational program having students registered through the Federal Act may represent the school or must designate one (1)

professional employee as the "local authorized agent" for implementation of the Act at the local level.

(b) A statement of the name, title and address of each local agent shall be on file with the Department of Education.

(c) Designation forms are to be supplied by the State Department of Education to each school program registering legally blind students.

(2) The local authorized agent shall be responsible for:

(a) Implementing an "Identification and Registration" process at the local level for all legally blind students enrolled in school programs under their jurisdiction.

(b) Preparing and forwarding all registration forms to the ex-officio trustee.

(c) Receiving and disseminating information from the State Department of Education related to registration and educational services for the legally blind.

(d) Preparing, signing and forwarding orders in duplicate of books and materials to be used by registered legally blind students to the ex-officio trustee.

(e) Receiving and disbursing shipment of ordered books and materials to students for whom ordered.

(f) Returning textbooks and materials to the Department of Education should the student no longer reside in that school district or upon completion by the student for whom they were ordered.

(g) Maintaining and inventorying educational aids and special equipment within the school.

(h) Returning educational aids and special equipment when no longer needed in the school or when legally blind students are no longer registered.

Section 8. Textbooks, recordings, educational aids, and special equipment. Property:

(1) All textbooks, recordings, educational aids, and special equipment, provided to a student through the federal allotment are the property of the Department of Education.

(2) Educational aids and special equipment will be maintained by the school and inventoried at the close of the school term by the local authorized agent. When a school no longer has any legally blind student(s) registered, such educational aids and/or special equipment must be returned to the State Department of Education.

(3) The Department of Education shall maintain a central depository center to receive, inventory, and disburse requested books, aids, materials and equipment which have been returned.

(4) All textbooks, recordings, educational aids and special equipment returned to the Department of Education must be stamped "Property of the Kentucky State Department of Education."

Section 9. Destruction of Data. (1) All personally identifiable data must be destroyed within a period of five (5) years following the end of services for that student.

(2) Parents shall be provided with notification sixty (60) days prior to the destruction of this information and will be afforded the opportunity of receiving a copy of any data which have been obtained or used related to their child. Notification to parents shall be made by "letter."

(3) Data shall be destroyed by burning.

(4) A permanent record card consisting of a student's name, school address, last grade level and visual acuity may be maintained without time limitation.

JAMES B. GRAHAM,

Superintendent of Public Instruction

ADOPTED: March 22, 1977

RECEIVED BY LRC: March 31, 1977 at 2 p.m.

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

PUBLIC PROTECTION AND REGULATION CABINET Department of Banking and Securities

808 KAR 2:016. Care, maintenance and embellishment defined.

RELATES TO: KRS 307.130(1)

PURSUANT TO: KRS 307.130, 307.150

NECESSITY AND FUNCTION: To define more specifically general care, maintenance and embellishment of a cemetery.

Section 1. The general care, maintenance and embellishment of a cemetery, for which the income from the perpetual care and maintenance trust fund may be used, shall include maintenance and overhead expenses, general beautification of the cemetery, maintaining and replacing: fences, roadways, and walks; maintaining drains, water systems, trees, shrubs, borders, lots, tools, machinery and equipment, buildings, statutes and structures; maintaining ownership, transfer and burial records; and, administrative services properly applicable to the operation of a cemetery.

JOHN L. WILLIAMS, JR., Commissioner

ADOPTED: March 9, 1977

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 17, 1977 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: G. Lee Langston, Departmental Attorney, Department of Banking and Securities, 911 Leawood Drive, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET Department of Banking and Securities

808 KAR 2:026. Separate registration for each cemetery.

RELATES TO: KRS 307.110, 307.130, 307.140, 307.150

PURSUANT TO: KRS 307.110, 307.130, 307.140, 307.150

NECESSITY AND FUNCTION: To insure that physically distinct cemeteries, although owned by the same

corporation, are registered separately and report trust funds separately.

Section 1. Each physically distinct cemetery, although such may be one of a number of cemeteries under the common ownership and operation of a single person, shall be registered separate from each other cemetery commonly held by that person.

Section 2. Each physically distinct cemetery, although such may be one of a number of cemeteries under the common ownership and operation of a single person, shall establish the perpetual care and maintenance trust, as required by KRS 307.130, and the cemetery merchandise trust, if required by KRS 307.140, separate from such other similar trusts established by other cemeteries under such common ownership and shall report the information thereon, as required by KRS 307.150, in a separate manner.

Section 3. 808 KAR 2:015 and 808 KAR 2:025 are hereby repealed.

JOHN L. WILLIAMS, JR., Commissioner

ADOPTED: March 9, 1977

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 17, 1977 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: G. Lee Langston, Departmental Attorney, Department
of Banking and Securities, 911 Leawood Drive, Frankfort,
Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES Kentucky Drug Formulary Council

902 KAR 1:116. Repeals 902 KAR 1:115.

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 repeals the Council's regulation relating to Nitrofurantoin pharmaceutical products because recent studies indicate too great a variability in the same dosage forms from various manufacturers.

Section 1. 902 KAR 1:115 is hereby repealed.

THOMAS S. FOSTER, Chairperson

ADOPTED: March 22, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: April 13, 1977 at 1 p.m.

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

902 KAR 12:010. Due process for patients.

RELATES TO: KRS Chapters 202A, 202B

PURSUANT TO: KRS 13.082, 194.050, 202A.180,
202B.060, 210.285

NECESSITY AND FUNCTION: KRS 202A.180 and 210.285 empower and require the Secretary for the Department for Human Resources to promulgate rules, regulations, and forms which protect, defend, and uphold the statutorily numerated rights of all persons who face the possibility of residing in a state mental institution. Consistent with this authority and requirement, this regulation establishes certain minimum standards which must be met in order to assure due process of law for the residents of state mental institutions and for individuals named in any petition or civil proceeding which could result in their admittance to a mental institution.

Section 1. Notice. (1) Notice shall be given to all individuals named as respondent in any mental health petition as soon as possible after the filing of the petition.

(2) Written notice of final hearing for sixty (60) and 360-day commitment proceedings shall be given sufficiently in advance of the scheduled court proceeding so that reasonable opportunity by the respondent for preparation will be afforded.

(a) All notices of final hearings in sixty (60) and 360-day commitment proceedings shall give detailed factual reasons for the continuing detention of the individual and contain the names of examining physicians and all other persons who may testify in favor of his continuing detention and the substance of their proposed testimony.

(b) In no instance shall an arrest warrant be the first means by which the respondent receives notice that a sixty (60) or 360-day commitment proceeding has been initiated against him. An arrest warrant may only be issued at the discretion of the court after notice has been sent to the respondent and a factual determination by the court, from information contained in the petition, has been made that the individual meets all requirements necessary for involuntary hospitalization.

Section 2. Preliminary Hearing. (1) In order to assure due process, all initial proceedings for involuntary commitment for a period of more than seventy-two (72) hours shall be initiated through the use of the seven (7)-day commitment proceedings as contained in KRS 202A.040 and 202A.050.

(a) An exception to the above requirement shall be the allowance of an initial sixty (60)-day commitment if it is based upon verified information contained within the originating petition which sets out definite facts for the need of the sixty (60)-day commitment in lieu of the seven (7)-day commitment. The factual information shall include medical reasons for the necessity of detaining the individual for an initial commitment period of up to sixty (60) days instead of a commitment period not to exceed seven (7) days.

(b) If a verified petition for sixty (60)-day commitment is filed in lieu of the petition for seven (7)-day commitment, the respondent shall be afforded a preliminary probable cause hearing within forty-eight (48) hours of his detention.

(2) Once an individual has been a resident in a hospital or residential treatment facility for a period of thirty (30) days, a 360-day petition may be used in an initial commitment proceeding.

Section 3. Jury Trial, Presence of Respondent. (1) For the protection of the rights of the individual, all final hearings for involuntary commitment in hospitals or residential treatment facilities for sixty (60) days or 360 days are interpreted to require the necessity of the court impaneling a jury unless the right to a jury trial is waived by the respondent.

(2) An individual may be excluded by the court from any hearing upon a finding that his presence would seriously disrupt the proceeding. This determination may not be made prior to the actual hearing. A court may remove an individual from a commitment proceeding only when his conduct at the hearing is disruptive or if the respondent, with the assistance of legal counsel, has waived this privilege.

Section 4. Concurrent Hearings. Preliminary and final involuntary commitment hearings may be held concurrently upon the approval of the court and the consent of all parties to the action.

Section 5. Seventy-two Hour Commitment. If a physician, other than a staff physician, desires the privilege of using the seventy-two (72)-hour commitment proceeding, he shall, prior to certifying any individual for hospitalization, have received written approval from the Secretary of the Department for Human Resources.

Section 6. Indeterminate Commitments. All individuals who are under indeterminate commitments pursuant to KRS Chapter 202 shall have their commitment terminated and be released from the custody of the Department for Human Resources unless one of the commitment proceedings contained in KRS Chapter 202A is commenced, with the committed individual named as respondent, within 360 days of the effective date of this regulation.

WILLIAM P. McELWAIN, Commissioner

ADOPTED: April 12, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: April 13, 1977 at 1 p.m.

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

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services

902 KAR 12:020. Patients' rights.

RELATES TO: KRS Chapters 202A, 202B

PURSUANT TO: KRS 13.082, 194.050, 202A.180, 202B.060

NECESSITY AND FUNCTION: KRS Chapters 202A and 202B, relating to the hospitalization of mentally ill and

mentally retarded persons, direct that the Secretary for the Department for Human Resources shall adopt rules and regulations which insure proper administration and enforcement of these chapters. The function of this regulation is to prescribe the rights of mentally ill and mentally retarded patients and to establish rules for the use of seclusion and restraint in the treatment of such patients.

Section 1. Title. This regulation may be cited as the "Kentucky Mental Patients' Bill of Rights."

Section 2. Right to be Adequately Informed. (1) Each patient shall be adequately informed as to his individual treatment plan.

(a) A written individual treatment plan shall be prepared and entered into the medical record of each patient. Such treatment plan shall be subject to periodic review and shall be modified in the event of substantive changes;

(b) Each patient shall have access to a written copy of his individual treatment plan;

(c) Upon written request, each patient shall also be provided access to his entire medical record. In the event that full access to the medical record is refused, the patient shall be given a response in writing documenting the reasons for such refusal;

(d) In the case of minors or other persons who appear incapable of reading or understanding a written treatment plan, a summary of pertinent features of the treatment plan may be presented orally, and the responses of parents, guardians or other members of the immediate family shall be entered into the medical record if such persons can be located.

(2) For purposes of this regulation, the following definitions shall apply:

(a) "Individual treatment plan" means a written document which is a part of each patient's medical record and which must contain, but is not limited to:

1. A statement of the diagnosis of the patient;
2. The short and long-range objectives of care and treatment;
3. The methods of treatment to be employed;
4. The names of persons responsible for preparing and implementing the plan.

(b) "Substantive changes" means those changes which reflect distinct changes in goals of treatment, methods to be employed and the names of persons primarily responsible for overall review or implementation of the individual treatment plan;

1. Changes in the amount, frequency of administration, or specific type of medication shall not be considered substantive changes unless such changes involve introduction of new classes of medication including anti-psychotic or anti-convulsant drugs;

2. Changes in the frequency, duration, place or supervision of daily activities shall not be considered substantive changes unless such changes exclude participation in the activities previously identified in the treatment plan or initiation of new activities which could not be reasonably anticipated on the basis of short and long-term treatment goals.

(c) "Emergency situation" means the presence of a situation in which a patient's behavior in his present environment is such that it presents an immediate and substantial danger or threat of immediate or substantial danger to that person or to others.

1. Behavior included in this definition extends to verbal threats or abuse toward other patients which creates a substantial risk that such other patients may react in a manner which poses an immediate substantial danger or threat of immediate substantial danger to themselves or others, or which will interfere in a substantial manner with the realistic opportunity of other patients to improve their own level of functioning through care and treatments in a hospital or residential treatment center;

2. Substantial deviation from an individual treatment plan which is formulated with the mutual consent of the staff and the patient or which is approved pursuant to a court hearing, or the overt or repetitious violation of rules and procedures of the hospital or residential treatment center by the patient may also be considered as an emergency situation, provided the patient has previously been fully informed as to the content of his individual treatment plan and as to the rules and procedures which may be applicable to his behavior.

(d) "Restraint" means the application of any physical device, the application of physical body pressure by another person in such a way as to control or limit physical activity, or the intravenous, intramuscular, or subcutaneous administration of any pharmacologic or chemical agent to a mentally ill patient with the sole or primary purpose of controlling or limiting the physical activities of the patient.

(e) "Seclusion" means the confinement of a mentally ill or mentally retarded patient alone in a locked room.

Section 3. Right to assist in Treatment Plan. Each patient shall have the right to assist in the planning of his treatment program.

(1) Each patient shall be informed of the contents of his individual treatment plan and his verbal, written or behavioral responses to this information shall be entered in the medical records. Whenever possible, the responses of a patient to his treatment plan shall be used to review and modify its contents including, but not limited to, the objectives and methods of treatment to be employed;

(2) In the cases of minors and other patients who appear incapable of reading or understanding their treatment plans, the responses of parents, guardians, or other members of the immediate family shall be entered into the medical records if such persons can be located.

Section 4. Right to Refuse Treatment. (1) Patients may, under certain conditions, refuse treatment offered to them by the hospital. Such refusal shall be clearly documented in the medical records.

(a) In the case of voluntary patients and patients who are minors admitted with the consent of their parents or guardian, treatment plans may be implemented or continued until such time as the patient or his parents or guardian requests the discharge of the patient;

(b) In the case of mentally ill or mentally retarded patients involuntarily admitted without a court order under KRS 202A.030, 202A.040, or pursuant to a hearing under KRS 202A.050, treatment in accordance with the initial or revised treatment plan may be implemented or continued until such time as a formal application for further hospitalization is submitted and a hearing held on the matter.

1. In the event that a hearing for further hospitalization is requested, the attorney for the respondent and the judge shall be informed prior to the time of the hearing of the current individual treatment plan and recent use of medication which might affect the ability of the respondent to communicate with his attorney or the judge;

2. In order to obtain a court order implementing the treatment plan most likely to benefit the patient, a formal application for further hospitalization made at the time of the hearing shall contain sufficient reference to those areas of refusal and shall further document reasons why the refusal should be waived.

(c) If an involuntary patient is transferred to voluntary status, his current treatment plan may be continued without his written consent until he refuses treatment or his parents or guardian request his discharge.

(d) In all other instances where no court findings exist to support the implementation of a specific treatment plan which is unacceptable to the patient, such treatment may be implemented or continued only in the event of an emergency situation documented in the medical records of the patient.

(2) Each patient shall have the right, under certain circumstances, to seek relief from participating in any separate and individual treatment activity provided for in his treatment plan.

(a) Such refusal shall be clearly documented in the medical record and shall be honored unless an emergency situation exists or the activity has been reviewed and approved in a court hearing.

(b) In the absence of an emergency situation, the patient shall not be subjected to loss of any other privileges which he has at the time of his refusal unless such privileges are clearly documented in the individual treatment plan as being contingent upon his participation in that area where participation has been refused.

Section 5. Right to Personal Effects. (1) Each patient shall have the right to maintain, keep, and use personal effects, items or money except in the following instances:

(a) Retention of the item would be contrary to the patient's individual treatment plan;

(b) Retention of the item poses a threat of subjecting the patient or others to substantial physical harm;

(c) Retention of the item would subject it to a substantial risk of loss, theft or destruction by the patient or other persons;

(d) Retention of the item would substantially impair the opportunity of the patient or other patients to benefit from care and treatment in the hospital; or

(e) Retention of the item is contrary to rules and regulations of the hospital which are reasonably related to the health and safety of the patient or other patients, except that such rules and regulations shall be waived when possession of such item is a part of the patient's individual written treatment plan.

(2) After written notice to a discharged patient, hospitals and residential treatment centers may dispose of all unclaimed personal items 180 days after discharge. Any proceeds from the sale of such items shall be used for the benefit of persons residing at the hospital or residential treatment center.

Section 6. Right to Receive Visitors. (1) All patients shall have the right to meet with friends and relatives. This right shall not be waived except in the following instances:

(a) Exercise of the right would be inconsistent with the written provisions of the individual treatment plan, or

(b) An emergency situation exists.

(2) Each hospital or residential treatment center shall establish and post conspicuously rules governing visitors and visiting hours.

(3) All patients shall also have the right to refuse to meet with friends or relatives except that such right may be

waived if such meetings are prescribed in the patient's individual treatment plan.

Section 7. Right to Receive Compensation for Work Done. Each patient shall have the right to receive payment for work performed on behalf of the hospital.

(1) All patients shall be provided compensation as designated by appropriate federal and state statutes and regulations for work performed at a hospital or residential treatment center where such work is of consequential economic benefit to the hospital or residential treatment center, any person, agency, or organization outside the hospital or the Commonwealth of Kentucky.

(2) The patient shall have the absolute right to refuse to perform any and all work except activities of immediate and direct benefit to the patient and his personal comfort.

Section 8. Right to Refuse Intrusive Treatment. All patients shall have the right to refuse intrusive treatments including electroshock therapy or psychosurgery, subject to the following limitations:

(1) Any patients committed on an involuntary basis or who are minors may be provided electroshock therapy or psychosurgery pursuant to a court order with a determination that such treatment is in the best interest of the patient as providing him the optimal opportunity to reasonably benefit from care and treatment in the hospital or residential treatment center;

(2) Notwithstanding the provisions of subsection (1) of this section, in instances in which a serious suicidal danger is present which cannot be controlled or relieved by other forms of treatment, electroshock treatments may be provided prior to a court hearing. In such cases, outside consultation from at least two (2) physicians not otherwise regularly employed on a full-time basis by the hospital or residential treatment center must be secured and a finding made that no other available form of treatment other than seclusion, removal of all personal possessions, or placement in a maximum security facility are likely to relieve the threat of suicide.

Section 9. Rights of Minor Patients. Patients who are minors and who are voluntarily admitted to the hospital or residential treatment center on the consent of their parents or guardian have additional personal rights independent of the wishes, desires, or demands of their parents or guardian.

(1) Patients who are minors shall have the right to seek relief from actions for or against hospitalization and discharge approved by their parents or guardian;

(2) In the absence of an appropriate court order requiring hospitalization or placement in a residential treatment center, minors shall be provided an adequate opportunity to seek independent counsel and to request a hearing regarding further hospitalization. This requirement may be satisfied by means of any of the following procedures:

(a) The hospital or residential treatment center shall obtain the written or verbal consent of the minor to the individual treatment plan including admission to the hospital or residential treatment center.

1. Such consent shall be obtained in the presence of an adult witness who is not employed by the hospital or

residential treatment center to which the minor was admitted;

2. If the minor subsequently withdraws his consent, further hospitalization or retention in a residential treatment facility shall be in accordance with procedures applicable to an adult voluntarily admitted.

(b) The hospital or residential treatment center shall provide each minor the opportunity for a court hearing and final decision within twenty-one (21) days after admission; or

(c) The hospital or residential treatment center shall appoint a patient's rights review officer in the facility who actively represents the interest of the minor by insuring him of an opportunity to seek legal counsel, to receive independent psychiatric and psychological consultation, to communicate with the secretary, and to fully afford minor patients due process available to patients who are involuntarily committed. To assist in setting standards regarding the needs for hospitalization and the appropriateness of individual treatment plans, the patient's rights review officer may establish a patient's rights advisory committee.

Section 10. Use of Seclusion and Restraint. The use of seclusion and other mechanical restraints in hospitals or residential treatment facilities shall be limited and shall be carried out only with appropriate precautions.

(1) Seclusion and other mechanical restraints used for the sole or principal purpose of controlling behavior which is the result of mental illness shall be instituted only when part of an individual treatment plan or in the event of an emergency situation.

(2) If use of seclusion or restraints is warranted under this section, the following rules shall apply:

(a) The medical records shall document the conditions which prevail at the time of the use of such treatments and shall include the order of a licensed physician prescribing or justifying such treatment;

(b) Seclusion or restraints based upon an emergency situation must be reviewed, confirmed, and documented by a physician responsible for the care of the patient at least every seventy-two (72) hours;

(c) Mentally ill persons placed in seclusion or subjected to the use of mechanical restraints other than to prevent or treat self-inflicted injury or to treat a concomitant medical or surgical disorder shall be individually observed and the need for continuing restraints or seclusion determined by a hospital or residential treatment facility employee at least every fifteen (15) minutes. In addition, the patient shall be seen daily by a physician and the reasons for continued use of this treatment procedure shall be documented in the medical records;

(d) The patients shall be permitted access to toilet facilities at least every two (2) hours and to bathing facilities every forty-eight (48) hours;

(3) No order by a licensed physician for seclusion or use of mechanical restraints shall be effective longer than twenty-four (24) hours after such treatment is implemented, and must be renewed if such treatment continues to be necessary, except where such treatment is prescribed to prevent or treat self-inflicted injury or a concomitant medical or surgical disorder.

(4) In no circumstances shall restraints or seclusion be used principally or solely for the treatment of mental illness

except as part of the documented individual treatment plan or in response to a documented emergency unless such treatment has received a review and approval by the court.

WILLIAM P. McELWAIN, Commissioner

ADOPTED: April 12, 1977

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: April 13, 1977 at 1 p.m.

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

902 KAR 12:030. Care and treatment of inmates of penal institutions.

RELATES TO: KRS 202A.190

PURSUANT TO: KRS 13.082, 194.050, 202A.180, 202B.060

NECESSITY AND FUNCTION: KRS Chapters 202A and 202B, relating to the hospitalization of mentally ill or mentally retarded persons, direct that the Secretary for the Department for Human Resources shall adopt rules and regulations to effectuate the purposes of that chapter, including, but not limited to, the transfer of mental patients and alternate methods for involuntary hospitalization. The function of this regulation is to prescribe the procedure to be employed in the hospitalization, care and treatment of an inmate of a penal institution who has been transferred to a hospital, forensic psychiatric facility or residential treatment center.

Section 1. Care and Treatment of Inmates. In the event that an inmate of any penal or correctional institution is transferred to a hospital, forensic psychiatric facility or residential treatment center pursuant to KRS 202A.190, the following rules shall apply:

(1) If the inmate voluntarily agrees to receive treatment in accordance with the individual treatment plan, such treatment may be provided until such time as it is determined that treatment is no longer necessary or until the patient refuses continued treatment;

(2) If the inmate refuses to receive treatment, proceedings for involuntary hospitalization may be instituted in accordance with the provisions of KRS Chapters 202A and 202B.

WILLIAM P. McELWAIN, Commissioner

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

902 KAR 12:040. Convalescent patient status.

RELATES TO: KRS 202A.130

PURSUANT TO: KRS 13.082, 194.050, 202A.180, 202B.060

NECESSITY AND FUNCTION: KRS Chapters 202A and 202B, relating to the hospitalization of mentally ill or mentally retarded persons, direct that the Secretary for the Department for Human Resources shall adopt rules and regulations relating to the release of patients to less restrictive alternative modes of treatment on convalescent status. The function of this regulation is to establish standards to be employed in determining whether a person should be released on or committed directly to convalescent status.

Section 1. Release on Convalescent Status. An authorized staff physician may release from a hospital an involuntarily committed mentally ill person on convalescent status, or an authorized staff person may release from a residential treatment center an involuntarily committed mentally retarded person on convalescent status, if the staff member concludes that such person would not present an immediate danger or immediate threat of danger to self or others if provided continued medical supervision in a less confining environment. While on convalescent status the patient shall remain the responsibility of the hospital or residential treatment center from which he was released.

Section 2. Direct Commitment to Convalescent Status. A person may be committed by a court directly to a designated treatment center on convalescent status as an alternate mode of treatment by the use of the procedures contained in the seven (7), sixty (60) or 360-day involuntary commitments upon a finding by the court that although such person meets all the other criteria for such involuntary hospitalization, admission to a hospital or residential treatment center would constitute an excessively restrictive mode of treatment. The convalescent status commitment shall only be used when a written opinion by a court-appointed physician indicates that there are alternate care and treatment facilities available and adequate financial resources to provide treatment which is likely to benefit the patient.

Section 3. Rights of Patients on Convalescent Status. Patients on convalescent status shall enjoy all the rights and privileges afforded to an involuntarily committed patient except that patients on convalescent status who have been directly committed to convalescent status under Section 2 of this regulation may be involuntarily admitted to a hospital or residential treatment center only upon a further court hearing and order or consistent with the procedures specified in KRS 202A.040.

Section 4. Termination of Convalescent Status. The convalescent status of a patient shall terminate upon the cessation of care and treatment or when the court order governing the patient's hospital admission or placement in convalescent status expires or is terminated.

Section 5. Definition. For purposes of this regulation, the term "less confining environment" shall include, but

not be limited to, a personal residence, a skilled nursing facility, an immediate care or personal care facility or any other facility providing a supervised residential living situation.

WILLIAM P. McELWAIN, Commissioner

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

902 KAR 12:050. Transfer of patients to other facilities.

RELATES TO: KRS Chapters 202A, 202B

PURSUANT TO: KRS 13.082, 194.050, 202A.180, 202B.060

NECESSITY AND FUNCTION: KRS Chapters 202A and 202B, relating to the hospitalization of mentally ill and mentally retarded persons, direct that the Secretary for the Department for Human Resources shall adopt rules and regulations relating to the transfer of mental patients. The function of this regulation is to prescribe the standards to be used in determining whether a patient should be transferred to another hospital, forensic psychiatric facility or residential treatment center.

Section 1. Transfer of Patients. A patient may be transferred between hospitals, between hospitals and forensic psychiatric facilities, between hospitals and residential treatment centers or between residential treatment centers upon the mutual agreement of the administrative officer, his designated representative or an authorized staff physician of each facility, provided such agreement is based upon one of the following findings by the officers, representatives or physicians:

(1) That the transfer will improve the opportunities of the patient to receive care and treatment most likely to of benefit to him; or

(2) That the transfer will permit the patient to receive care and treatment in the least confining environment, considering the degree of immediate danger or immediate threat of danger to self or others which the patient presents; or

(3) That the transfer is part of an individual treatment plan which has been reviewed and approved by a court.

WILLIAM P. McELWAIN, Commissioner

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

902 KAR 47:010. Definitions.

RELATES TO: KRS 217.650 to 217.710

PURSUANT TO: KRS 13.082, 194.050, 217.690

NECESSITY AND FUNCTION: The Kentucky Hazardous Substances Labeling Act, KRS 217.650 to 217.710, authorizes the Department for Human Resources to regulate the control of hazardous substances in Kentucky. The purpose of this regulation is to provide definitions that are applicable to all other Department for Human Resources regulations relating to hazardous substances, and to designate as hazardous substances any substance or mixture of substances which is a "strong sensitizer."

Section 1. Definitions. In addition to the definitions set forth in KRS 217.660, the following terms shall have the meanings set forth below: (1) "Combustible" means any substance which has a flashpoint above 80 degrees F. to, and including, 150 degrees F.

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

(3) "Extremely flammable" means any substance which has a flashpoint at or below 20 degrees F.

(4) "Extremely flammable contents of self-pressurized container" means contents of a self-pressurized container that a flashback (a flame extending back to the dispenser) is obtained at any degree of valve opening and the flashpoint is less than 20 degrees F.

(5) "Extremely flammable solid" means a solid substance that ignites and burns at an ambient temperature of 80 degrees F. or less when subject to friction, percussion, or electrical spark.

(6) "Federal Act" means the Federal Hazardous Substances Act (PL 86-613 74 Stat. 372; 15 U. S. C., Sec. 1261, et seq., including the amendments thereto).

(7) "Flammable contents of self-pressurized container" means contents of a self-pressurized container that a flame projection exceeding eighteen (18) inches is obtained at full valve opening or a flashback (a flame extending back to the dispenser) is obtained at any degree of valve opening.

(8) "Flammable solid" means a solid substance that ignites and burns with a self-sustained flame at a rate greater than one-tenth (1/10) of an inch per second along its major axis.

(9) "General home and household use" means any hazardous substance, whether or not packaged, that under any customary or reasonably foreseeable condition of purchase, storage, or use, may be brought into or around a house, apartment, or other place where people dwell, or in or around any related building or shed including, but not limited to a garage, carport, barn, or storage shed. The term includes articles, such as polishes or cleaners, designed primarily for professional use but which are available in retail stores, such as hobby shops, for nonprofessional use. Also included are items, such as antifreeze and radiator cleaners that, although principally for car use, may be stored in or around dwelling places. The term does not include industrial supplies that might be taken into the home by a serviceman. An article labeled as, and marketed solely for, industrial use does not become subject to these regulations because of the possibility that an industrial worker may take a supply for his own use. Size of unit or container is not the only index of whether the article is

suitable for use in or around the household. The test shall be whether under any reasonably foreseeable condition of purchase, storage, or use the article may be found in or around a dwelling.

(10) "Highly toxic" means any substance which falls within any of the following categories:

(a) Produces death within fourteen (14) days in half or more than half of a group of ten (10) or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of fifty (50) milligrams or less per kilogram of body weight, when orally administered; or

(b) Produces death within fourteen (14) days in half or more than half of a group of ten (10) or more laboratory white rats each weighing between 200 and 300 grams, when inhaled continuously for a period of one (1) hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas or vapor or two (2) milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; or

(c) Produces death within fourteen (14) days in half or more than half of a group of ten (10) or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with bare skin for twenty-four (24) hours or less.

Section 2. Strong Sensitizer. KRS 217.660(4)(d) directs the Secretary for Human Resources to designate as hazardous substances any substance or mixture of substances which is a "strong sensitizer." On the basis of frequency of occurrence and severity of reaction information, the department finds that the following substances have a significant potential for causing hypersensitivity and therefore meet the definition for "strong sensitizer" in KRS 217.660(4)(d):

(1) Parapheny lenediamine and products containing it;

(2) Powdered orris root and products containing it;

(3) Epoxy resins systems containing in any concentration ethylenediamine, diethylenetriamine, and diglycidyl ethers of molecular weight of less than 200;

(4) Formaldehyde and products containing one (1) percent or more formaldehyde; and

(5) Oil of bergamot and products containing two (2) percent or more of oil of bergamot.

BURNICE RANDELL, Jr.,
Special Assistant to the Commissioner

ADOPTED: April 12, 1977

APPROVED: PETER D. CONN, Secretary

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

902 KAR 47:020. Labeling and identification standards.

RELATES TO: KRS 217.650 to 217.710

PURSUANT TO: KRS 13.082, 194.050, 217.690

NECESSITY AND FUNCTION: The Kentucky Hazardous Substances Labeling Act, KRS 217.650 to

217.710 authorizes the Department for Human Resources to regulate the control of hazardous substances in Kentucky. KRS 217.670 provides that a hazardous substance is misbranded if it fails to bear a label which "conspicuously" provides certain information. The purpose of this regulation is to provide uniform standards relating to the "conspicuousness" of labeling requirements; to specify requirements to identify hazardous substances that present special hazards and require specialized labeling to protect the public health; and to prevent the deceptive use of disclaimers on labels of hazardous substances.

Section 1. Conspicuousness of Labeling Requirements.

(1) The signal word, the statement of the principal hazard or hazards, and instructions to read carefully any cautionary information that may be placed elsewhere on the label shall appear together on the main panel of the label. Such information shall be placed together and distinctively apart from other wording or designs. The necessary prominence shall be achieved by placement within the borders of a square or rectangle with or without a borderline, and by use of suitable contrasts with the background achieved by distinctive typography or color, and by both color and typography when needed.

(2) If the product is "highly toxic" the labeling shall also include in conjunction with the word "poison" the skull and crossbones symbol. The word "poison" is not considered a signal word as that term is used in subsection (1) of this section.

(3) The signal word and statement of hazard shall be in capital letters. The signal word (and the word "poison" if required) shall be of a size bearing a reasonable relationship to the other type on the main panel, but shall not be less than eighteen (18) point type and the size of the statement of hazard shall not be less than twelve (12) point type unless the label space on the container is too small to accommodate such type size. When the size of the label space requires a reduction in type size, the reduction shall be made to a size no smaller than necessary and in no event to a size smaller than six (6) point type.

(4) All the items of label information required by KRS 217.670 or by regulations prescribing additional information may appear on the main panel; but if they do not, all such items not required by subsection (1) of this section to appear on the main panel shall be placed together in a distinctive place elsewhere on the label with adequate contrast achieved by typography, color, or layout except that the name and place of business of the manufacturer, packer or distributor may appear separately on the same or on a different panel. The type size used shall bear a reasonable relationship to the printing on the panel involved and shall be no smaller than ten (10) point type unless the available label space requires reductions, in which event it shall be reduced to no smaller than six (6) point type unless because of small label space an exemption has been granted pursuant to the department's regulations.

(5) Collapsible metal tubes containing hazardous substances shall be labeled so that all items of label information required by KRS 217.670 or by regulations shall appear as close to the dispensing end of the container as possible. The size, placement, and conspicuousness of these statements shall conform with subsections (1), (3), and (4) of this section.

(6) Unpackaged hazardous substances shall be labeled so that all items of information required by the law or by regulations shall appear upon the article itself. In instances where such labeling is impracticable because of the size or

nature of the article, the required cautionary labeling must be displayed by means of a tag or other suitable material that is securely affixed to the article so that the labeling will remain attached throughout conditions of merchandising and distribution to the ultimate consumer. The size, placement, and conspicuousness of these statements shall conform with subsections (1), (3), and (4) of this section.

Section 2. Special Labeling Requirements. In addition to the requirements of KRS 217.670 the following hazardous substances shall be deemed to be misbranded unless the label includes the requirements stated below:

(1) Charcoal briquettes and other forms of charcoal for cooking or heating. Because inhalation of the carbon monoxide produced by burning charcoal indoors or in confined areas may cause serious injury or death, containers of such products shall bear the following bordered statements: WARNING; Do Not Use for Indoor Heating or Cooking Unless Ventilation is Provided for Exhausting Fumes to Outside. Toxic Fumes May Accumulate and Cause Death. For bags of charcoal, the above statement shall appear within a heavy borderline in a color sharply contrasting to that of the background, on both front and back panels in the upper twenty-five (25) percent of the panels of the bag at least two (2) inches below the seam, and at least one (1) inch above any reading material or design elements in type size as follows: The signal word shall appear in capital letters at least three-eighths ($3/8$) inch in height; the remaining text of the warning statement shall be printed in letters at least three-sixteenths ($3/16$) inch in height.

(2) Diethylene glycol. Because diethylene glycol and mixtures containing ten (10) percent or more by weight of diethylene glycol are commonly marketed, stored, and used in a manner increasing the possibility of accidental ingestion, such products shall be labeled with the signal word "Warning" and the statement "Harmful if swallowed."

(3) Ethylene glycol. Because ethylene glycol and mixtures containing ten (10) percent or more by weight of ethylene glycol are commonly marketed, stored, and used in a manner increasing the possibility of accidental ingestion, such products shall be labeled with the signal word "Warning" and the statement "Harmful or fatal if swallowed."

(4) Methyl alcohol (methanol). Because death and blindness can result from the ingestion of methyl alcohol, the label for this substance and mixtures containing four (4) percent or more by weight of this substance shall include the signal word "Danger," the additional word "Poison," and the skull and crossbones symbol. The statement of hazard shall include "Vapor harmful" and "May be fatal or cause blindness if swallowed." The label shall also bear the statement "Cannot be made nonpoisonous."

(5) Turpentine. Because turpentine (including gum turpentine, gum spirits of turpentine, steam-distilled wood turpentine, sulfate wood turpentine, and destructively distilled wood turpentine) and products containing ten (10) percent or more by weight of such turpentine, in addition to oral toxicity resulting in systemic poisoning, may be aspirated into the lungs resulting in chemical pneumonitis, pneumonia, and pulmonary edema, such products shall be labeled with the signal word "Danger" and the statement of hazard "Harmful or fatal if swallowed."

(6) Benzene, toluene, xylene, petroleum distillates.

(a) Because inhalation of the vapors of products containing five (5) percent or more by weight of benzene may cause blood dyscrasias, such products shall be labeled with the signal word "Danger," the statement of hazard "Vapor harmful," the word "poison," and the skull and crossbones symbol. If the product contains ten (10) percent or more by weight of benzene, it shall bear the additional statement of hazard "Harmful or fatal if swallowed" and the additional statements "If swallowed, do not induce vomiting. Call physician immediately."

(b) Because products containing ten (10) percent or more by weight of toluene, xylene, or any of the other substances or combination thereof listed in this section may be aspirated into the lungs, with resulting chemical pneumonitis, pneumonia, and pulmonary edema, such products shall be labeled with the signal word "Danger," the statement of hazard "Harmful or fatal if swallowed," and the statements "If swallowed, do not induce vomiting. Call physician immediately."

(c) Because inhalation of the vapor of products containing ten (10) percent or more by weight of toluene or xylene or combination thereof may cause systemic injury, such products shall bear the statement of hazard "Vapor harmful" in addition to the statements otherwise prescribed in this section.

(7) Use of the word "Poison." For the following substances, and at the following concentrations, the word "Poison" is necessary instead of any signal word:

(a) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCL) in a concentration of ten (10) percent or more.

(b) Sulfuric acid and any preparation containing free or chemically unneutralized sulfuric acid (H_2SO_4) in a concentration of ten (10) percent or more;

(c) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO_3) in a concentration of five (5) percent or more;

(d) Carbolic acid ($CoHoOH$), also known as phenol, and any preparation containing carbolic acid in a concentration of five (5) percent or more;

(e) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid ($H_2C_2O_4$) in a concentration of ten (10) percent or more;

(f) Any salt of oxalic acid and any preparation containing any such salt in a concentration of ten (10) percent or more;

(g) Acetic acid or any preparation containing free or chemically unneutralized acetic acid ($HC_2H_3O_2$) in a concentration of twenty (20) percent or more;

(h) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration that will yield ten (10) percent or more by weight of available chlorine;

(i) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH) including caustic potash and vienna paste (vienna caustic), in a concentration of ten (10) percent or more;

(j) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye in a concentration of ten (10) percent or more;

(k) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate ($AgNO_3$) in a concentration of five (5) percent or more; and

(l) Ammonia water and any preparation containing free or chemically uncombined ammonia (NH_3), including

ammonium hydroxide and "Hartshort," in a concentration of five (5) percent or more.

(8) Fire Extinguishers. When a substance or mixture of substances labeled for use in or as a fire extinguisher produces substances that are toxic when used according to label directions to extinguish a fire, the containers for such substances shall bear the following labeling:

(a) When substances are produced that meet the definition of highly toxic, the signal word "Danger" and the statement of hazard "Poisonous gases formed when used to extinguish flame or on contact with heat" shall be used.

(b) When substances are produced that meet the definition of toxic the signal word "Caution" or "Warning" and the statement of hazard "Dangerous gas formed when used to extinguish flame or on contact with heat" shall be used.

(c) Regardless of whether paragraphs (a) or (b) of this subsection applies, any substance or mixture of substances labeled for use as a fire extinguisher that, if applied to an electrical fire, would subject the user to the likelihood of electrical shock shall be conspicuously labeled "Caution: Do not use on electrical wires."

(d) All substances or mixtures of substances specified in this subsection shall also bear the additional statements "Used in an enclosed place; may be fatal" and "Do not enter area until well ventilated and all odor of chemical has disappeared."

Section 3. Deceptive Use of Disclaimers. A hazardous substance shall not be deemed to have met the requirements of KRS 217.670 or the department's regulations if there appears in or on the label (or in any accompanying literature) words, statements, designs, or other graphic material that in any manner negates or disclaims any of the label statements required by law or regulation.

BURNICE RANDELL, JR.,

Special Assistant to the Commissioner

ADOPTED: April 12, 1977

APPROVED: **PETER D. CONN, Secretary**

RECEIVED BY LRC: April 13, 1977 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

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

DEPARTMENT FOR HUMAN RESOURCES Bureau for Health Services

902 KAR 47:030. Exemptions.

RELATES TO: KRS 217.650 to 217.710

PURSUANT TO: KRS 13.082, 194.050, 217.690

NECESSITY AND FUNCTION: The Kentucky Hazardous Substances Labeling Act, KRS 217.650 to 217.710, authorizes the Department for Human Resources to regulate the control of hazardous substances in Kentucky. KRS 217.670(2) authorizes the secretary for human resources to provide minimum information which shall appear on the labels for small packages. The purpose of this regulation is to provide label exemption requirements for specified small packages, minor hazards and special circumstances; to coordinate federal-state action in the event an article is banned and is deemed to be dangerous to the public health; to assure uniformity in the event of variance between the regulations adopted under the state and federal acts; and to assure uniformity of test procedures.

Section 1. Exemptions. All exemptions for small packages, minor hazards and special circumstances, as set forth in regulations promulgated under the Federal Hazardous Substances Act, shall be so exempted in Kentucky.

Section 2. Banned Hazardous Substances that are Dangerous to Public Health. In the event that a hazardous substance is banned pursuant to federal law by the U. S. Consumer Product Safety Commission, the department may, if it deems such article to be dangerous to public health, quarantine such article pursuant to KRS 217.700.

Section 3. Variance between State and Federal Regulations. In the event of a variance between the regulations adopted under the Kentucky Hazardous Substances Labeling Act and those adopted under the federal act relating to hazardous substances, compliance with the federal regulations shall be deemed compliance with the provisions of these regulations.

Section 4. Test Procedures for Hazardous Substances. The test procedures prescribed by the federal act and regulations shall be applicable to all regulations adopted by the department relating to hazardous substances.

BURNICE RANDALL, Jr.,

Special Assistant to the Commissioner

ADOPTED: April 12, 1977

APPROVED: **PETER D. CONN, Secretary**

RECEIVED BY LRC: April 13, 1977 at 1 p.m.

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

April 6, 1977

(Subject to Subcommittee approval at its next meeting on May 4, 1977.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, April 6, 1977, at 10 a.m. in Room 327 of the Capitol. Present were:

Members: Representative William T. Brinkley, Chairman; and Representative David G. Mason.

Guests: Lonnie Bellamy, City of Bowling Green Fire Department; Clarence Bechtel, BOCA International; Robert P. Myers, Chief Building Inspector, Louisville; Clifford Smith, Jr., A. B. McCulloch, and Darryl R. Callahan, Kentucky Society of Architects; A. B. Ryan, American Institute of Architects; Lowell V. Thompson, Jr., Home Builders Association of Kentucky; Nat Sanders, Kentucky Real Estate Commission; Mack Morgan and John Hinkle, Kentucky Retail Federation; Henry Vance, Office of the Governor; Jerry H. Monroe, City of Fort Thomas; James H. Moore, Code Enforcement Department, City of Hopkinsville; Thomas H. Parker, Lexington-Fayette County Fire Service; Dr. J. W. Holladay, Kentucky Board of Dentistry; Ked R. Fitzpatrick, Department for Human Resources; James Tehan, Assistant Chief, Newport Fire Department; Richard A. Mohr, Bellevue Fire Department; Kenneth E. Hollis, Department of Labor; David M. Kimbell, Sr., State Board for Proprietary Education; Doris McDowell, Kentucky Board of Nursing; Richard Meador and John Jarrett, Action League for Physically Handicapped Adults; Joe R. Johnson, Department of Insurance; Warren Southworth, State Fire Marshal; Dan Adkins, Public Information; Don C. Kelly, Bruce K. Davis, Doug Shoulders and Tom P. Mason, Department of Transportation; Stella A. Edwards, Lois Adams and Edward Fossett, Department of Education; Alice Towber, Certificate of Need and Licensure Board; Joe Bruna and Carl Kays, Department of Fish and Wildlife; Judy Hagler, Kentucky Medical Association; and Earl Conover, Office of the Fire Marshal.

LRC Staff: William H. Raines, E. Hugh Morris, Mabel D. Robertson, Ollie Fint, Garnett Evins, Joe Hood, Barbara Rhoads, Karen Doyle and Don Stosberg.

The minutes of the meeting of March 2, 1977 were approved.

The following regulations were deferred:

201 KAR 24:020, Division of Occupations and Professions, Board for Proprietary Education, Associate degree award standards. Although the subcommittee believed the board had the authority to regulate Associate of Arts or Associate of Science Degree requirements, they felt the regulation should be rewritten for clarity as suggested by staff review.

902 KAR 20:059, Bureau of Health Services, Certificate of Need and Licensure Board, Primary care center services. Ms. Alice Towber appeared before the committee on behalf of the board and requested that the regulation be deferred until the June 1 meeting to allow the Kentucky Primary Care Association an opportunity to discuss the regulation with the board.

The following regulations were approved and ordered filed after they were amended to meet the subcommittee's objection.

201 KAR 20:011, Division of Occupations and Professions, Board of Nursing Education and Nurse Registration, School approval. The subcommittee was of the opinion that Section 9 violated statutory authority by providing for automatic withdrawal of approval of a nursing program. Ms. Doris McDowell, Kentucky Board of Nursing, agreed to amend the section by providing that a school of nursing will be served with notice of a hearing to show cause why approval should not be withdrawn, and on that basis the subcommittee voted to file the regulation.

806 KAR 50:015, Department of Insurance, Fire Marshal, Standards of safety; fire code. The subcommittee heard protracted arguments for and against the adoption of the National Building Code as a part of the standards of safety for Kentucky. Both opponents and proponents agreed that the Department of Insurance possessed the authority to adopt the National Building Code, even though the Governor's Advisory Committee had recommended the adoption of the BOCA basic building code. Upon disclosure of an agreement that the Governor's Advisory Committee would be enlarged to be more representative of citizens of the Commonwealth, and the State Fire Marshal's agreement to support any code the expanded advisory committee might recommend, the subcommittee voted to file the regulation with one amendment. The State Fire Marshal agreed to amend the definition of "basement" in Section 3(3)(j) by deleting the provision that a basement shall be considered a story if used for human habitation.

The following regulations were approved and ordered filed:

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION

Division of Occupations and Professions

Board of Dentistry

201 KAR 8:185. Written examination grade requirements.

201 KAR 8:277. Written and clinical application grade requirements.

Real Estate Commission

201 KAR 11:052. Broker's license.

Board of Nursing Education and Nurse Registration

201 KAR 20:012. Approval reinstatement.

201 KAR 20:015. Faculty standards.

CABINET FOR DEVELOPMENT

Department of Fish and Wildlife Resources

Game

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

Hunting and Fishing

301 KAR 3:070. Goose harvest.

DEPARTMENT OF TRANSPORTATION**Bureau of Vehicle Regulation****Driver Improvement**

601 KAR 13:020. Point system.

Division of Water Enforcement

601 KAR 25:030. Registration decal.

601 KAR 25:035. Motorboats that are exempt from registration.

601 KAR 25:050. Safety equipment required.

601 KAR 25:090. Fire extinguisher equipment.

601 KAR 25:150. Passengers riding in dangerous positions prohibited.

Bureau of Highways**Right-of-Way**

603 KAR 4:025. Advertising devices; just compensation.

Office of Transportation Planning**Mass Transportation**

604 KAR 1:010. Loans.

DEPARTMENT OF EDUCATION**Bureau of Education for Exceptional Children****Exceptional and Handicapped Programs**

707 KAR 1:060. Identification, evaluation and placement policy and procedure.

707 KAR 1:080. Appeals board.

PUBLIC PROTECTION AND REGULATION CABINET**Department of Labor****(State Labor Relations Board)****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.

DEPARTMENT FOR HUMAN RESOURCES**Bureau for Health Services****Certificate of Need and Licensure Board**

902 KAR 20:105. Ambulatory surgical center services.

The meeting adjourned at 2:45 p.m., to meet again on Wednesday, May 4, 1977, at 10 a.m., in Room 327.

Administrative Register ^{of} *kentucky*

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Regulation Locator—Effective Dates

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103 KAR 44:010	548	7-7-76	200 KAR 6:015	572	7-7-76	301 KAR 2:110	556	7-7-76
105 KAR 1:010	550	7-7-76	301 KAR 2:045	552	7-7-76	701 KAR 1:020	572	7-7-76
105 KAR 1:030	571	7-7-76	301 KAR 2:047	553	7-7-76	902 KAR 20:059	525	7-7-76

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101 KAR 1:050E	483	12-2-76	805 KAR 4:010E	130	6-18-76	13 KAR 1:015	615	
Expired		4-1-77	Expired		10-16-76	101 KAR 1:050		
101 KAR 1:200E	627	3-10-77	805 KAR 4:070E	131	6-18-76	Amended	370	10-6-76
Expires		7-8-77	Expired		10-16-76	Amended	533	3-2-77
105 KAR 1:040E	114	6-30-76	805 KAR 4:075E	132	6-18-76	101 KAR 1:080		
Expired		10-28-76	Expired		10-16-76	Amended	278	8-4-76
105 KAR 1:050E	531	1-1-77	805 KAR 4:080E	133	6-18-76	101 KAR 1:090		
Expired		4-30-77	Expired		10-16-76	Amended	280	8-4-76
106 KAR 1:010E	220	7-23-76	805 KAR 4:085E	133	6-18-76	101 KAR 1:100		
Expired		11-20-76	Expired		10-16-76	Amended	281	8-4-76
107 KAR 1:005E	435	11-9-76	805 KAR 4:090E	134	6-18-76	101 KAR 1:110		
Expired		3-9-77	Expired		10-16-76	Amended	281	8-4-76
107 KAR 1:015E	436	11-9-76	805 KAR 4:095E	134	6-18-76	101 KAR 1:120		
Expired		3-9-77	Expired		10-16-76	Amended	282	8-4-76
107 KAR 1:025E	436	11-9-76	805 KAR 4:100E	135	6-18-76	101 KAR 1:130		
Expired		3-9-77	Expired		10-16-76	Amended	642	
108 KAR 1:010E	630	3-7-77	805 KAR 4:105E	135	6-18-76	101 KAR 1:140		
Expires		7-5-77	Expired		10-16-76	Amended	283	8-4-76
200 KAR 1:020E	116	6-21-76	805 KAR 4:110E	136	6-18-76	Amended	535	3-2-77
Expired		10-19-76	Expired		10-16-76	101 KAR 1:200		
200 KAR 4:020E	119	6-24-76	805 KAR 4:115E	137	6-18-76	Amended	644	
Expired		10-22-76	Expired		10-16-76	102 KAR 1:030		
200 KAR 10:040E	121	6-24-76	805 KAR 4:120E	137	6-18-76	Amended	376	12-1-76
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301 KAR 1:015E	123	6-30-76	805 KAR 4:125E	138	6-18-76	Repealed	376	12-1-76
Expired		10-28-76	Expired		10-16-76	102 KAR 1:045		
301 KAR 2:022E	367	9-27-76	805 KAR 4:130E	138	6-18-76	Amended	376	12-1-76
Expired		1-20-77	Expired		10-16-76	102 KAR 1:050		
301 KAR 2:023E	311	8-23-76	805 KAR 4:135E	139	6-18-76	Amended	376	12-1-76
Expired		12-20-76	Expired		10-16-76	102 KAR 1:055		
302 KAR 20:070E	631	2-17-77	805 KAR 4:140E	139	6-18-76	Amended	377	12-1-76
Expires		6-17-77	Expired		10-16-76	102 KAR 1:060		
400 KAR 1:010E	221	7-22-76	805 KAR 4:145E	140	6-18-76	Amended	377	12-1-76
Expired		11-19-76	Expired		10-16-76	102 KAR 1:110		
503 KAR 5:010E	124	6-30-76	805 KAR 4:150E	140	6-18-76	Amended	378	12-1-76
Expired		10-28-76	Expired		10-16-76	102 KAR 1:120		
503 KAR 5:030E	125	6-30-76	805 KAR 5:010E	140	6-24-76	Amended	378	12-1-76
Expired		10-28-76	Expired		10-22-76	102 KAR 1:130		
503 KAR 5:040E	126	6-30-76	806 KAR 12:060E	225	8-6-76	Amended	379	12-1-76
Expired		10-28-76	Expired		12-4-76	102 KAR 1:153		
503 KAR 5:050E	126	6-30-76	806 KAR 40:010E	141	7-8-76	102 KAR 1:185		
Expired		10-28-76	Expired		11-5-76	Amended	379	12-1-76
503 KAR 5:060E	128	6-30-76	806 KAR 50:010E	226	8-6-76	102 KAR 2:010		
Expired		10-28-76	Expired		12-4-76	Amended	381	12-1-76
503 KAR 5:070E	128	6-30-76	902 KAR 6:040E	685	3-16-77	103 KAR 1:010		
Expired		10-28-76	Expires		7-14-77	Amended	381	12-1-76
601 KAR 9:012E	128	6-21-76				103 KAR 15:040		
Expired		10-19-76				Amended	382	12-1-76
601 KAR 9:013E	532	1-2-77	Regulation	3 Ky.R. Page No.	Effective Date	103 KAR 15:060		
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Expires		6-15-77	5 KAR 1:010	173	9-1-76	Amended	382	12-1-76
702 KAR 3:061E	582	2-10-77	10 KAR 1:010	416	12-1-76	103 KAR 16:070		
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803 KAR 2:020E	222	8-12-76	Amended	146	9-1-76	103 KAR 17:020		
Expired		12-10-76	11 KAR 5:060			Amended	147	9-1-76
803 KAR 4:020E	129	7-1-76	Amended	146	9-1-76	103 KAR 17:030		
Expired		10-29-76	12 KAR 1:035			Amended	148	9-1-76
803 KAR 4:021E	436	11-3-76	Amended	375	12-1-76	103 KAR 17:040		
Expired		3-3-77	12 KAR 1:080			Amended	149	9-1-76
803 KAR 25:060E	225	7-27-76	Amended	375	12-1-76	103 KAR 17:050		
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103 KAR 17:070			201 KAR 11:052	620	4-6-77	Amended	357	9-1-76
Amended	149	9-1-76	201 KAR 11:062	182	9-1-76	401 KAR 1:011	337	
103 KAR 17:080			201 KAR 12:031	417	12-1-76	Amended	488	12-1-76
Amended	150	9-1-76	201 KAR 12:057			401 KAR 1:015		
103 KAR 18:050			Rejected	433	10-6-76	Amended	237	11-3-76
Amended	150	9-1-76	201 KAR 12:082			401 KAR 1:030		
103 KAR 18:100			Amended	388	12-1-76	Amended	313	9-1-76
Amended	151	9-1-76	201 KAR 12:083	418	12-1-76	Amended	445	1-5-77
103 KAR 18:110			201 KAR 12:101	418	12-1-76	401 KAR 1:040		
Amended	287	8-4-76	201 KAR 12:125	419	12-1-76	Amended	447	1-5-77
103 KAR 27:090			201 KAR 14:115			401 KAR 1:070		
Amended	287	8-4-76	Amended	324	11-3-76	Amended	448	1-5-77
103 KAR 30:090			201 KAR 16:040	336		401 KAR 1:090		
Amended	288	8-4-76	Amended	634	3-2-77	Amended	450	1-5-77
103 KAR 30:170			201 KAR 16:050	337	11-3-76	401 KAR 1:100		
Amended	324	11-3-76	201 KAR 18:040			Amended	314	9-1-76
103 KAR 30:325	716		Amended	584	2-2-77	401 KAR 1:105	526	
103 KAR 31:140			201 KAR 20:011	620		401 KAR 1:110		
Amended	289	8-4-76	Amended	686	4-6-77	Amended	362	9-1-76
104 KAR 1:070	673		201 KAR 20:012	621	4-6-77	401 KAR 1:130		
105 KAR 1:010			201 KAR 20:015	621	4-6-77	Amended	705	
Amended	701		201 KAR 20:030			401 KAR 3:080	420	12-1-76
105 KAR 1:040	173	9-1-76	Amended	444	1-5-77	401 KAR 6:010		
105 KAR 1:050	566	3-2-77	201 KAR 20:090			Repealed	717	
106 KAR 1:010	261	10-6-76	Amended	445	1-5-77	401 KAR 6:015		
107 KAR 1:005	460	1-5-77	201 KAR 21:020			Amended	717	
107 KAR 1:015	460	1-5-77	Rejected	364	9-1-76	402 KAR 1:011		
107 KAR 1:025	461	1-5-77	Withdrawn		9-29-76	Withdrawn		9-10-76
Amended	702		201 KAR 21:050			503 KAR 5:010		
108 KAR 1:010	674		Repealed	433	10-1-76	Amended	155	9-1-76
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200 KAR 1:020	175	9-1-76	201 KAR 23:010	262	10-6-76	Amended	156	9-1-76
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Amended	486	12-1-76	201 KAR 23:030	263	10-6-76	Amended	157	
200 KAR 4:020	177	9-1-76	201 KAR 23:040	263	10-6-76	Rejected	433	10-6-76
Amended	647		201 KAR 23:050	264	10-6-76	503 KAR 5:050		
200 KAR 5:075	335		201 KAR 23:060	264	10-6-76	Amended	158	9-1-76
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200 KAR 10:040	179	10-6-76	201 KAR 23:090	266		503 KAR 5:070		
Amended	649		Withdrawn	433	10-6-76	Amended	159	9-1-76
201 KAR 1:015			201 KAR 24:010	461	1-5-77	600 KAR 1:010	185	
Amended	438	1-5-77	201 KAR 24:020	566		Rejected	364	9-1-76
201 KAR 1:025			301 KAR 1:015			Rejected	433	10-6-76
Amended	438	1-5-77	Amended	152	9-1-76	Withdrawn		11-10-76
201 KAR 1:035			301 KAR 2:045			601 KAR 1:010		
Amended	438	1-5-77	Amended	651		Amended	293	8-4-76
201 KAR 1:040			301 KAR 2:055			601 KAR 1:095		
Amended	439	1-5-77	Amended	600	4-6-77	Amended	294	8-4-76
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Amended	440		Repealed	523	2-2-77	601 KAR 9:012	186	9-1-76
Amended	583	2-2-77	301 KAR 2:071	523	2-2-77	601 KAR 9:013	567	3-2-77
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Amended	441	1-5-77	Amended	652		Amended	238	10-6-76
201 KAR 1:055			301 KAR 2:105			601 KAR 9:040		
Amended	441	1-5-77	Amended	289	8-4-76	Amended	294	8-4-76
201 KAR 1:060			301 KAR 2:110			601 KAR 9:047	268	10-6-76
Amended	442	1-5-77	Amended	653		601 KAR 13:020		
201 KAR 1:065			301 KAR 3:010			Amended	603	4-6-77
Amended	443	1-5-77	Amended	153	9-1-76	601 KAR 25:030		
201 KAR 1:075			301 KAR 3:052	525	2-2-77	Amended	605	4-6-77
Amended	443		Expires	525	5-8-77	601 KAR 25:035	622	4-6-77
Amended	584	2-2-77	301 KAR 3:070			601 KAR 25:050		
201 KAR 1:085			Amended	602	4-6-77	Amended	605	4-6-77
Repealed	461	1-5-77	302 KAR 1:020	182	9-1-76	601 KAR 25:090		
201 KAR 1:086	461	1-5-77	302 KAR 1:030	183	9-1-76	Amended	606	4-6-77
201 KAR 1:090			302 KAR 15:010			601 KAR 25:150		
Amended	443		Amended	354	9-1-76	Amended	606	4-6-77
Amended	584	2-2-77	302 KAR 20:060			603 KAR 2:015		
201 KAR 1:095			Amended	325	11-3-76	Amended	538	3-2-77
Amended	444	1-5-77	302 KAR 20:070			603 KAR 3:010		
201 KAR 6:010			Amended	153	11-3-76	Amended	390	
Amended	703		Amended	654		Amended	585	2-2-77
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Amended	600	4-6-77	Withdrawn		10-21-76	Amended	393	
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Amended	600	4-6-77	400 KAR 1:010	267	1-5-77	603 KAR 4:025	622	4-6-77
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Amended	327	11-3-76	Amended	243	11-3-76	Amended	249	10-6-76
Amended	451	1-5-77	Amended	327	11-3-76	803 KAR 2:062	275	10-6-76
603 KAR 5:110			705 KAR 4:130			803 KAR 2:120		
Amended	506	2-2-77	Repealed	273	11-3-76	Amended	250	10-6-76
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701 KAR 1:010			705 KAR 4:150			Amended	687	4-6-77
Amended	705		Repealed	274	11-3-76	803 KAR 3:020	422	
701 KAR 1:020			705 KAR 4:151	274	11-3-76	Amended	687	4-6-77
Amended	706		705 KAR 7:050			803 KAR 3:030	423	
701 KAR 5:010	461		Amended	244	11-3-76	Amended	688	4-6-77
702 KAR 1:031			Amended	328	11-3-76	803 KAR 3:040	424	
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702 KAR 1:035	567	3-2-77	Repealed	275	11-3-76	803 KAR 4:020	187	
702 KAR 1:090	269	10-6-76	705 KAR 10:020			Rejected	364	9-1-76
702 KAR 1:100	462		Repealed	275	11-3-76	803 KAR 4:021	470	1-5-77
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702 KAR 3:185	269	11-3-76	705 KAR 10:030			Withdrawn		11-18-76
702 KAR 5:120	463	1-5-77	Repealed	275	11-3-76	803 KAR 25:060	276	10-6-76
703 KAR 2:020			705 KAR 10:040			804 KAR 1:090	341	11-3-76
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704 KAR 3:010			705 KAR 10:060			804 KAR 12:020		
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704 KAR 3:050			705 KAR 10:070			805 KAR 3:050		
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704 KAR 3:052	568	3-2-77	705 KAR 10:080			805 KAR 4:010		
704 KAR 3:055	269	11-3-76	Repealed	275	11-3-76	Amended	317	9-1-76
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704 KAR 3:180			Repealed	275	11-3-76	Amended	318	9-1-76
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704 KAR 6:010	270	11-3-76	Repealed	275	11-3-76	Amended	319	9-1-76
704 KAR 10:022	271	11-3-76	705 KAR 10:120			805 KAR 4:080	364	9-1-76
704 KAR 10:023	463	1-5-77	Repealed	275	11-3-76	805 KAR 4:085	364	9-1-76
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704 KAR 20:005			Amended	244	10-6-76	805 KAR 4:090	364	9-1-76
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704 KAR 20:050			Amended	244	11-3-76	805 KAR 4:110	321	9-1-76
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704 KAR 20:080			Amended	295	8-4-76	805 KAR 4:140	364	9-1-76
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704 KAR 20:150			Amended	634	3-2-77	806 KAR 21:010	676	
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704 KAR 20:235			Amended	510	2-2-77	806 KAR 50:205	341	
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811 KAR 1:125			Amended	712		Amended	170	9-1-76
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15.490	503 KAR 5:050	138.685	600 KAR 1:010	150.365	301 KAR 2:045
15.510	503 KAR 5:070	139.050	103 KAR 27:090		301 KAR 2:110
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18.140	101 KAR 1:090	139.480	103 KAR 27:090	150.400	301 KAR 2:045
18.170	101 KAR 1:050		103 KAR 30:090		301 KAR 2:110
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18.170	101 KAR 1:130	139.640	103 KAR 31:140	150.600	301 KAR 2:055
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18.190	101 KAR 1:050	139.710	103 KAR 31:140	150.620	301 KAR 1:015
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18.220	101 KAR 1:110	141.081	103 KAR 17:051		902 KAR 100:115
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18.272	101 KAR 1:130	141.305	103 KAR 15:060		902 KAR 100:040
18.290	600 KAR 1:010	141.325	103 KAR 18:100		902 KAR 100:065
18.350	703 KAR 2:020	141.330	103 KAR 18:050		902 KAR 100:075
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157.280	702 KAR 5:120	161.159	702 KAR 1:035	205.231	904 KAR 2:045	
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